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18 May 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 26 May 2022 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Planning Committee Membership:

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

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.

- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

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

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

4 **MINUTES** (Pages 6-17)

To confirm the attached minutes of the meeting of the Committee held on 21 April 2022.

5 **ITEMS DEFERRED** (Page 18)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 19-23)

6 **APPLICATION NO DOV/21/01354 - STONEHALL FARM, THE STREET, STOURMOUTH** (Pages 24-31)

Siting of 4 seasonal workers' caravans for over-winter storage, siting of a caravan for associated kitchen use and erection of associated shower units (part retrospective)

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

7 **APPLICATION NO DOV/20/01538 - STALISFIELD LODGE, PARK ROAD, TEMPLE EWELL** (Pages 32-42)

Erection of a dwelling with associated parking and access

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

8 **APPLICATION NO DOV/21/01938 - LLOYDS BANK BUILDING, HIGH STREET, WINGHAM** (Pages 43-49)

Change of use and conversion to 4 self-contained flats; insertion of 3 rooflights, 3 extraction fans, cycle stores, alterations to windows/doors, replacement access gates, erection of 1.8-metre-high fence and gate (existing single storey rear extension to be demolished)

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

9 **APPLICATION NO DOV/21/01935 - CHAPEL FARM, CHAPEL LANE, ASHLEY** (Pages 50-57)

Erection of first-floor front roof extension; two-storey and first-floor rear extensions with roof terrace and balcony; new front porch and double garage, extension of existing driveway and creation of parking (existing side, rear and front porch extensions to be demolished)

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

- 10 **APPLICATION NO DOV/21/01699 - GORE COTTAGE, GORE LANE, EASTRY**
(Pages 58-73)

Erection of a detached dwelling with associated parking, boundary fence, the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished)

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

- 11 **APPLICATION NO DOV/21/01459 - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN** (Pages 74-91)

Reserved Matters application pursuant to outline permission DOV/19/00216 - erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 12 **APPEALS AND INFORMAL HEARINGS**

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

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

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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 21 April 2022 at 6.00 pm.

Present:

Chairman: Councillor R S Walkden (Vice-Chairman in the Chair)

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

Officers: Planning and Development Manager
Team Leader (Development Management) - Strategic Sites
Team Leader (Development Management) - South Team
Planning Officer
Planning Officer
Planning Consultant
Planning Consultant
Planning Solicitor
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/21/00255	Mr Alister Hume	Mr Richard Styles
DOV/21/01736	Ms Carol van den End	Mr Ray Luckhurst
DOV/21/01459	-----	-----
DOV/21/01402	Mr Alister Hume	Councillor O C de R Richardson Mr Brendan Wells
DOV/21/01438	Ms Valerie Owen	-----

139 APOLOGIES

It was noted that an apology for absence had been received from Councillor J S Back.

140 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

141 DECLARATIONS OF INTEREST

Councillor M Bates declared an Other Significant Interest in Agenda Item 6 (Application No DOV/21/01736 – Land at West View, Chapel Hill, Eythorne) by reason that he was closely associated with the applicant and a member of the public who was speaking against the application.

142 MINUTES

The minutes of the meeting held on 24 March 2022 were approved as a correct record and signed by the Chairman.

143 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Application No DOV/21/01935 (Chapel Farm, Chapel Hill, Ashley) had been withdrawn from the agenda and would not be considered at the meeting.

144 APPLICATION NO DOV/21/00255 - LAND OPPOSITE 423 TO 459 DOVER ROAD, WALMER

The Committee was shown drawings and photographs of the application site which was adjacent to the southern edge of the settlement boundary of Walmer. The Planning Consultant advised that the application was for reserved matters for the layout, scale, appearance and landscaping for a development of 85 dwellings approved in outline in 2018. As an update to the report, Members were advised that two additional letters of objection had been received, raising concerns about the appearance of the proposed dwellings, traffic along Dover Road, disturbance during construction, etc. The applicant had also now submitted an ecology survey of the western boundary wall. The Council's Ecology Officer was content, subject to a condition being added that required parts of the existing wall to be dismantled by hand and the replacement of the boundary wall.

Members were advised that the land currently consisted of trees and scrub to the south and east, with a topography that was essentially flat with a slight rise to the south. The northern boundary of the site was most sensitive, with the closest property being 28 Thistledown. There would be a new frontage along Dover Road, with the boundary wall replaced in order to accommodate a single vehicular access and a new footpath. The development would provide an equipped children's play area and 30% affordable housing. Each dwelling would have designated parking spaces with additional visitor spaces provided across the site. The proposed layout and landscaping were considered suitable and of good quality.

In response to Councillor M Bates, the Planning Consultant advised that the distance between 28 Thistledown and the new dwellings would be 19.45 metres. Councillor D G Cronk expressed concerns about highway safety, commenting that the road was very narrow and had been subject to a number of accidents. The Planning Consultant reminded Members that the principal access had been considered in detail and approved at outline stage in 2018. Furthermore, it was not for this application to consider issues around parking along Dover Road. In response to Councillor P D Jull, the Planning Consultant clarified that the 'First Homes' policy, the newest form of affordable housing, had not applied in 2018 when the affordable housing element of the application had been approved. The applicant had submitted a plan which indicated that all of the loop road, the central area of open space and a central spur leading to the southern boundary of the site would be adopted, leaving just two spurs along the frontage of the site unadopted. The Planning Consultant advised that the new footpath extended along the front of the site and up to the bus-stop, but was unable to confirm whether it connected to the existing pavement.

Councillors E A Biggs and T A Bond raised concerns about residents being burdened with the cost of maintaining open space through private management

companies. Councillor Biggs noted the inclusion of tandem parking and lamented a missed opportunity to build energy efficient housing. The Planning Consultant advised that a private company would manage the open space and sustainable underground drainage system, but the central open space would be transferred to the Highways Authority. Whilst there was some tandem parking, this was because it was considered more efficient and took up less road frontage. Moreover, Officers had not considered it a problem due to the fact it was located in a cul de sac. Most of the larger dwellings would have independently accessible spaces. The developer would be required to comply with the energy efficiency requirements of Building Regulations so the opportunity for energy saving measures had not been missed.

In response to Councillor Bond who queried whether the 2018 planning permission had lapsed, the Planning Consultant clarified that the applicant had been given three years to submit an application from April 2018. They had submitted an application in 2021 which had then been amended and subsequently taken a year to come to Committee. Should planning permission be granted, they would be obliged to commence development within two years of approval. In terms of highways, he advised that, whilst Kent County Council (KCC) Highways had raised objections to the original scheme, they had raised no such objections to the amended reserved matters scheme. All matters related to the access had been considered and deemed acceptable by the Planning Inspector at outline stage. He cautioned Members against raising doubts about access at this point as it was not a defensible nor robust position to take. The Planning and Development Manager stressed that the 2018 planning permission had not expired and that access was not a matter for discussion at this point. He added that Members needed to be satisfied that the details of the reserved matters adhered to any conditions that had been attached to the outline planning permission.

The Planning Consultant clarified that there was a pre-commencement condition regarding foul sewage which meant that the applicant would have to satisfy Southern Water that suitable foul water drainage could be provided before any development started. Referring to comments made by Kent Police about designing out crime, he clarified that Officers were satisfied that the scheme complied with good practice.

RESOLVED: (a) That Application No DOV/21/00255 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Details and samples of materials – external surfaces of the dwellings;
- (iii) Details and samples of materials – hard surfacing;
- (iv) Revised planting details (with native species) – to be submitted;
- (v) Implementation of landscaping before occupation;
- (vi) Boundary treatment – to be carried out;
- (vii) Updated reptile survey;
- (viii) Provision of electric vehicle charging points;

- (ix) Provision of car parking before occupation of respective dwellings;
- (x) Provision of cycle parking before occupation of respective dwellings;
- (xi) External lighting of public realm areas;
- (xii) Ecology;
- (xiii) Boundary wall to be dismantled by hand.

(b) That powers 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.

145 APPLICATION NO DOV/21/01736 - LAND AT WEST VIEW, CHAPEL HILL, EYTHORNE

Members viewed drawings, a plan and photographs of the application site which was a rectangular shaped plot situated between a dwelling known as Praslin and a garage within the village confines of Eythorne. The Planning Consultant advised that planning permission was sought for the erection of a detached dwelling which was simple in design and directed by the shape and size of the plot. As an update to the report, he advised that some of the objections had centred around the displacement of two parking spaces. KCC Highways had been re-consulted and had advised that the surrounding roads could adequately accommodate two additional cars given that there were no parking restrictions in place. He advised that an additional condition was required to deal with materials.

Members were advised that the proposed dwelling would be at a lower level to neighbouring properties which helped to mitigate its impact. There was a mixed pattern of development in the area, and the dwelling was in a sustainable location and close to facilities. Whilst it could be considered that the development would look cramped within the street scene, concerns were not sufficient to warrant a refusal. It was a balanced decision but, all matters considered, approval was recommended.

Councillor Biggs expressed concerns about what he regarded as a backland development and squeezing a dwelling into such a narrow plot. The Planning Consultant clarified that backland developments did not normally have a frontage onto the highway and this proposal was not therefore regarded as a backland development. The parking spaces that were attributed to no. 18 Sandwich Road had already been displaced elsewhere. KCC Highways had raised no objections to the proposal because the proposed dwelling would provide two parking spaces, the same number as had historically been accommodated on the site. Whilst there would be some impact on the conservatory and rooflights of Praslin, this impact was not considered sufficiently harmful to warrant a refusal.

Councillor C F Woodgate commented that it would be a small home. Coupled with the lack of parking in the area, he was inclined to be guided by the views of Eythorne Parish Council which had raised objections. Councillor Bond agreed that

the proposed dwelling would look cramped and he was not a fan of the design. However, the mixture of properties in the area, some of which were also narrow, persuaded him that there was no reason to refuse the proposal. In response to Councillor D A Hawkes, the Planning Consultant advised that the loss of light to Praslin was a matter of judgement as no scientific information was available. Taking into account the orientation, height and separation distance between the proposed dwelling and Praslin, together with the fact that the new dwelling would be set back slightly, it was Officers' view that a refusal would not be justified.

RESOLVED: (a) That Application No DOV/21/01736 be APPROVED subject to the following conditions:

- (i) Standard three-year period for implementation;
- (ii) Drawings that have been submitted;
- (iii) Details of materials;
- (iv) Details for the disposal of foul and surface water to be submitted for approval;
- (v) Details of the finished site levels and threshold levels of the building to be submitted for approval;
- (vi) The provision and retention of car parking spaces (of a minimum length of 4.8 metres), including the provision of an electric vehicle charging point, access to the site and secure cycle;
- (vii) Removal of permitted development rights to install windows within the north facing roof slope;
- (viii) Removal of permitted development rights to extend the building;
- (ix) Provision of landscaping details including retaining structures and boundary enclosures and a timetable for their implementation to be submitted for approval;
- (x) Details of refuse storage.

(b) That powers be delegated to the Planning and Development Manager to settle any necessary wording in line with the recommendation and as resolved by the Planning Committee.

(There being an equality of votes, the Chairman used his casting vote.)

(Councillor M Bates left the meeting during consideration of this item.)

146 APPLICATION NO DOV/21/01459 - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN

The Committee was shown drawings, plans and photographs of the application site. The Development Management Team Leader (South) advised that the application was for reserved matters for the approval of appearance, landscaping, layout and

scale, following the grant of outline planning permission for the erection of 42 residential dwellings at a site at London Road, Sholden. The site was outside the settlement boundaries of Deal but adjoined it on the southern and eastern boundaries.

As an update to the report, Members were advised that an amended plan had been received relating to additional planting and speed humps. In addition, KCC Highways had clarified its views, and the Council's Housing Manager had recommended that there should be a change to the mix of affordable housing. The primary issue for Members to consider was the level of landscaping which had been increased significantly since the original plans were submitted, particularly along the frontage of the site. As a result, the parking layout had been constrained and the number of spaces reduced in order to accommodate more trees and shrubs. The development would include 13 affordable homes in accordance with the Council's 30% affordable housing requirement. A condition was recommended to remove permitted development rights for roof extensions and dormers.

Councillor D G Beaney stated that he felt uncomfortable with the amount of landscaping now proposed, and questioned how much weight should be given to the proposals. He suggested that the number of houses should be reduced in order to retain more parking on site. Councillor Jull referred to statements made at the time of the outline application that there would be 200 trees planted on the site, along with 100% affordable housing. He was certain that these factors would have persuaded members of the Planning Committee to vote in favour of approval. Whilst KCC Highways had provided additional comments, it was not clear from the report whether it was content with the proposed parking arrangements. He raised concerns about the treatment of the London Road frontage which did not mirror the frontage of the Sholden Fields development on the opposite side of the road, the location of parking spaces alongside the road being of particular concern.

The Team Leader clarified that planting had been increased by about a third since the original submission, with a particular focus on increasing planting to the frontage of the scheme to reduce the impact on London Road. She added that some on-street planting had also been secured. She stressed that the outline application had never proposed 100% affordable housing and the proposal had always been for an open market housing scheme with an element of affordable housing. Whilst KCC Highways had reiterated some earlier concerns, it had raised no objections to the scheme.

Councillor Bates referred to the correspondence from KCC Highways dated 7 April which, even at such a late stage, had raised questions about additional visitor spaces and their accessibility, as well as access for refuse vehicles and fire tenders. The Team Leader advised that tracking details for refuse vehicles had been submitted and confirmed as acceptable by KCC Highways. She clarified that the additional visitor parking spaces were located along the frontage of the development. Whilst bordered by a footway and vegetation, there was no reason to believe that the additional spaces would not be usable.

Councillor Beaney referred to a statement made by the public speaker in connection with the outline application in which it had been mentioned that 100% affordable housing would be provided and numerous trees planted. The Team Leader emphasised that the scheme as submitted in the outline application, and as detailed in the committee report and presentation, had not proposed 100% affordable housing. The Planning Solicitor acknowledged Members' concerns and recalled the speaker having mentioned that the scheme would provide 100% affordable housing.

However, the application had not been presented to the Planning Committee nor determined on that basis, and it was not possible to revisit the issue now with a view to refusing the reserved matters application.

Councillor Bond raised concerns about flooding and queried what was meant by the condition relating to foul drainage capacity. The Team Leader advised that the condition was the same as those imposed on other schemes in Deal and required applicants to enter into agreements with Southern Water to carry out work needed to increase capacity in the sewage network if this was found to be necessary. The Planning and Development Manager reminded Members of other occasions when a Grampian-style condition had been imposed to the effect that no development could commence until confirmation had been received from Southern Water that there was sufficient capacity in the network to accommodate the proposed development. He read out the wording of the full condition which prohibited any dwelling being occupied until this confirmation had been received.

Councillor Beaney repeated concerns about a statement made at the time of the outline application by the public speaker that there would be 100% affordable housing. As a new member of the Planning Committee at that time he had taken the statement at face value. He stated that he would not be voting in favour of the reserved matters application.

The Planning Solicitor referred to the minutes of the meeting at which the outline application had been determined. He reiterated that the Committee had determined the application based on the committee report and presentation given to it at that meeting. The minutes indicated that, whilst the speaker may have mentioned the provision of 100% affordable housing, and Councillor Oliver Richardson had queried this at the time, the Officer had confirmed that the scheme was as set out in the report and would not provide 100% affordable housing. In any case, the provision of 100% affordable housing was not in accordance with the relevant development plan policy and, as such, was not something that could have been required by the Local Planning Authority (LPA). The promise of 100% affordable housing had been something of a red herring and had not formed part of the application proposal or the resolution taken by the Committee. The minutes were conclusive as to the basis upon which the Committee had determined the application and Members were not able to re-open the issue at this stage.

In response to Councillor Hawkes, the Team Leader clarified that KCC Highways had raised no concerns that the proposed parking spaces would be too narrow, only about their accessibility given that they were situated close to hedges and trees. It was undoubtedly the case that there was sufficient space for parking to be accommodated on site.

Councillor Jull proposed that the application should be refused on three grounds. The indicative site plan submitted at outline application stage had indicated that the layout could be achieved without excessive tandem parking. However, the proposed layout was substandard, resulting in a requirement for additional visitors' parking. Secondly, the proposed frontage onto London Road was entirely different to the frontage of Sholden Fields and would therefore appear incongruous in the street scene. Finally, whilst the emerging draft Local Plan carried limited weight at the present time, it required this and the adjacent site to be developed in coordination in terms of access and landscaping. This application, if approved, would not allow that requirement to be progressed.

The Team Leader referred to KCC Highways' comments set out in the report which acknowledged that the number of visitor and unallocated parking spaces had been increased. The 20% parking provision set out in the policy had been met, and only due to the number of tandem parking spaces proposed had KCC Highways requested a further increase in visitor parking.

(The meeting was adjourned for a short break at 8.06pm and reconvened at 8.17pm.)

In respect of the draft Local Plan, the Team Leader reminded Members that it was at an early stage and consequently carried very limited weight. This and the adjacent site had been granted outline planning permission, with the form of the access confirmed and agreed for both sites. In effect, the ship had sailed on coordinating the development of the two sites. She cautioned against refusing the application on the basis of a policy included in the draft Local Plan. Considering the second ground proposed for refusal, she advised that there was a wide mix of development along London Road, including dwellings that fronted directly onto the footpath. A refusal on this ground was not, therefore, recommended.

The Development Management Team Leader (Strategic Sites and Place) advised Members that Policy DM13 required the provision of an additional 0.2 visitor spaces per dwelling where tandem parking was proposed. This had been achieved, with amendments made to the scheme following comments received from KCC Highways. Whilst there was generally a preference for developments not to use tandem parking, their use did not make this application unacceptable in planning terms. It was a fact that KCC Highways had raised no objections to the use of tandem parking in relation to this scheme. Paragraph 11 of the National Planning Policy Framework (NPPF) referred to cumulative severe harm being caused in relation to parking, a threshold that had not been reached in relation to this application.

The Planning and Development Manager urged Members to be mindful of how a refusal on parking would appear at appeal when KCC Highways had raised no objections. A refusal on the grounds of parking and the draft Local Plan would be weak, difficult to defend at appeal and carry a high risk of costs being awarded against the Council. Whilst there was a degree of subjectivity in respect of the impact on the London Road frontage, the road frontage in the general area was in fact not uniform with a mix of frontage treatments. Furthermore, although the proposed frontage of the scheme was not precisely like that of Sholden Fields opposite, there were echoes of it. In Officers' view there would be no harm caused that would warrant a refusal.

Councillor Bond stated that there was insufficient visitor parking for a site where there was no alternative parking available off site. He was of the view that the site had been over-developed which had led to a poor layout and pressure on parking spaces. Councillor Jull agreed that the key concern for him was the poor design and layout of the site.

The Planning and Development Manager stressed that the number of units included in the outline planning permission - approved and deemed acceptable at that time - had not changed. The Team Leader had worked hard on achieving an acceptable landscaping scheme and Officers were confident it would enhance the development. The Team Leader added that the number of visitor spaces provided would be in excess of those required by the policy, albeit slightly fewer than considered appropriate by KCC Highways.

In relation to the draft Local Plan, the Planning Solicitor advised that the Plan had gone out to consultation under Regulation 18 and the LPA was now considering what form the Plan to be submitted to the Planning Inspectorate would take. He emphasised that the courts had stated that LPAs should not derogate from planning permission granted at the outline application stage when determining a reserved matters application. In this case, it had been determined that the site could be developed independently of the adjacent plot of land when the outline planning permission was granted without any such condition or limitation in relation to the adjacent land. Whilst the emerging Local Plan was a material consideration, it carried very limited weight as it was still at an early stage of the process and, even if it were more advanced, the principle of not derogating from a grant of planning permission still applied so as to mean that a refusal on this basis would be indefensible at appeal.

Councillor Woodgate commented that outline planning permission for the same number of units had been granted in 2019. At that time the access and frontage were not regarded as being a problem. It was not possible to go back to the drawing board and he believed there was no case for raising objections to the development at such a late stage.

Councillor Jull agreed to amend his motion to focus on site layout and parking as the sole ground for refusal. As seconder, Councillor Bates supported the amended motion.

The Planning and Development Manager urged Members to consider a deferral of the application to explore whether the applicant would be open to amending the scheme to accommodate a different treatment of the layout/parking arrangements. In response to Councillor Beaney who expressed his wish to refuse the application, the Planning and Development Manager advised that Members would need to articulate their concerns around layout and scale in more detail. He suggested that it would be more appropriate to defer the application and work with the applicant, in line with NPPF guidance.

Following the advice of Officers, Councillor Jull agreed to withdraw his amended motion (with the support of Councillor Bates as seconder).

Councillor T A Bond proposed and it was duly seconded that Application No DOV/21/01459 be DEFERRED to address issues around parking and parking layout, with the final wording for deferral delegated to Officers.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/01459 be DEFERRED to allow Officers to explore amendments to the scheme to address concerns raised by the Planning Committee about parking and parking layout.

(b) That the final wording of the reasons for deferral be delegated to the Planning and Development Manager.

147 APPLICATION NO DOV/21/01402 - THE EDGE, BAY HILL, ST MARGARET'S BAY

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was outside, but in close proximity to, the settlement confines

of St Margaret's Bay and in a conservation area. The Senior Planner advised that the application sought planning permission for the erection of a detached dwelling and the demolition of an existing dwelling. As an update to the report, she informed Members that St Margaret's-at-Cliffe Parish Council had submitted a further response, confirming its objections and raising concerns about amended plans. An additional public representation had been received, raising concerns about overlooking to properties on the opposite side of Bay Hill and properties to the west.

Members were advised that the existing house's valuable contribution to the conservation area was recognised. The application sought to demolish the house and replace it with a five-bedroomed dwelling which was considered to be of an attractive design and sympathetic to the character of the area. The size of the dwelling's dormer windows had been reduced since the original application and re-advertised accordingly. She underlined that the most important policies for determining the application, particularly Policy DM1 which sought to resist development outside the settlement confines, were considered to be out-of-date and the 'tilted balance' approach set out in paragraph 11 of the NPPF was therefore engaged. Whilst it was a balanced case, Officers considered that the demolition of the existing house and its replacement with the proposed dwelling were unlikely to cause harm to the conservation area or residential amenity. Since the benefits of the development were considered to outweigh the disadvantages, approval was recommended.

Councillor Jull stated that he did not agree that there would be no harm to the conservation area, nor that the benefits of the development outweighed the disadvantages. Accordingly, he would not be voting in favour of the application. Councillor Bates commented that the role of a conservation area was to ensure that its most attractive features were protected and conserved. Whilst he understood why the applicant might want to erect a new dwelling, the proposed design was not attractive, particularly the substantial balustrade overlooking the cliff top. The St Margaret's Conservation Area was one of the most iconic in the district and was worthy of protection. The existing building blended in well, especially in views from the shoreline. Other recent constructions, such as Pine Edge which was the subject of a planning enforcement investigation, were already making a difference to the conservation area. He agreed with the principle of a replacement building, but was of the view that it should replicate the size and dimensions of the existing house. Councillor Hawkes pointed out that there would be 5 metres of decking which would look like a helipad sticking out over the bay. He was of the view that the dwelling was oversized and would look incongruous within the surrounding area.

Councillor Bond expressed a different view, arguing that the existing house was not listed and made a limited contribution to the conservation area. The proposed dwelling was only slightly larger and was unlikely to have an impact on neighbouring properties. Taking into account the presumption of the NPPF that development in sustainable locations should be granted unless the disadvantages outweighed the benefits, he could identify no planning reasons to refuse the application. Councillor Woodgate agreed, adding that, whilst he had taken into account the views of residents, he was struggling to find sound reasons to refuse the application.

RESOLVED: (a) That, subject to no new material considerations being raised by Natural England, Application No DOV/21/01402 be APPROVED subject to the following conditions:

- (i) Standard time conditions;

- (ii) List of approved plans;
- (iii) Samples of materials;
- (iv) Construction management plan;
- (v) Details of surface water disposal;
- (vi) Existing and proposed ground, eaves and ridge levels;
- (vii) Details of build contract prior to demolition of existing dwelling;
- (viii) Recording of building prior to demolition;
- (ix) Provision and retention of vehicle parking;
- (x) Electric vehicle charging points;
- (xi) Cycle parking;
- (xii) Details of MHVR and heat pump systems.

(b) That powers 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.

148 APPLICATION NO DOV/21/01438 - 12 THE STRAND AND COACH HOUSE FRONTING YORK ROAD, WALMER

Members were shown an aerial view, drawings, a plan and photographs of the application site which was within the settlement confines of Walmer and in a conservation area. The Planning Officer advised that the application sought planning permission for the erection of two-storey front and side extensions, a single storey rear extension and dormer roof extensions to the front and rear of an existing dwelling. In addition, permission was sought to erect two-storey side and rear extensions and roof extensions to facilitate the conversion of a coach house to the rear of the main dwelling-house to an annexe. The existing rear extension to the main dwelling would be demolished. The property was in a poor state of repair and detracted from the conservation area. The proposed extensions would neaten the property's appearance and make it more uniform. Approval of the application was therefore recommended.

RESOLVED: (a) That Application No DOV/21/01438 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with approved plans;
- (iii) Archaeology safeguarding;
- (iv) Coach House to remain ancillary.

(b) That powers be delegated to the Planning and Development Manager to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

149 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken.

The meeting ended at 9.26 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

PLANNING COMMITTEE – 26 MAY 2022

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

- 1. DOV/21/01459** **Reserved Matters application pursuant to outline permission DOV/19/00216 - erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping) – Land North-West of Pegasus, London Road, Sholden**

***This application is
dealt with elsewhere on the agenda***

Background Papers:

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

SARAH PLATTS

Head of Planning and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

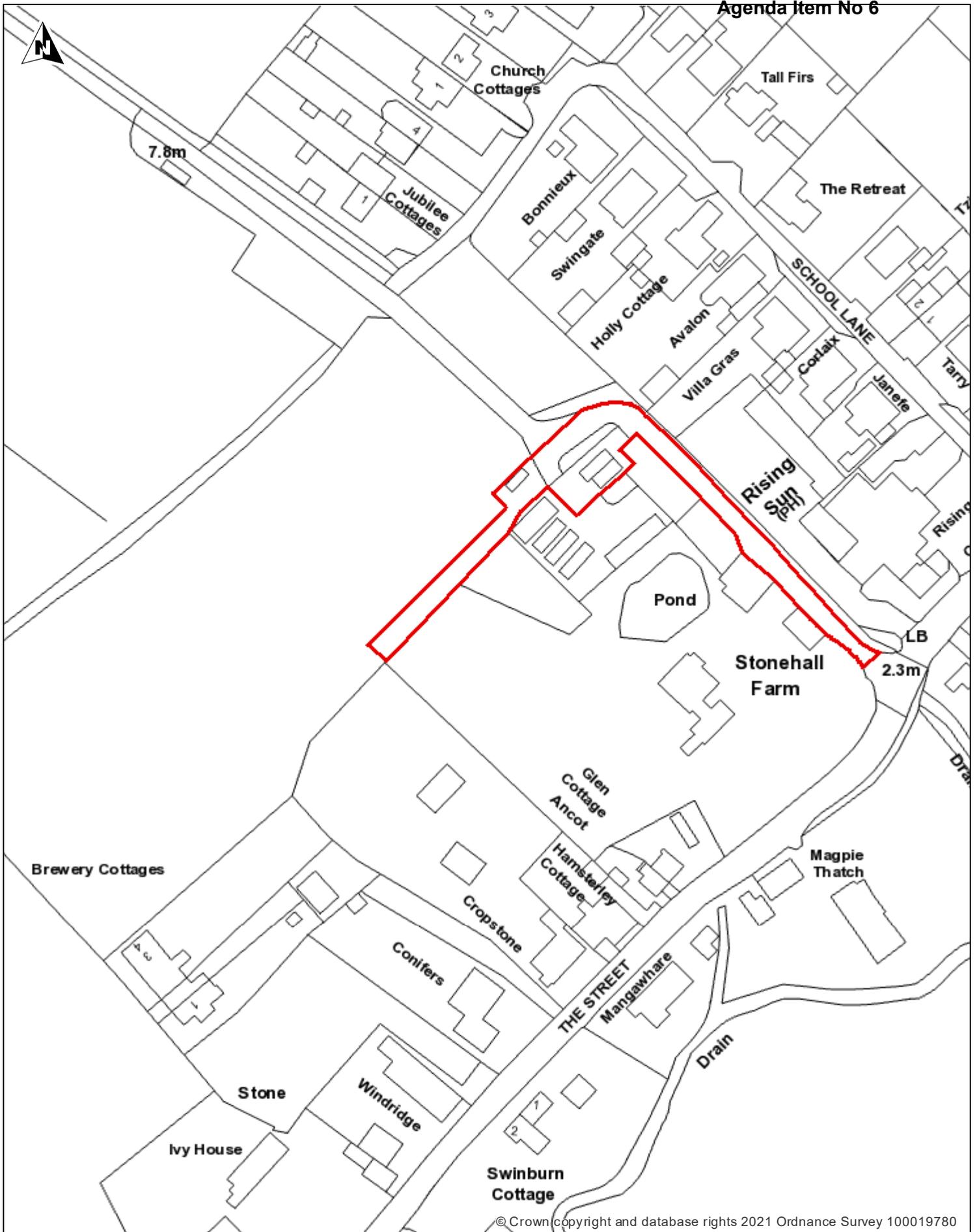
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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

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



21/01354

Land Forming Part Of Stonehall Farm
The street, Stourmouth
CT3 1HY

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/21/01354 – Siting of 4 seasonal workers’ caravans for over-winter storage, siting of a caravan for associated kitchen use and erection of associated shower units (part retrospective) - Land Forming Part of Stonehall Farm, The Street, Stourmouth**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

DM1, DM15

National Planning Policy Framework 2021 (NPPF)

- Paragraphs 84 & 85 seek to support a prosperous rural economy.
- Section 12 seeks to achieve well-designed places
- Section 15 & paragraph 174, seek to conserve and enhance the natural environment
- Section 16 Conserving the historic environment

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Regulation 18 Consultation on the Draft Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of his 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**

There is no relevant planning history

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

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

Stourmouth Parish Council: The initial response was to raise a number of comments for consideration with regard to the arrangements for waste and

recycling, whether the wastewater to septic tank meets current standards, whether the increase in workers would raise an issue of noise/disturbance, whether the proposal would lead to all year-round use, and with reference to the visual impact whether the caravans could be grouped in twos. The second response did not raise any new matters.

KCC PROW: Did not wish to make comments.

Environment Agency: No comments.

Public Representations: There have been 16 representations received from the public consultation, which raise objections to the application. These objections can be summarised as follows:

- The impact from farm workers on the environment, highway safety and local community
- The caravans would impact the open countryside, rural character and local landscape
- The existing caravans on site are not in seasonal use
- Impact upon habitats, ecology and wildlife
- The existing shower block is causing pollution
- The hedgerow along the boundary of Stone Hall and the farm does not provide adequate screening
- Harm to the setting of the nearby Listed Building
- Increased levels of noise and light pollution
- The proposal involves the loss of fruit trees
- The proposal is not justified by need or demand
- The shower block and kitchen were installed in June 2020
- The siting of the caravans would block a private right of way
- The application would affect the enjoyment of adjacent residential properties
- The proposal is contrary to the Development Plan and NPPF

f)

1. **The Site and the Proposal**

1.1 The application site is a fruit farm divided into working parcels of land, covered mostly in cherry trees and plum trees. In the south-eastern corner of the farm are two farm buildings and 5 (caravans) mobile buildings which face toward a central yard area. The yard area appeared in farming use at the time of the Officer's site visit and the caravans were arranged on the edges of the yard.

1.2 One of the caravans in this area is in use as a kitchen. A small shower/toilet block is located outside, but in front of, this 'working' yard area. At the time of the Officer's visit there were also two 'portaloo's' next to them. The shower block is drained to a septic tank beneath it.

1.3 The main access to the farm is from The Street. This access runs in a straight line and turns into a small working area that also accommodates vehicle parking. It is understood that land to the north of this area falls outside the farm site. At the time of the Officer's visit, this area had been left in an overgrown condition with some open storage on the land – it was not being farmed.

- 1.4 The hamlet of Stourmouth is located to the south and east of the application site. A public right of way (EE134) is located to the north of the 'working' yard area, beyond the first parcels of land accommodating the fruit trees. This runs in an approximate south-west to north-east direction. Stonehall Farm is a Grade II listed building and is located to the south-east of the existing 'working' yard area and buildings, on a separate parcel of land.
- 1.5 Planning permission is only being sought for storing 4 caravans out of season, from 1 November to 31 May in any year on the site, as well as retrospective planning permission for the erection of a shower/toilet block (made up of 5 cubicles) and stationing of a caravan already on the site, in use as a kitchen.
- 1.6 The location of the 4 caravans will be adjacent to the existing shower block building. These would be laid out in tandem with a 6m separation between them. The caravans will measure 9m by 3.2m. The 4 caravans will not be connected to the septic tank or water as the kitchen block and shower block will be used by the workers to wash and make meals. The caravans will only be connected to electricity.
- 1.7 The caravans would be stored during the winter months (in the location as shown on the submitted block plan) but only used by workers during the working season. The working season is stated by the applicant as being 1 May until 30 November.
- 1.8 The intention of the applicant is to attract workers with accommodation during the season (for which planning permission is not ordinarily required) and to reduce the levels of inconvenience and costs of removing the caravans from the farm or locating them in a different location on the farm, out of season.

2. Main Issues

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Impact on the setting of the designated heritage asset
- The impact on residential amenity
- Other material considerations
- Planning Balance

Assessment

Principle of Development

- 2.2 The application site falls within the countryside, close to the built envelope of the hamlet of Stourmouth. The proposal is required as being ancillary to the function of the farming use of the site and is therefore considered to be acceptable in principle in accordance with policy DM1.
- 2.3 The relevant 'catchment area' for the Stodmarsh Lakes Designated Sites does not cross the application site and therefore the installation of the

shower block/toilets and permitted development rights for seasonal workers' overnight accommodation on the site are not affected.

Impact on Character and Appearance

- 2.4 The application site is within the countryside, but is not otherwise designated or identified for its landscape value or ecological/habitats importance. It falls relatively close to the Stodmarsh Lakes Designated Sites and the water courses that feed into or from the Stour River (the catchment) but is outside of the catchment.
- 2.5 The location of the proposed caravans will in part replace two rows of cherry trees, that form part of a larger parcel of farmed land. For the most part, the cherry trees are covered in netting/part-open polytunnels. The overall height of the trees and netting/tunnels would prevent views of the caravans from public vantage points – in particular, from the PROW to the north that crosses the site. For similar reasons, the shower block and the mobile home used as a kitchen which forms part of the courtyard of the farm buildings, would also be screened or would not be distinguishable.
- 2.6 The caravans are proposed to be located within close proximity to other buildings and the working area of the farmyard and its buildings. They would not be isolated from the general activities and operations of the farm and their location would help contain the overall spread of buildings and ancillary development/uses on the land.
- 2.7 The location of the caravans and shower block building would not have a material impact upon the open countryside or rural character and appearance of the area. It is considered therefore that the level of conflict with policy DM15 and Paragraph 174 of the NPPF is slight to moderate.

Impact Upon the Setting of the Designated Heritage Asset

- 2.8 Stonehall Farm is the closest listed building, located to the south-east of the application site, within its own grounds. It is listed by Historic England as follows:

“House. C15 and clad C18. Flint and rubble ground floor and timber framed upper floor clad with red brick. Plain tiled roof. Two storeys with stone quoins on ground floor, with hipped roof and stacks projecting at end left and projecting and offset 3 times to right on the front elevation. Three wooden casements on first floor, and 1 on ground floor to left. Four-centred stone doorway to centre with rib and stud door. Right return jettied. Catslide outshot to rear (close-studding was previously visible on rear elevation)”.

- 2.9 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a decision maker shall have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest it possesses. The proximity of the listed building to the proposed location of the caravans and shower block building requires an assessment to be

made on the impact of the proposal and considerable importance and weight must be given to any predicated harm.

- 2.10 The setting of a listed building is not in itself designated. The setting is often defined or identified by the surroundings in which the listed building is experienced.
- 2.11 Stonehall Farm has a generous sized garden area beyond its northern and western (side and rear) elevations which extends to the boundary with the farm. A beech hedge some 3-4m in height is located within the garden and along most of this boundary. Behind a section of the boundary are the existing caravans and working yard of the farm. These provide screening between the garden of Stonehall Farm and the location of the shower block, the kitchen, and one of the locations of a proposed caravan.
- 2.12 The 4 caravans are proposed outside the functional and physical boundary of the garden of the listed building, on the farmland. Due to the separation, the boundary screening and other planting within the garden of the listed house, there is no or little intervisibility between the listed building and the location of the caravans. As a matter of judgement, whilst the caravans might be visible from within parts of the garden of Stonehall Farm during the autumn/winter storage (out of season period) and at a distance from the rear elevation of the main building, the caravans and their location would not contribute to the significance or appreciation of the listed building.
- 2.13 As such, it is considered that the impact from the proposal on the setting of the designated heritage asset would be neutral.

Impact on Residential Amenity

- 2.14 The caravans and shower block building would be visible, in part, from the gardens of those residential properties located to the south. The location of the 4 caravans is to the north of a private right of way and north of the beech hedge that runs along and within the boundary of Stonehall Farm (the dwellinghouse). This hedge is tall and acts as a good screen along the boundary during the summer months. During winter, this screen will be less effective and would allow views of the stored caravans from some gardens.
- 2.15 As the caravans would generally not exceed the height of the surrounding rows of cherry trees and the netting/polytunnels over them, their location set back from the boundaries would not affect views of the open countryside from nearby gardens.
- 2.16 It is considered that the caravans and shower block would not be overbearing, would not cause overshadowing and otherwise would not be visually intrusive, to the extent that this would cause undue harm to residential amenity.

Other Material Considerations

- 2.17 Part 5 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in conjunction with the Caravan Act

1960 (Schedule 1), grants agricultural businesses the right to retain a caravan site whilst the caravans are occupied by seasonal workers. It is only the winter storage of the vacant caravans, shower block and kitchen facilities that require planning permission. This is why permission is only sought for the caravans for those times that are out of season when the farm workers are not required.

- 2.18 The wording of the relevant legislation states that a site licence shall not be required for the use as a caravan site on agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation. As such, during the season (in this case May to end November) there is a right to station caravans on the land to accommodate workers in farming operations on it.
- 2.19 Most of the responses received to the application object to the occupancy of the caravans, and the impact from this. To a large extent, whilst there are obvious and legitimate concerns that have been raised, these should be considered in the context of a largely uncontrolled right for the workers and caravans to be allowed on the land during the farming season. The focus in the determination of this application should therefore be on what has been applied for – primarily, the storage of the caravans and the shower block.
- 2.20 The shower block building appears to have been erected (in June 2020) to serve the seasonal workers in the existing caravans and will be used to serve the future seasonal occupiers of the proposed caravans. Retrospective permission is sought for this building. The building drains to a septic tank and the response from the Environment Agency is that they have no comments, but other consents from the EA may be required.
- 2.21 Other matters raised as a result of the consultation of the application relate to the need to consider investigating the use of the existing caravans. This matter does not have a direct bearing on the determination of the current application, but will be subject to future consideration by officers.

Planning Balance

- 2.22 The proposed location for the storage of the caravans is considered to have a slight to moderate adverse impact upon the open countryside. The proposal would preserve the setting of the listed building. The proposal is also considered to be able to be viewed from within the gardens of the closest neighbouring properties, mostly during the winter months, when vegetation is not in leaf. However, this visual impact is not considered to be unduly harmful.
- 2.23 In support of the application, is the need for the business to locate caravans on the land for seasonal use by workers and to reduce the cost and inconvenience of moving the caravans off site outside the main farming period. The shower block is also an important ancillary component for the workers.

2.24 On balance, it is considered that as many of the objections raised against the proposal are not under consideration with this application, and in view of the limited harm arising from the storage of the caravans etc, the balance is in favour of granting permission.

3. Conclusion

3.1 The proposal is for the storage of 4 caravans on the site and for retrospective planning permission for a shower/toilet block and the stationing of a mobile building in use as a kitchen. Although the occupation of the caravans would normally be paramount in the mind of the decision maker, for the purposes of this application, the focus of the decision should be on their visual impact and impact upon the setting of the designated heritage asset.

3.2 As such, it is considered that the caravans and shower block building do not cause harm to the countryside designation, or the living conditions of the occupiers of the nearest residential properties. It is also considered that the impact of the development on the setting of the listed building would be neutral.

g)

Recommendation

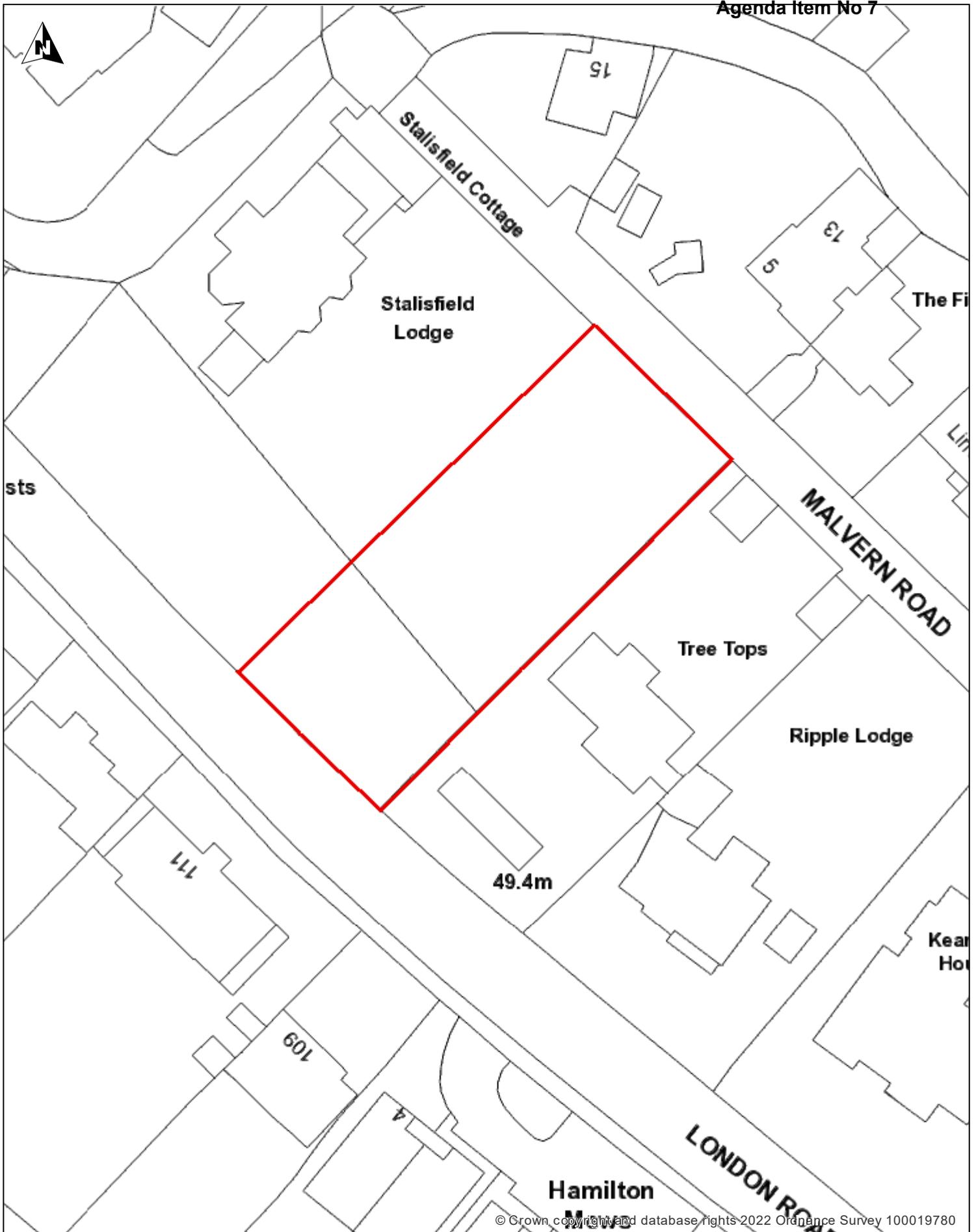
I Planning permission be GRANTED with the imposition of the following conditions:

1. In respect of the proposed caravans, a 3-year period for implementation is required
2. Development should be in accordance with the layout plan and photographs
3. Only 4 caravans to be stored on site
4. Outside the periods of – 1 May to 30 November, in any year, the caravans shall not be occupied/used for residential purposes
5. Outside the periods of – 1 May to 30 November, in any year, the caravan accommodating the existing kitchen shall not be used

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

Case Officer

Vic Hester



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20/01538
Stalisfield Lodge
Park Road, Temple Ewell
CT16 3AN

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/20/01538 – Erection of a dwelling with associated parking and access - Stalisfield Lodge, Park Road, Temple Ewell**

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

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies 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.

Core Strategy (2010)

CP1, DM1, DM13, DM17

National Planning Policy Framework (NPPF) (2021)

The most relevant parts of the NPPF are 8, 11, 38, 79, 130

The Kent Design Guide (KDG)

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.

d) **Relevant Planning History**

None applicable.

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

KCC Highways: It is a served private street (Malvern Road) and therefore is not a highway matter. The traffic generated by one dwelling is unlikely to have a severe impact on the highway network. There may be concerns regarding construction traffic using the private streets, but this is something that will need to be resolved between the street manager/owner and the applicant. You may wish to consider requesting a construction management plan, but this would presumably be on the grounds of amenity.

Kent Fire and Rescue Service: The emergency access requirements for the Fire and Rescue Service have been met.

Temple Ewell Parish Council: In order to protect the neighbouring properties and residents we would ask that the following points are considered:

That a restriction is made on construction and deliveries, only permitted these to take place between 09:00 and 17:00 each day between Monday and Friday (excluding Public Holidays).

That the temporary Tree Preservation Order (TPO 21/0001) be made permanent in order to limit the noise and light pollution to neighbouring properties.

That no construction is permitted until the developer has obtained Rights of Access from Malvern Riad which is Private Road and managed by a local residents association.

The Tree Report indicates that a significant number of trees will be removed (some due to disease) or reduced in size to facilitate the construction of the new dwelling. We would draw your attention to Draft Local Plan DM Policy 9 – Tree Planting & Protection: in addition to 2 new trees being planted for each new dwelling, two replacement trees (ideally of a similar size) should be planted for each tree removed. We would re-iterate that we would wish the current temporary Tree Preservation Order (TPO/21/00001) to be made permanent contemporaneously with any planning authorisation for this site.

KCC Archaeology: The site lies within an area of multi-period archaeological potential and close to the line of the former Roman road from Dover to Canterbury. As the site is on a slope there is the potential for archaeological remains to be buried beneath or contained within hill wash. The proposed development has the potential to impact on below-ground archaeological remains and I recommend that in the event that planning permission is granted a watching brief condition is included.

Southern Water: Requires a formal application for a connection to the public foul sewer to be made by the applicant.

Third-party Representations: 31 letters of representations have been received, of which 29 letters are objections and 2 letters being neutral, these are summarised below:

Ecology

- Trees have been removed from the site
- The tree survey commissioned on 24th March 2021 following previous destruction of trees as detailed in photographic and video evidence provided to DDC
- Loss of habitat
- Lack of bat survey

Residential amenity

- The new dwelling would face directly into the houses opposite
- Loss of privacy to Treetops and numbers 5, 13 and The Firs
- Loss of a view in regards to 5, 13 and The Firs
- There is no daylight/sunlight assessment
- No windows overlooking Stalisford Lodge
- The proposal contravenes the 45-degree rule
- Noise and disturbance with construction vehicles and new vehicular movements along Malvern Road
- Noise and disturbance from the car parking space in respect of the garden room at Treetops

Visual amenity

- The proposal is disproportionate in size and overbearing
- Harm the landscape character and special quality of the immediate area
- House is out of keeping with the locality
- The site lies within the AONB

- Out of character with the area
- Light pollution
- Loss of a Victorian wall
- Overdevelopment
- The land levels are all significantly higher than those in London Road
- Concerns the bank could become unstable (towards London Road)

Highway safety

- London Road is already dangerous for both cars and pedestrians. An additional dwelling will compound the problem.
- There is an association for the upkeep of the roads and who will pay for it.
- The roads have no hardcore base, its flint and chalk
- Malvern Road is a narrow single-track lane, it's actual width at the proposed site entrance is 2.9 m not 5m as listed on the plans.
- Emergency services would be unable to access the dwelling
- Construction and use of heavy vehicles along a private a lane will be catastrophic

Other matters

- Lack of communication from the developer
- Surplus of unsold homes in Temple Ewell
- Restricted covenant
- Foul sewage unknown
- Stalisford Lodge only has access of Park Lane
- DDC have a five-year housing land supply
- The plans are inaccurate and misleading, especially in view of the grass verge
- Existing verge along Malvern Road, not shown on plans
- The proposal contravenes the 45-degree rule

Neither objecting nor supporting

- There are no visible site notices in London Road

Officer comment - Site notices were posted along Malvern Road, where the access and property would be visible. Given the dividing distance and TPO's in place along London Road, it is considered the properties along this road would not be affected.

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

The Site

- 1.1 The application relates to land to the south-west of Malvern Road, which is within the settlement confines of Temple Ewell and within an Area of archaeological importance. The settlement benefits from a church, village hall, school, shop and Kearsney Abbey train station within 0.10km from the application site.
- 1.2 Malvern Road is a private unmade road serving a number of dwellings. The characteristics of the road is verdant in nature, with generous size dwellings on substantial plots along the south west, being set back with parking to the front of the dwellings. Directly opposite the site, the dwellings are built up against the roadside, with limited parking. The road does not have a footpath or street lighting but does have a grass verge.

- 1.3 The application site is within the garden of Stalisfield Lodge on the lower terrace of the property Tree Tops, to the south east. The land level is lower than that of the host dwelling. The topography of the land slopes from Malvern Road to Park Road. At the time of the site visit, it was evident that some trees had been previously removed and TPO's have been placed along the south western boundary adjacent to London Road, consisting of Beech, Holly and Holms Oaks. To the south east of the site is a detached chalet bungalow known as 'Treetops', with a brick wall denoting the dividing boundary. This property benefits from a garden room to its frontage with the road built up against the adjoining boundary. Directly opposite the site is a pair of semi-detached, three storey dwellings.

The Proposal

- 1.4 Originally, the application sought permission for a pair of three bedroom detached dwellings, which was considered to be an overdevelopment of the site. The development has now been amended to a single dwelling. Amendments have been sought throughout the application process, including setting the proposal off the boundary by approximately four metres and the reduction in the overall height by one metre.
- 1.5 Planning permission is sought for the erection of a detached dwelling measuring approximately 13.8m in width x 8m in depth and an additional rear projection of 6.4m. The overall height would be approximately 7.5m and have an eaves height of 3.6m. The dwelling would consist of utility, kitchen, lounge, dining room, bedroom at ground floor and four bedrooms, bathroom and ensuite at first floor. The applicant is proposing to provide three car parking spaces, with low level planting, however within the north eastern corner of the parking area, the applicant is now proposing an area of semi mature trees.
- 1.6 In terms of design, the dwelling is two storeys apart from the element adjacent to the neighbouring property Tree Tops, to the south east, where there is a cat-slide roof with a 1.5 storey eaves height. The materials palette comprises mainly brick elevations with a section of slate grey Marley Cedral weatherboarding to the front and rear elevations. The roof would have Marley 'Riverdale' fibre cement slate tiles.

2. Main Issues

- 2.1 The main issues are:
- Principle
 - Visual amenity
 - Impact on Residential amenity
 - Highways
 - AA/protected species
 - Trees
 - Archaeology
 - Other Matters

Assessment

Principle

- 2.2 The application site falls within the village confines of Temple Ewell and therefore under policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle, subject to material considerations.

- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the preparation of a single local plan. The decision to review is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, whilst the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy adheres to and is consistent with the policy approach in the NPPF.
- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the village confines would be consistent with Paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside. As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.

Visual Amenity

- 2.5 The application site is located within the settlement boundary of Temple Ewell. Paragraph 130 (f) of the NPPF sets out that ‘planning decisions should ensure that developments 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’ The NPPF continues at paragraph 130 (c) setting out that ‘planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change’.
- 2.6 The garden serving Stalisfield Lodge is of a generous size compared with those serving other dwellings within the vicinity, on both sides of the road. Malvern Road is also characterised by a mixture of different architectural styles and designs. Whilst the host dwelling is an older property with traditional design features, the property to the south east, Tree Tops is a more contemporary chalet style bungalow.
- 2.7 Stalisfield Lodge is on higher ground than Tree Tops. The two-storey nature of the proposed dwelling together with the catslide roof element to the side, is seen as a suitable transition in terms of scale and massing between the two dwellings, in terms of design and materials. The proposed dwelling has traditional pitched roof forms, with traditional materials. Whilst its elevations are of a simple form with large more contemporary window and door styles and arrangement, it is considered that the development would sit comfortably on the plot and within the street scene. In turn, the reduced parking area and proposed planting would help to assimilate the development into the street scene. This can be controlled by condition. There would be no harm to visual amenity as a result.
- 2.8 For the reasons set out above, the proposed development is considered to be acceptable in respect of bulk, scale, massing, and design and would not result in visual harm within the street scene. The proposed development is considered to comply with the aims and objectives of the NPPF, in particular paragraphs 130 a) and c).

Impact on Residential Amenity

- 2.9 Paragraph 130 (f) of the NPPF sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.10 The application site is located within the garden area of Stalisfield Lodge and to the north west of Treetops. Further consideration needs to be given to the occupiers of the properties directly opposite the proposed dwelling namely 5, 13 and The Firs, Malvern Road. Of concern to local residents is the loss of the trees (to be discussed later in the report) and how this has opened up the site, and as such their views and privacy has changed. Site visits have been undertaken with neighbours and within the application site following the removal of the trees and therefore the following assessment has been made on this basis.
- 2.11 Numbers 5, 13 and The Firs are directly opposite the site, separated by the width of Malvern Road with a small garden area to the front of the properties. Concerns have been raised over the dwelling having an overbearing impact on these properties, in regards to the height and position. The overall height of the proposed dwelling is approximately 7.5 metres. The topography of the land slopes from Malvern Road towards London Road, so the land level is significantly lower where the proposed dwelling would be sited. Having regard to the position of the dwelling being set back from the road frontage by approximately 16.5 metres with the proposed off-street parking to the front of the proposal, coupled with the lower ground level, it is not considered there is likely to be any adverse impact caused by the proposed development in terms of overbearing development or overlooking and a subsequent loss of privacy.
- 2.12 In relation to potential noise and disturbance in respect of cars entering and leaving the site. This is a residential area and whilst the road might be narrow, an additional dwelling would not be likely to generate such traffic that would cause significant harm to neighbouring properties. Whilst sympathetic to the concerns of these properties in this respect, it is accepted that Malvern Road is narrow, this is not an uncommon feature within residential areas and it is not considered a refusal would be justified in this regard.
- 2.13 Consideration needs to be given to the occupiers of Treetops, as this property is within close proximity of the proposed dwelling. Reference has been made to potential noise and disturbance from the proposed front parking area upon this properties enjoyment of their detached garden room, that is located to the frontage of their land, to the east of the application site. The existing use of the application site is a garden to serve Stalisfield Lodge. The proposed parking area to serve the new dwelling is some distance away from the neighbouring properties garden room, at 9.7m, such that it is not considered that there would be any significant harm to residential amenity. The applicants intention is also to plant semi-mature trees on the area dividing the parking area and Treetops which will act as a buffer between the two properties. This can be secured by way of a condition.
- 2.14 Further concerns have been raised in respect of outlook when viewed from Tree Tops. Tree Tops is a chalet bungalow set away from the dividing boundary by approximately 2m. Treetops has a glazed window within the flank elevation and is built close to the dividing wall and there is also a window to the front elevation serving a kitchen/diner, overlooking their garden room. Given the constraints on site, (the TPO's to the rear of site) it is not possible to move the proposed dwelling back any further within the plot. However, the proposed development has been set off the boundary by approximately 4m and has been reduced in height by 1m

and is designed with a catslide roof on the 6m forward projection to that of treetops to minimise the bulk of the dwelling. It is accepted the proposal would be visible, however given the position of the windows (as set out above) and the existing brick wall in situ, the outlook is already constrained, as such it is not considered sufficient to warrant a reason for refusal on this basis.

- 2.15 Further concerns have been raised in respect of overlooking from the proposed development to Treetops. The proposed dwelling has been designed with a high-level window at ground floor level serving a dining room with a head height of approximately 2.2m. Given the height of the dividing boundary wall, together with the separation distance to Tree Tops and the fact that it would be facing in the direction of the front external amenity area of this property, then there would be limited adverse harm. In addition to this, four rooflight windows are proposed within the roof slope and given the nature of these windows these are not considered to result in any direct overlooking. Further concerns have been raised over the windows within the front and rear elevations, with regards to additional overlooking into the amenity spaces serving Treetops. In respect of the windows within the front elevation, given the position of the proposed dwelling set off the boundary and the position of the windows at first floor, this is not considered to result in any direct overlooking. In respect of the windows to the rear given the screening is to be retained, any views would be long range and oblique and not directly into the amenity space currently enjoyed by the occupiers of Treetops. Furthermore, it would be appropriate to impose a condition ensuring the screening is to be retained.
- 2.16 To the north east of the proposed dwelling is Stalisfield Lodge, which is on the higher terrace of the existing site and is of a substantial size, with windows looking in the direction of the application site but not its most private amenity area. The remaining garden of Stalisfield Lodge would divide the two dwellings. In addition to this, the proposed development has been designed with no windows within the flank elevation facing this property and therefore the proposed development is not considered to adversely impact on the residential amenities of the occupiers within Stalisfield Lodge.
- 2.17 Given the location of the proposed dwelling and the constricted nature of the site, it is considered appropriate to remove permitted development for the enlargement of the dwellinghouse and the addition or alterations to the roof, this will allow the local planning authority to assess any future impacts these changes may cause.
- 2.18 In respect of the future occupiers of the new dwelling, the rooms of the proposed dwelling would be of acceptable sizes and would be naturally lit. The internal living conditions of the future occupants would be acceptable. In respect of the access to the site, Kent Fire and Rescue have set out the emergency access requirements have been met. In addition to this, the applicant is proposing a waste storage structure to the front of the property and cycle storage, these details have been submitted and are considered acceptable. Given the proximity of the dwelling to other residential properties, it is considered appropriate to attach a condition relating to a construction management plan.
- 2.19 For these reasons set out above, the proposed dwelling is not considered to result in significant harm to the residential amenities of the occupiers of the existing dwellings and the living condition of future occupants, complying with the aims and objectives of the NPPF.

Highways

- 2.20 Local residents have raised concerns over the width of the highway and the suitability of the road for additional traffic. Reference has been made to the access from London Road from Edgerton Road where a previous application had been refused, however, this was in 1988 and whilst the site conditions have not changed, Kent Highway Services have been consulted and have set out that one dwelling is unlikely to have a severe impact on the highway network. However, regarding construction traffic using the private streets this is something that would need to be resolved between the street manager/owner and the applicant.
- 2.21 Kent Highway Services have stated that 'Malvern Road is a private street and is therefore not a highway authority matter. However, that said given the proposed development would involve the introduction of three parking spaces to the front of the proposed dwelling and the applicant has demonstrated that visibility splays of 2m x 2m can be achieved, KHS have been asked for comments. They have set out that the proposed visibility splays are 'sufficient and can be achieved' and as such this element of the proposal is considered acceptable. That said, it is considered to be reasonable to impose a condition on any grant of planning permission for this to be constructed prior to the first occupation of the dwelling and maintained as such.
- 2.22 Parking provision for residential development should be informed by the guidance for residential parking in the Dover District Core Strategy. This 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 design-led process. The development would accommodate three parking spaces, meeting the needs generated by the occupiers of the dwellings. The applicant is proposing off-street parking. Having regard to the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy. For the reasons set out above, I am satisfied the proposal would not adversely impact on highway safety.

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

- 2.23 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.
- 2.24 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.
- 2.25 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

- 2.26 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.
- 2.27 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.

Trees

- 2.28 Concerns have been raised over the loss of some of the existing trees prior to the application being submitted. At the time, these trees were not protected and therefore there was no impediment to their removal.
- 2.29 During the course of the application Tree Preservation Orders have been placed on the Holly, Beech, Yew and Holm Oaks to the rear of the site, fronting onto London Road due to their screening value. However, in order to facilitate the new development a row of Leylandii and a Lawson Cypress against the dividing boundary with Tree Tops would be removed. DDC Horticultural Officer has raised no concerns in this regard due to them being considered to be of low amenity value and as such these are not protected. However, to help mitigate the loss of these trees and to protect the character and appearance of the area, new semi mature trees will be planted and conditioned to remain as such thereafter.

Archaeology

- 2.30 The site lies within an area of multi-period archaeological potential and close to the line of the former Roman road from Dover to Canterbury. As the site is on a slope there is the potential for archaeological remains to be buried beneath or contained within hill wash. The proposed development has the potential to impact on below-ground archaeological remains and therefore KCC Archaeology has recommended a condition be attached to any grant of planning permission to ensure that a watching brief is carried out by a competent archaeologist.

Other Matters

- 2.31 Concerns have been raised from local residents in respect of discrepancies with the plans, showing different measurements throughout the application and the amendments, especially in view of the road measurements. Kent Highway Services are satisfied that based on their data, they are able to make a judgement on the acceptability of the scheme. In respect of the other inaccuracies i.e., the lack of verge shown on the original drawings, this was rectified. Furthermore, the measurements on the latest set of plans reflects what is on the ground.

3. Conclusion

- 3.1 By virtue of the relevant Development Plan policies not being up-to-date, it is considered that the 'tilted balance' (Paragraph 11, NPPF) must be applied.

Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.

- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the village confines within reasonable walking and cycling distances of the village's facilities and amenities. Its location would meet the requirements of the Development Plan and is supported by the NPPF.
- 3.3 With regard to the objective of achieving good design, it is considered on balance, that the proposed development would not have an unduly adverse impact on either the character and appearance of the area, the living conditions of the occupiers of adjacent properties, or highway safety, to the extent that this would warrant a refusal of planning permission. Therefore, the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the NPPF and policies CP1, DM1, DM13 of the Core Strategy.

g) Recommendation

- I PLANNING PERMISSION BE APPROVED subject to the following conditions:
 1. Time period
 2. In accordance with approved plans
 3. Materials
 4. Landscaping
 5. Drainage details
 6. Parking provision
 7. Visibility splays
 8. Construction management plan
 9. Measures to accommodate electric vehicle charging facility
 10. Provision of refuse and cycle storage facilities
 11. Removal of permitted development within Part 1, Classes A, B and C
 12. Archaeology
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee

Case Officer

Karen Evans



21/01938

Lloyds Bank Plc
High Street, Wingham
CT3 1AB

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/21/01938 – Change of use and conversion to 4 self-contained flats; insertion of 3 rooflights, 3 extraction fans, cycle stores, alterations to windows/doors, replacement access gates, erection of 1.8 metre high fence and gate (existing single storey rear extension to be demolished) - Lloyds Bank Plc Building, High Street, Wingham**

Reason for Report: Number contrary views (16)

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy (2010)

DM1, DM13

Regulation 18 draft Dover District Local Plan

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

National Planning Policy Framework (2021) (NPPF)

Paragraphs 2, 7, 8, 11, 130, 189-208

Kent Design Guide

National Design Guide

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

Nationally Described Space Standards (2015)

d) **Relevant Planning History**

Various applications in relation to signage when premises in use as a bank

DOV21/00535 - Change of use and conversion to 4no. self-contained flats, insertion of 3no. rooflights, 3no. extraction fans, alterations to windows/doors and erection of an attached dwelling (Class C3) (existing single storey rear extension hard standing to be demolished) - Refused

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

Wingham Parish Council – OBJECT

Councillors previously objected to the proposed change of use of the former Lloyds bank based primarily on a complete lack of parking provision. A reduction in the number of residential units (from 5 to 4) is unlikely to significantly improve this situation.

It is noted that previously there were no objections to the development on the grounds of highways/parking on the part of the DDC, however would comment that this area is not a

Town Centre and that parking in Wingham generally, and especially in the area in which the former Lloyds Bank is located, is extremely limited.

In addition to concerns in relation to resident parking object to the proposed change of use on the basis of its scale and likely adverse impact on existing residential properties in Harris's Alley and the conservation area. Realistically Harris's Alley will not be able to cope with four new dwellings and both the short (construction phase) and longer-term (resident access and parking issues) impacts of the proposed development will have a negative impact on the conservation area.

Councillors support the notion that the former Lloyds Bank building is put back into use and appreciate that there are always going to be issues associated with the space available and the location in question. It is further considered, however, that reasonable efforts might not have been made to find an alternative, commercial use for the building.

DDC Heritage – The building is identified as a non-designated heritage asset within the conservation area. On request, further information was submitted to demonstrate that the building has suffered from significant alterations and additions (including the complete replacement of the roof) and the value of this building to the special interest of the CA is therefore negligible. The proposed development /proposal reflects the architectural form and character of neighbouring buildings and is considered to be appropriate in relation to the character of the CA. As a result, there is no harm to the CA.

The building has a dominant character and makes a positive contribution to the special interest of the conservation area. The proposal would cause no harm to the character of the conservation area as the physical alterations to the exterior are limited to changes to the windows to the ground floor to include provision of opening elements. This is a minor change that subject to detail is acceptable. Recommend conditions requiring details of proposed joinery. Additionally, although not noted on the plans, it is possible that Building Regulations will require the change of the existing historic windows as this is a change of use to residential and the condition will cover the appropriate replacement of these should it be necessary. Also recommend a condition for flues/vents to manage these necessary items to ensure that they are sensitively located particularly where such items for proposed new kitchens/bathrooms have the potential to impact on the principle elevation of this building.

East Kent Public Rights of Way - No comments received

DDC Environmental Health – No objection - From proposed floor plans submitted... stacking arrangements are not ideal, eg. bedroom on the first floor is directly above the living/kitchen diner on the ground floor, and bedrooms on the ground floor are located directly beneath living/dining areas on the first floor. However... from the D&A the proposed Party Wall and Floors between the apartments will be fully compliant with the Building Regulations in respect of Sound and Fire separation.

Southern Water – no objections raised – information provided for the applicant.

Third Party Representations - A total of 16 individuals have raised objections to the proposal summarised as follows:

- No parking provision and pressure on parking in an already congested area
- Nearby roads should be permit only
- Building should be listed
- Loss of commercial space

In Addition, one comment was received in support of the proposal:

- Use of redundant buildings should be encouraged

1 The Site and Proposal

- 1.1 The application relates to a two-storey flat roof building, located on the corner of High Street and Harris' Alley, set within the Wingham Conservation Area (CA) and within the village confines. The building has the appearance of a typical bank, and whilst not listed, has a prominent and positive impact on the street scene. The original building has been subject to extensions and alterations. No's 34-38 High Street which adjoin the application site to the north and 31-33 High Street are Grade II listed buildings.
- 1.2 The application is for the change of use and conversion of the existing building to 4no. self-contained flats. Each flat would have one bedroom and a study, with a kitchen/ living area and bathroom. As the internal space is reconfigured, the windows would be altered: one window on the side elevation would be altered to be the same design as other windows on that elevation. To the rear, the windows are reconfigured and replaced with a door. All windows and doors are to be timber.
- 1.3 The proposal also includes the insertion of 3no. rooflights and 3no. extraction fans, which would sit within the flat roof; replacement access gates; and the erection of a 1.8m high fence and gate. The existing single storey rear extension would be demolished to create a refuse/recycling and cycle storage area. To facilitate the conversion the intention is to demolish the existing single storey rear extension.
- 1.4 A similar proposal was submitted and subsequently refused under DOV/21/00535. The reason for this refusal was as follows:

The proposed development, comprising a two storey extension, by virtue of its scale, form, siting and setting, would appear as a cramped overdevelopment of the site, which would detract from the visual quality of the area and the way in which it functions, would fail to sustain and enhance the character and appearance of the conservation area and would harm the living conditions of neighbouring residential occupiers. No benefits for the proposal has been demonstrated sufficient to set aside the harm identified. The proposal would therefore be contrary to Paragraphs 127 and 195 of the NPPF 2018.

- 1.5 This application has removed the two-storey extension element of the proposed conversion.

2 Main Issues

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

Assessment

The Principle of Development

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

Impact on Conservation Area and Visual Amenity

- 2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 2.4 The application site sits within the Wingham Conservation Area (CA) The general character of the dwellings is a terraced form. Whilst there is some variety in the street, the context is of similar proportioned buildings set within a regular historic street pattern. The existing premises, whilst two storey is substantial in scale, mass and height. It stands proud of the buildings at either side and to the rear. It is surrounded by listed buildings. It is not proposed to alter the external appearance of the original building, therefore the main visual change will be the removal of the rear extension and changes to the windows as viewed from Harris's Alley. The removal of the flat roof rear extension is seen as a positive benefit. In turn, the fenestration changes are sensitive to the design and form of the existing building and will not result in a property that is out of keeping within the street scene.
- 2.5 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the conservation area in accordance with paragraphs 130, 189-208 of the NPPF.

Residential Amenity

- 2.6 As the conversion of the property would not create any additional mass to the building, there will be no potential for any adverse impact upon neighbouring properties. The property to the south of the site is a tearoom, with no windows on its flank elevation. There would therefore be no interlooking between these properties which are separated by Harris' Alley.
- 2.7 The property to the east of the site, Clement Cottage, has a window facing the site at first floor level. This window appears to be obscured glazed and may therefore serve a bathroom. Notwithstanding this, given the separation distances, it is not considered that the property would experience any harmful interlooking as a result of the proposals.
- 2.8 The bedroom window of Flat 4 would have long range views to the bottom of the garden of the neighbouring property, 34 High Street, however, due to the angle of

the views it is not considered that there would be any harmful overlooking to this property's most private garden space.

- 2.9 Environmental Health raised concerns for the potential occupants due to the stacking arrangement of the flats. However, the Design and Access Statement sets out how the proposed party wall and floors between the apartments will be fully compliant with the Building Regulations in respect of Sound and Fire separation, they raised no objection. The proposed apartments meet the Nationally Described Space Standards (NDSS) and as such it is considered that the potential occupants would experience a good level of amenity.

Highway Safety

- 2.10 The conversion of Lloyds Bank would create 4 one-bedroom flats. Extensive representation has been made regarding the absence of any parking and the knock on effect in the locality. Due to the sustainable location with good pedestrian access to public transport and facilities such as shops, and other facilities needed for day-to-day living and the former use as a bank (A2 use), there would be no objection on highway grounds. It is accepted that residential accommodation can be provided within town centres without providing private/off street car parking.

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

- 2.11 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. 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.
- 2.12 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 dogwalking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 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.
- 2.13 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice

and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3. Conclusion

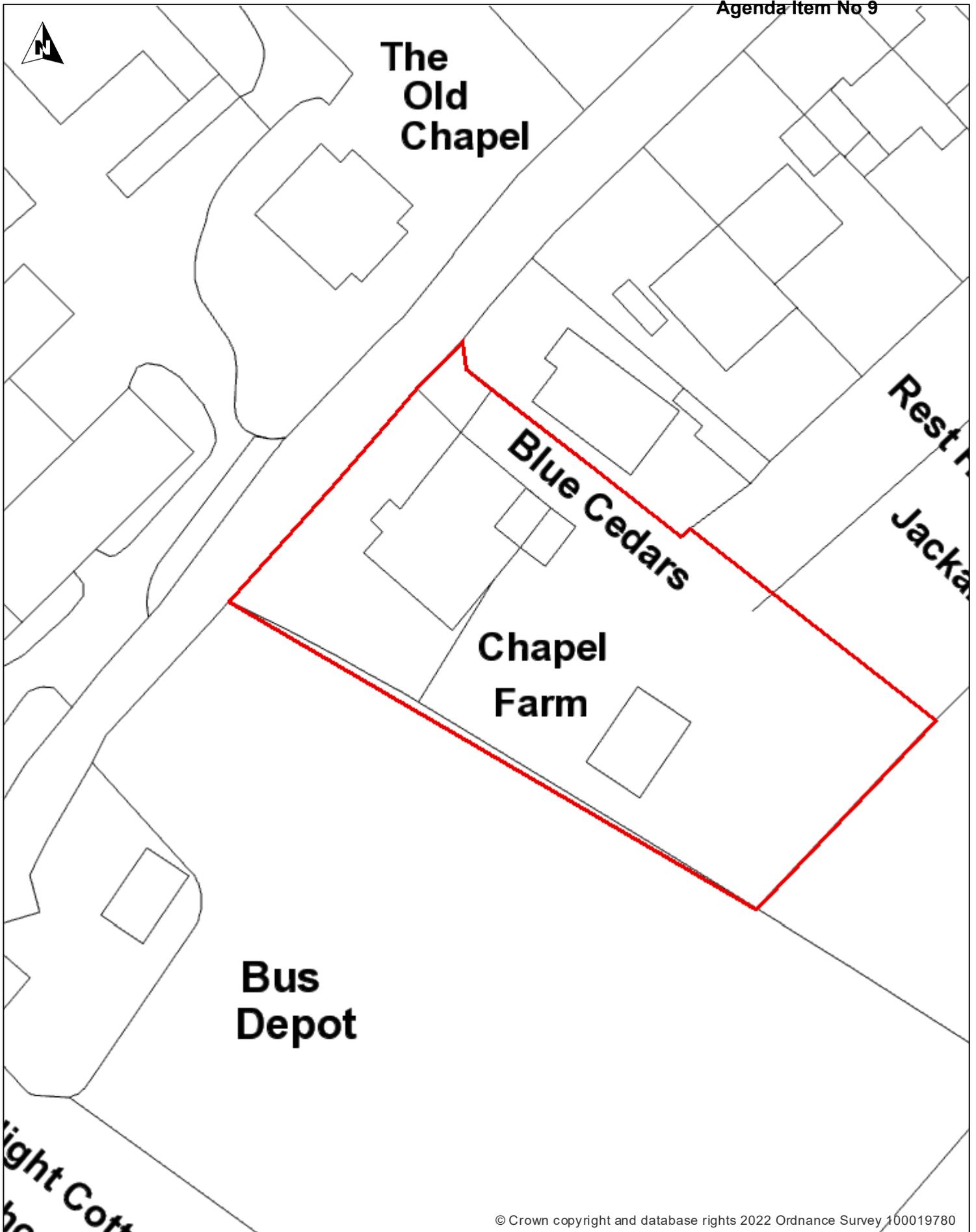
- 3.1 The proposals, due to their design and appearance, would not be out of keeping with the immediate character and appearance of the Conservation Area or the surrounding area. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be granted.

g) Recommendation

- I Planning permission be GRANTED, subject to the imposition of the following conditions:
- (1) 3-year time limit for commencement
 - (2) compliance with the approved plans
 - (3) Specific details condition for CA (joinery and flues/vents)
 - (4) Cycle and bin storage implemented before first occupation
- II Powers be delegated to the Planning and Development Manager to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin



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21/01935

Chapel Farm
Chapel Lane, Ashley
CT15 5HX

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/21/01935 – Erection of first-floor front roof extension; two-storey and first-floor rear extensions with roof terrace and balcony; new front porch and double garage, extension of existing driveway and creation of parking (existing side, rear and front porch extensions to be demolished) - Chapel Farm, Chapel Lane, Ashley**

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.

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, DM13, DM15, DM16

National Planning Policy Framework (NPPF) (2021)

The most relevant paragraphs of the NPPF are: 8, 11, 110, 112, 119, 129, 130, 174

The National Design Guide and Kent Design Guide (KDG)

- d) **Relevant Planning History**

No relevant applications identified.

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

Sutton by Dover PC – supports the site being developed.

There are a number of concerns from neighbouring residents about the application and the size of the property but serious concerns about the size of the proposed property and is worried that it will dwarf the adjacent homes. The proposed property does not seem suitable as a village house and is not in keeping with the area and is outside the village confines.

KCC Archaeology – The site lies within an area of archaeological potential. I consider it unlikely, however, that the proposed works will have a significant below-ground archaeological impact and have no further comments.

KCC Highways – Initially requested additional information relating to the (then proposed) new vehicular access and visibility splays. Following amendment of the application to delete the new access, the following comments have been received:

- The applicant will need to submit plans which demonstrate that visibility splays of 2.4m x 43m can be achieved in both directions when pulling out onto Chapel Lane in

a forward gear. This is based on the 30mph speed limit at this location. This is required to be drawn to the nearside carriageway edge. In addition, the splays must only cross land owned by the applicant or KCC as the highway authority. There should be no obstruction over 1.05m within the length of the splay. I note this will necessitate the cutting back/down of existing vegetation at the property.

- The applicant will need to submit details regarding the allocated off street parking arrangements. There is a double garage detailed on the drawings but it is still not clear if this is to be used for the parking of 2 vehicles.
- Details of the bound material to be used and provision of measures to prevent the discharge of surface water onto the highway will need to be submitted

Also requests Informatives relating to any works that may take place in the highway.

Third-party representations:

12 objections received, raising the following issues:

- The resulting building will be much larger than the existing house, closer to the neighbours, and not in keeping with the village setting
- It will tower over the existing houses and dwarf them
- Loss of daylight and sunlight; neighbouring properties have a “Right to Light”
- Loss of privacy; windows will look straight into those of neighbours; balconies at the rear are intrusive and will enable views into neighbours’ gardens
- Site is outside village confines
- The accuracy of the drawings is questioned, including the red line site boundary
- Out of keeping with neighbouring properties, most of which are bungalows
- Increase in traffic
- The farm property is being sub-divided; how will this affect the remaining land?
- No objection to the principle of development, but the height proposed is excessive

f) 1. The Site and the Proposal

1.1 The application relates to a detached dwellinghouse located on the south-eastern side of Chapel Lane, within the hamlet of Ashley, which is outside any designated settlement boundary and therefore within the countryside for the purposes of applying planning policy. The property as existing, is of a brick construction finished with render and has a steeply pitched roof form with concrete tiles and tile hanging to the side gable ends. Although from the front it has the appearance of being single-storey, there is a large first floor dormer at the rear; the house appears to have been extended in a somewhat haphazard way in the past, with a number of single-storey rear extensions. The existing fenestration is painted timber. To the rear is a conservatory and terrace integrated into the L-shaped layout of the main dwelling. A private garden is set to the rear of the dwelling. Other land, outside the application site but shown to be in the applicant’s ownership (in blue), extends to the north-east of the plot and to the rear of the neighbouring dwellings on the south-eastern side of Chapel Lane. There is an existing vehicular access on the northern side of the site, leading to the rear of the dwelling. There are other residential

properties on this side of the road to the north-east of the application site and on the opposite side of the road to the south-west; the individual dwellings within this hamlet are each of a distinct character, being single or two storey, with a mix of forms and material finishes. Open countryside lies to the east of the site and, further north, on the opposite side of the road.

- 1.2 The application under consideration seeks permission for a comprehensive remodelling and expansion of the dwelling, incorporating:
- The proposed erection of a front first floor roof extension, hosting three front dormers, featuring slate and clay tiling and timber weatherboarding;
 - The proposed erection of two storey and first floor rear extensions incorporating a roof terrace and balcony, four dormers, and black powder-coated balustrading;
 - The proposed erection of a replacement front porch, oak framed with slate pitched roof;
 - The proposed erection of a pitched roofed double garage;
- 1.3 The resultant form would be a two-storey dwelling, featuring a half-hipped main roof form, with in effect two rear two-storey extensions horseshoeing around a central roof terrace. The double garage would be to the south-west of the dwelling, set back slightly behind the main front elevation and connected to the dwelling by a glazed link. It would have a tall, pitched roof with small hips to the front and rear. The general finishes would be white smooth render to ground floor elevations, timber weatherboarding to first floor elevations, natural slate roof tiles and grey clay ridge and hipped tiles, and black aluminium windows and doors and rooflights.
- 1.4 The application as originally submitted proposed the creation of a new vehicular access on the southern side of the site to serve the proposed garage. Following receipt of comments from the KCC Highways, the application has been amended by the deletion of the proposed new access; instead, it is proposed to make use of the existing access within the northern boundary and to construct a driveway across the rear of the house to serve the garage, which will be entered from the rear.
- 1.5 The application has also been amended to adjust the “red line” application site boundary (in response to neighbour comments) and to provide additional information regarding the intentions for the adjoining land in the applicant’s ownership.

2. Main Issues

- 2.1 The main issues are:
- The principle of the proposed development;
 - Impact on residential amenity;
 - Design and visual impact on the street scene and wider countryside;
 - Highways, access and parking;

Assessment

Principle

- 2.2 The application site is located outside any settlement confines and therefore within the countryside for planning purposes. However, the proposed works relate to an existing dwelling and its residential curtilage. As an extension and remodelling of

an existing lawful dwellinghouse, the proposal is acceptable in principle under the terms of policy DM1, subject to the material planning considerations set out below.

Residential Amenity

- 2.3 The principal issues to consider in terms of amenity are the potential loss of privacy/overlooking, loss of daylight and sunlight, loss of outlook, and whether there would be any overbearing effect. 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.
- 2.4 The land to the south-west of the application site is on slightly higher land and currently appears to be undeveloped and not in residential use; there is also a dense screen of vegetation on this boundary. The land immediately opposite appears to be a farmyard. The residential property likely to be most directly affected by this proposal is therefore Blue Cedars, a two-storey dwelling to the north-east. The front elevation of Blue Cedars is located slightly further back from the road than the front elevation of the application property; there are ground floor windows and a first-floor dormer facing towards the application site, the dormer being broadly level with the rear elevation of the dwelling on the application site.
- 2.5 The proposed development would increase the scale and built form of the application property to the south west of this neighbouring dwelling, and extend the depth of the dwelling to just beyond the rear elevation of the existing rear projections to the south west. However, the proposed enlarged dwelling would retain the line of the existing north east flank elevation and would not extend beyond the rear elevation of the adjacent neighbour Blue Cedars, with a sufficient separation distance retained to this adjacent neighbour, which would prevent significant harm with regards to an overbearing impact or loss of natural light or outlook. The development would introduce a side facing window at first floor level to the north east elevation, serving a bedroom, which would look out over the area to the front of Blue Cedars, which is already open to public views. It would be sited forward of the side dormer on the neighbouring property and, given this relationship, it is considered that no significant harmful loss of perceived or actual mutual privacy, or harmful overlooking, would result from this element. The proposed two storey rear extension includes 2No. ground floor windows and 2No. rooflights to the north east elevation. These windows, by virtue of their ground floor location and provision of side boundary treatment are not considered to result in harmful overlooking, and the cill height of the rooflights will be located above the first floor eaves level, within the roofslope and will therefore not result in harmful overlooking to the adjacent neighbour.
- 2.6 The proposed rear balcony is toward the southern end of the rear elevation and some 18m from the common boundary. Given this distance and the fact that it is marginally set back from the line of the rear elevation of the neighbour, although there would be some oblique views to parts of the rear garden, this is likely to have only a marginal impact in terms of loss of privacy, especially to the “most private” part of the rear garden, generally accepted as being that closest to the rear of a dwelling. Similarly, any views from the rear roof terrace would be shielded by the proposed first floor extension on the north-eastern side of the application property.
- 2.7 That analysis would also applies to any impact on the other properties further to the north-east. For these reasons, it is considered that the proposed development would not result in any significantly harmful impact with regards to neighbouring residential amenity, in terms of loss of natural light, loss of perceived or actual privacy, overlooking, disturbance, outlook, or any sense of overbearing impact,

relative to the existing situation. The proposal therefore accords with the relevant policies of the NPPF.

Design and Visual Impact

- 2.8 National policy on design matters is set out in paragraphs 130 – 134 of the NPPF. 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.
- 2.9 Overall and on balance, the development is considered to be of an acceptable design which would not significantly detract from the visual amenities of the site or wider area. The existing dwellings in this part of Ashley are diverse in form and character, with no consistent theme. The increase to the built footprint is relatively small, notwithstanding the increased massing, and is considered to be proportionate to the scale of the host dwelling, the plot, and the character of the immediate area. The resultant two storey form is considered to be acceptable and would not unduly deviate from the scale of dwellings within the immediate area. The proposed half-hipped main roof references other examples within the broader street scene and would be appropriately detailed and finished; the ridge of the roofs forming the rear extensions are set lower than the main ridge, and the use of half-dormers (where only the top part projects from the roof) helps to break up the overall massing. The fenestration and doors to every elevation would be balanced and well aligned with features at first floor/roof level and overall are considered to be appropriately sited, proportioned and detailed. The black aluminum finishes to windows, doors, rooflights, and black balustrading and rainwater goods should ensure visual congruence that would not detract unduly from the rural character of the hamlet. The proposed replacement porch would be of an appropriate form and finish. With regards to the rear roof terrace and balcony, these are considered to be acceptable and there would be limited public views to these elements.
- 2.10 Finally, with regards to the design of the proposed double garage and the associated glazed link, this would appear congruent with and sufficiently subservient to the main dwelling as re-modelled. These are appropriately sited in relation to the front building line and site boundaries and are considered to be acceptable.
- 2.11 Consequently, it is considered that on balance no significant harm to visual amenity would result from the proposed development, with regards to the appearance of the application site in context and the character of the wider area, in accordance with paragraph 130 of the NPPF.

Highways, Access and Parking

- 2.12 The main policies 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.
- 2.13 The proposed re-modelling would result in a four bedroom dwelling, and the Table accompanying DM13 (based on IGN3) seeks dwellings of this size within rural locations to have at least two independently accessible car parking spaces. The amended application makes use of the exiting access from the highway and the extended driveway is more than adequate to accommodate the required parking. KCC Highways has requested details of visibility splays, however this appears to

be a repetition of the initial request, based on the application prior to amendment; as no new vehicular access is now proposed, and the existing access (although currently unsurfaced) is well-established and long-standing. It would not be reasonable to require this level of detail and enhance existing visibility splays for this current application. In any event, the access does appear to benefit from appropriate visibility, with the neighbouring property to the north-east having a layby and parking space parallel to the road. The boundary of the application site has been amended to omit a small area adjacent to the highway on this north-eastern boundary as it appears it might not be within the applicant's ownership, but this does not materially affect assessment of the proposed development or on this occasion generates a clear need for re-consultation. A condition can be imposed to safeguard visibility across the frontage of the application site. Similarly, a condition is appropriate to require details of the surfacing of the access, which is currently largely unbound. The works fully comply with NPPF guidance.

Other Issues

- 2.14 In response to a request for clarification regarding the implications of this proposed development for the adjoining land in the applicant's ownership, the applicant has advised that the existing farm buildings are in poor condition, but plans to repair them as existing, and the land which is also overgrown is slowly being reclaimed to pasture for animals. This has been the use for this area (as a smallholding) over the previous owner's tenure since the mid-1960s. He goes on to say that access to the rear area has always been from the Chapel Farm driveway and this is expected to continue unchanged.
- 2.15 This confirms that the existing historic relationship between the two pieces of land is likely to continue. The use of the existing access to serve the agricultural land appears to be well-established and a continuation of this situation should not bring any additional impacts for the neighbours. If any additional development were to be proposed for the agricultural land, the need for any further planning permission would need to be considered at that time in the usual way, but this does not affect the determination of this current application.

3. Conclusion and Sustainability

- 3.1 It is considered that the proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision. It is therefore considered that the proposal would comply with paragraphs 130 of the NPPF and policies DM1 and DM13 of the Core Strategy and is recommended for approval.
- 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.

g) Recommendation

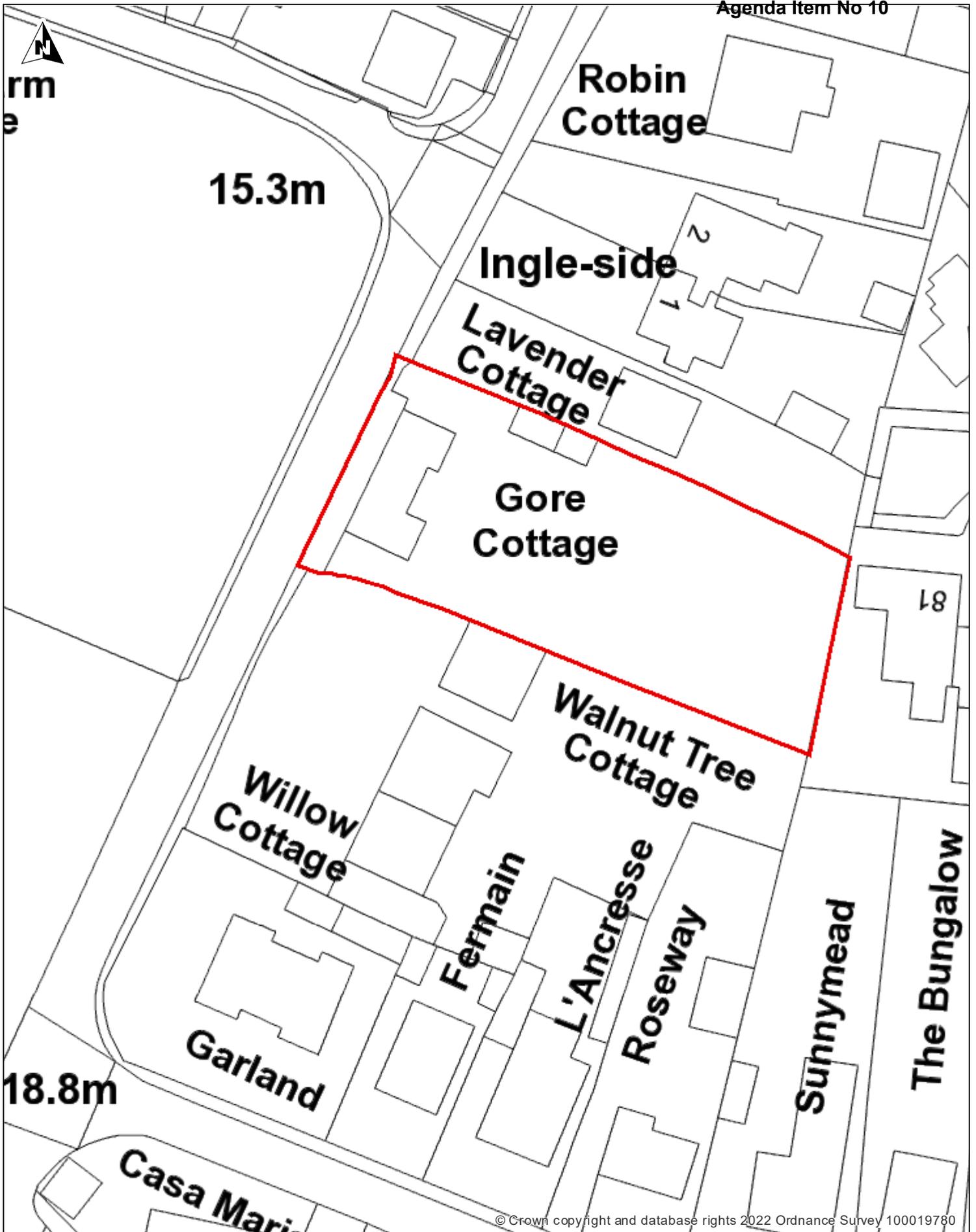
GRANT PLANNING PERMISSION subject to conditions to cover the following matters:

1. Standard commencement condition
2. List of approved plans

3. Submission of samples of external materials
 4. Provision of parking space
 5. Maintenance and retention of visibility
 6. Submission of details of surfacing of access and measures to prevent water draining onto the highway
- i. Powers to be delegated to the Head of Planning and Development to resolve any necessary planning conditions in line with the issues set out in the report and as resolved by the Planning Committee.

Case Officer

Jenny Suttle



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21/01699

Gore Cottage
Gore Lane, Eastry
CT13 0LW

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/21/01699 – Erection of a detached dwelling with associated parking, boundary fence, the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished) - Gore Cottage, Gore Lane, Eastry**

Reason for report – Number of contrary representations (14)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1, DM1, DM11, DM13

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 110-112, 130, 174, 194-208

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Local Plan

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

d) **Relevant Planning History**

DOV/20/00132 - Erection of a detached dwelling with associated parking and boundary fence and the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished) - Refused

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

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

Eastry Parish Council – Now that the vision splay issue has been resolved the Parish Council have no objection to this application.

KCC Highways and Transportation – Plans have been submitted demonstrating the visibility splays. The application red line includes part of the required 2.4 metres x 43 metres visibility splay to the north of the proposed access. If you are content that this enables the provision and maintenance of the splay to be suitably enforced then it would be acceptable. However, I would point out that the splay also appears to cross private land further to the north (the highway boundary is at the edge of the carriageway), and therefore the red line will need to be extended further to encompass the entire splay. Whilst the splay to the south appears to partly encroach on private land I am satisfied that if the splay to the north can be achieved, it will allow a driver to move slightly out and gain adequate visibility to the south before exiting the driveway.

KCC County Archaeology – No response received.

Southern Water – Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and advises that 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. The above should be included as an informative on the decision notice.

Tree and Horticulture Officer – No response received.

DDC Heritage – This is a resubmission. No changes have been made to the proposal, and comments on the heritage impact remain as previously stated. Assessment - This application concerns a site to the rear of a cottage; the cottage was submitted to Historic England for listing and underwent a full assessment, including site visit and consultation with the LPA, but was rejected. This was due to the limited amount of remaining historic fabric and the late C20 alterations that unfortunately confuse the understanding of the building and raise queries over authenticity of the fabric. The assessment has however identified features of the building that are of historic or architectural interest, notably the small scale of the building (one and half storeys), age (C18 or earlier) and the basic timber frame structure and early exterior brickwork. The building is therefore considered to be a non-designated heritage asset as defined in the NPPF.

Paragraph 197 of the NPPF requires the significance of a non-designated heritage asset to be considered in determining a planning application. The proposal seeks to erect a single dwelling to the rear; there will be no loss of the historic building and the key consideration is consequently how the new dwelling impacts on the very modest form of Gore Cottage in terms of scale.

The proposed development is a single storey bungalow situated directly behind the existing dwelling. The plot is not wide, essentially being only slightly greater than the width of the cottage. The proposed new vehicle access will potentially provide a view of the new dwelling but at a distance of 10m behind the cottage the visual impact is unlikely to be harmful, particularly if suitable landscaping is required.

Recommendation - The scale, design and layout of the proposed new dwelling ensure that it will not be overwhelming within the context, and consequently is not considered to be harmful to the non-designated heritage asset. I would recommend the removal of permitted development rights for further extension (including to the roof) of the proposed dwelling and for any outbuildings to ensure that any future proposals/changes remain sympathetic to the character of the historic building.

Third-Party Representations:

14 members of the public have objected to the proposals and the material considerations are summarised below. Matters such as impact on an individuals'

property value and financial intentions of the applicant/developer are non-material considerations and are not included below.

- Need – most recent houses built on road (pp 17/00267) have not been sold (have been on market for over 2 years and reduced in price). These together with permission for 50 dwellings further down the lane (DOV/17/01114) and 4 permitted (20/01200) constitute plentiful housing stock and planned future stock in the vicinity of the proposed development. Increasing housing stock is not to advantage of village. Plot does not fall within residential allocation in local plan.
- Highways/Traffic/Pedestrian safety – Narrow, dangerous road, no footpaths/pavements, bottleneck. Used by large number of pedestrians, dog walkers, horse riders, cyclists, construction vehicles, buses and coaches, HGV's – increased risk of accidents. Proposal would bring more dangerous road use to this narrow part of the road than it would bring benefits. Concerns regarding speed of vehicle traffic (Parish Council have used speed monitoring in conjunction with KCC – plans in place for speed reduction measures). Concerns that cars will have to reverse up the drive. Issues with congestion of lane, vehicles with driveways and junction with Selson Lane – made worse as permission for 50 houses is implemented and further access at this point would increase difficulties already encountered. Photographs and video of traffic jam in road, as well as photos of visibility splay land/proposed access point over time and newspaper front page detailing concerns over traffic/safety in Gore Lane submitted.
- Concerns regarding boundary wall between proposed access and driveway of Lavender Cottage preventing sight line – removal of this would result in loss of privacy along neighbouring driveway. Lavender Cottage utilises its driveway in full which would prevent line of sight and pose safety issues. Plans for access do not show existing telegraph pole situated where proposed access would be located. Policy DM12 requires access arrangements be assessed with regard to Highway Network. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Reference made to Paragraph 109 of NPPF.
- Sight Lines/Land Ownership – Part of site is within neighbouring ownership and they do not agree to alter nor maintain their land in any way to assist with the application. The applicant has approached this neighbour on several occasions asking them to agree to altering their property and having obligations entered onto their land. Tall trees previously along boundary have been felled revealing door on side of Gore Cottage overlooking neighbouring property. Neighbour intends to erect fencing along the entirety of their boundary and carry out other landscaping works and gate across driveway which will mean sight lines cannot be achieved as fencing and planting will obstruct them. Sight lines indicated from existing driveway at Gore Cottage are not sight lines that have been enjoyed by the property previously (due to trees previously in place along boundary). Neighbouring property parks vehicles along full extent of driveway, including area where sight line is proposed. Lines of sight are not achievable at present and neighbours plans for their property will further prevent lines of sight from being achievable.
- Procedure/Notification - Notice (under Section 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015) incorrectly served in paper when neighbouring landowner is known. Notice has not been served on neighbouring landowner (details of owner known as evidenced by being served notice prior to previous application DOV/20/00132). 21 days notification prior to the application being submitted required by S13(7).

Annotation on plans regarding north sight line crossing existing neighbouring drive and notice served is incorrect assertion and relates to previous application. Visibility splays to north of Gore Cottage cross land within title property of Lavender Cottage, rather than unregistered bank/verge -plans submitted. Plan 1 is Land Registry title plan to Lavender Cottage showing sight lines cross boundary line to neighbouring property. Plan 2 is annotated copy of the application plan. Extent of registered title to Lavender Cottage is hatched purple, line of boundary edge of title to Lavender Cottage and neighbouring properties is shown by green line, showing sight lines cross Lavender Cottage. Plan 3 is Land Registry MapSearch showing Lavender Cottage edged in red and coloured pink and annotated to show position of proposed sight lines. Plan 4 annotated highways definition plan to show proposed sight lines in blue and edge of registered land in green, showing sight lines cross registered land. Neighbour is aware of section of unregistered land (bank/verge) which has been dealt with by current and previous owners of Lavender Cottage for 12 years and it is their intention to develop the land in such a way that will be an ongoing obstruction. The neighbouring landowner states they are entitled to be registered as the proprietor of this land and will be making an application to the Land Registry under Schedule 12, paragraph 18 of the Land Registration Act 2002 for first registration and for the land to be registered in their name (reference made to case law regarding factual possession and intention to possess).

- Impact on historic cottage/heritage assets – Property is one of oldest houses in village and new build in garden would detract from its historic integrity. Although not listed, Historic England states “The building is clearly however of local interest as one of Gore’s few surviving historic buildings”. Importance of historic environment recognised in NPPF. Dover District Heritage Strategy – Paragraphs 12.43, 12.74, 12.75, 1.25. Late owner believed Gore Cottage dated back to 13th Century and before 1700, mentioned in Domesday book and property shown on Ordnance Survey map from 1872. No mention of significance of heritage assets as part of planning application as set out in s189, 190 and 193 of NPPF. S197 NPPF relates to impact on significance of non-designated heritage asset. Overlooking Grade II Listed Gore Court and Gore Cottage causing material harm (not outweighed by public benefit of new housing). Reference made to S66 and 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 and definition of setting of heritage asset following *Steer v SSCLG* [2017] EWHC 1456 (Admin). Adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Concerns of damage to the existing property if heavy plant machinery used and due to proposed driveway.
- Design – Out of keeping. Application is neither appropriate to its surroundings or locally distinctive and would be wholly incongruous with properties in this location. Would result in urbanising form of development. Visually incongruous and intrusive, not sympathetic. Would not respond well to quality of setting of edge of village location. Would not contribute to an improvement of the character of the area. Harmful to quality and appearance of countryside setting and street scene contrary to Policy DM16. Over intensive form of development within garden area together with close proximity to neighbouring dwellings. Unacceptable loss of landscaping and open space visually harmful to prevailing character of lane and suburban environment. Unsustainable. Would erode the essential spacious characteristics of the existing dwelling on site leaving Gore Cottage with next to no garden. Would detract from established pattern of development within immediate section of Gore Lane contrary to local plan and NPPF. Proposed bungalow is not broadly in line with other development on lower Gore Lane; all adjacent properties are single properties on a long plot – proposal would result in two dwellings being sited on a single plot (contrary to NPPF Paragraph 127). Would inappropriately impinge on the original conceptual layout

of existing cottage and Walnut Tree Cottage. Parking area proposed to rear of Lavender Cottage and adjacent to its garden, sited at higher land level which would not be mitigated by 1.8m fence. Proposed property is elevated and higher than cottage at the front so would overlook the back and dominate the vista from the back and be elevated above neighbouring properties ruining setting. Would result in loss of green space adding another risk to ecosystems. Plot has already been stripped of all its trees and large amount of garden space would be lost.

- Overbearing – Impact of a new house on small plot of land behind the existing cottage (holiday rental) would be overbearing. House being squeezed in behind cottage. Scale of building so close to other buildings would result in oppressive environment. Would impact potential to extend and improve property.
- Impact on residential amenity – negative impact on amenity of adjoining/neighbouring and surrounding residential properties. Would overlook neighbouring properties and gardens where there is currently no overlooking. Inconsistent with NPPF Para. 185. Residential amenity has significant valuable impact on how people use their homes, health and wellbeing. Duty of LPA to support sustainable development. Unneighbourly impact and overbearing. Loss of light to habitable windows. Loss of privacy. Proposed bedroom window on flank elevation of proposal may be visible from neighbouring en-suite bathroom or bedroom overlooking the plot. Concerns regarding proposed location of bin store close to neighbouring properties' seating area and odours
- Precedent – Many large properties in the area have large gardens, allowing development of this kind will set precedent for the future
- Concerns developers may decide to demolish Gore Cottage to allow further development of plot. Concerns that well to rear of property bordering existing drive may collapse if used by plant machinery. Proposal states demolition of existing garage however there is no garage, just 2 sheds.
- Gore Cottage is being used as short term holiday let. Following the case of Moore v Secretary of State for Communities and Local Government [18 September 2012] it can be argued that a material change of use of Gore Cottage has taken place so that the use has shifted from class c3 dwellinghouse to that of commercial leisure accommodation and therefore considered 'sui generis' use. Concerns raised regarding noise and disturbance, refuse/recycling organisation and suggest that the use of the cottage is examined as it would appear to be inconsistent with the enjoyment of the proposed dwelling.
- Contrary to NPPF Paragraphs 11, 120(e), 124(d & e), 130(a & c), 185 and Local Plan policy DM16

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

- 1.1 The application site relates to a detached 1 ½ storey dwelling located on the southeast side of Gore Lane. The dwelling is finished in red brick with black painted timber windows, dormer windows on the front roof slope at first floor level and a combination tiled roof. A two storey extension has been added to the northeast side and during the course of the previous planning application (DOV/20/00132), the dwelling was considered for Listing by Historic England, however was not accepted (discussed further below).
- 1.2 The existing dwelling (Gore Cottage) is set back approximately 2.8m from the highway and has a driveway to the southwest side. The rear garden slopes upwards towards the east and levels off in line with neighbouring properties. The site is bounded by Lavender Cottage to the northeast, 81 Peak Drive to the east and Walnut Tree Cottage to the south.

- 1.3 This section of Gore Lane contains predominantly two storey dwellings, either detached or semi-detached, finished in a range of materials (mostly brickwork or light coloured render). The majority of dwellings on the southeast side of this section of Gore Lane are set back from the highway, generally at higher ground level, with driveways to the front providing off-street parking. Gore Cottage sits much closer to the highway, forward of the main building line and slightly above highway level, and as a result is much more prominent in views along the streetscene.
- 1.4 This application seeks permission for the erection of a detached dwelling with associated parking and boundary fencing and the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished). The bungalow would measure approximately 14.9m in width and 7.8m in depth and would have a barn-hipped roof with eaves heights of approximately 2.7m and 3.9m and a ridge height of 4.9m. There would be two single storey projections to the front, the northernmost measuring approximately 4.8m in width and 2.1m in depth, with a gable roof with a ridge height of 4.1m. The southernmost front projection, which would be set approximately 1.2m in from the main flank elevation, would measure approximately 6.5m in width and 3.9m in depth and would have a gable roof with a ridge height of 4.6m. The dwelling would contain three bedrooms (one with en-suite), family bathroom, and open-plan kitchen/living/dining room. It would be finished in brickwork with a slate roof and grey uPVC windows.
- 1.5 The proposed bungalow would be set approximately 20m from the highway and would have its own access driveway, to the northeast of Gore Cottage. 1.8m tall timber featheredged fencing would be installed on all three site boundaries and would also form the boundary with the sub-divided garden of the existing Gore Cottage (which would retain two parking spaces and the existing driveway to the southwest side). Two parking spaces, together with a turning area, would be provided within the site for the proposed bungalow and a cycle shed and recycle store are also shown within the garden of the proposed dwelling. Throughout the course of the application, amended plans have been submitted (with the majority of changes relating to the proposed vehicle access, including changes to the red line boundary in relation to sight lines and serving notice on the neighbouring occupants) which have been re-advertised accordingly.
- 1.6 The proposed bungalow is the same siting, scale and design as that previously considered under application DOV/20/00132. That application was discussed by Planning Committee Members in February 2021 where the recommendation to grant permission subject to a legal agreement to secure the required visibility splays, was accepted. However, the splays crossed neighbouring land and the legal agreement was not secured. In line with the second part of the recommendation, the application was refused.

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - The impact on the character and appearance of the area
 - Impact on heritage assets
 - The impact on residential amenity

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and the proposed dwelling therefore accords with 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. Again, as the site is located within the settlement confines, the development accords with Policy DM11.
- 2.5 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).
- 2.6 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. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date. The settlement confines referred to in Policy DM1 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. However, the number of dwellings per annum which must now be delivered has increased and as such it is considered that the Policy is in tension with the NPPF, is out-of-date and should carry only limited weight. The blanket restriction to housing outside the settlement confines in Policy DM11 is also considered to be contrary to the NPPF, however the policy accords with the sustainable development objectives of the NPPF and is considered to continue to attract significant weight in the planning balance.
- 2.7 The Council is at 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. 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. 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.

- 2.8 It is considered that local policies are to a greater and lesser extent in tension with the NPPF, although 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 Character and Appearance of the Street Scene

- 2.9 The site is located within a predominantly residential area and Gore Lane contains dwellings of a mix of designs, materials and heights (although the dwellings are generally two storeys tall). As such, the character of the street scene is considered to be varied. However, there is a strong building line along this section of Gore Lane, which the existing Gore Cottage sits forwards of, however, the proposed bungalow would be more aligned with.
- 2.10 The proposed bungalow would be a single storey in height only and, although set at a higher ground level than Gore Cottage, due to its siting (being set back from the highway in line with neighbouring dwellings) and being a bungalow, it is considered unlikely to significantly detract from the varied character and appearance of the street scene. Views of the site from the wider open countryside would be restricted by the narrow, tree lined Lane and other development to the northwest. As such, it is not considered the development would result in significant harm to the character and scenic beauty of the countryside and wider landscape area, in accordance with Policies DM15 and DM16 and Paragraph 174 of the NPPF. The main views of the site would be when stood directly in front of Gore Cottage. Whilst there would be some views of the proposed dwelling from the southeast, these would be limited by the existing boundary wall and neighbouring garage (as well as planting across the frontage of Walnut Tree Cottage). There would be slightly wider views of the site from the northeast, where Gore Lane slopes downwards, however the main views would be of the proposed driveway and boundary fence, with more limited views of the proposed bungalow itself (due to its siting and the sloping nature of the site). Views of the dwelling from Peak Drive to the northeast, which contains predominantly detached bungalows would be very limited due to the siting of the dwelling and planting within neighbouring gardens.
- 2.11 Chapter 12 of the NPPF, together with the National Design Guide and National Model Design Code, sets out design objectives for development. I consider that the simple design and materials of the proposed bungalow, together with its siting broadly in line with the prevailing pattern of development, would result in a development which would not unduly detract from the character and appearance of the street scene. I consider that the development would function well and would not detract from the overall quality of the area and would be sympathetic to local history by not dominating views of Gore Cottage, in accordance with the objectives of Paragraph 130 of the NPPF. Due to the sloping nature of the site, it is recommended that a condition is imposed requiring cross sections through the site, with floor and ridge levels of the proposed bungalow, to be submitted to demonstrate the anticipated satisfactory relationship in height to Gore Cottage and neighbouring dwellings. The proposed bungalow would be finished in brickwork with a tiled roof. Should permission be granted, a condition is recommended requiring samples of materials to be used in the construction of the external surfaces of the building to be submitted to ensure that the proposed materials would be in keeping with the material palette of the area. Subject to

these suggested conditions, it is considered that the proposed development would preserve the varied character and appearance of the street scene, in accordance with Paragraph 130 of the NPPF.

Impact on Heritage Assets

- 2.12 The site is not located within a conservation area, however concerns have been raised in respect of impact on nearby Listed Buildings, including Grade II Listed Gore Court, Grade II Listed Wall to Stables at Gore Court and Grade II Listed Barn SW of Gore Court, all located to the southwest of the site on the opposite side of the public highway. Concerns have also been raised in respect of the impact on Gore Cottage itself, which is considered to be a non-designated heritage asset. Chapter 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out assessment of the impact on heritage assets.
- 2.13 During the course of the consideration of the previous application at the site (DOV/20/00132), Gore Cottage was submitted to Historic England for consideration as to whether the building should be Listed. The report by Historic England sets out that the building is thought to date from C17 or earlier, with multiple subsequent phases, however they did not consider that Gore Cottage survives with a significant proportion of early fabric and therefore it was not recommended for listing.
- 2.14 DDC Heritage has been consulted on this application, noting this was a resubmission. They considered that “the NPPF requires the significance of a non-designated heritage asset to be considered in determining a planning application. The proposal seeks to erect a single dwelling to the rear; there will be no loss of the historic building and the key consideration is consequently how the new dwelling impacts on the very modest form of Gore Cottage in terms of scale. The proposed development is a single storey bungalow situated directly behind the existing dwelling. The plot is not wide, essentially being only slightly greater than the width of the cottage. The proposed new vehicle access will potentially provide a view of the new dwelling but at a distance of 10m behind the cottage the visual impact is unlikely to be harmful, particularly if suitable landscaping is required”.
- 2.15 It is considered that the scale, design and layout of the proposed new dwelling ensure that it will not be overwhelming within the context, and consequently is not considered to be harmful to the non-designated heritage asset.
- 2.16 Consequently, the proposals would not directly affect the non-designated heritage asset, resulting in its conservation. However, due to the proximity to Gore Cottage and proposed works to create an access driveway, the development would result in negligible less than substantial harm to the significance of the non-designated heritage asset. Having had regard to Chapter 16 of the NPPF (particularly Paragraphs 199 and 203) and the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that this negligible harm would be outweighed by the public benefit of the provision of an additional dwelling in a sustainable location, within the confines which would contribute to the 5 year housing land supply. Nevertheless, it is considered appropriate to restrict permitted development rights for outbuildings (Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in the interests of visual amenity and to preserve the setting of the non-designated heritage asset.

- 2.17 In respect of the impact on other nearby Listed Buildings, those closest in proximity to the site (approximately 50m) are located to the southwest, on the opposite side of the highway at Gore Court (Grade II). Whilst it is acknowledged that the setting of Listed Buildings can be appreciated from a wider area beyond the curtilage of the building itself, in this case, the proposed bungalow, being sited to the rear of Gore Cottage and being a single storey in height and of simple design and materials, is considered to conserve the significance of the Listed Buildings and would not result in harm, either substantial or less than substantial, to the significance of their setting in accordance with Chapter 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

- 2.18 The proposals would be directly visible from a number of surrounding properties and the impact on residential amenity is discussed.
- 2.19 Lavender Cottage is located to the north of the site, this two storey detached dwelling is set at approximately the same ground level as the proposed bungalow. The neighbouring dwelling has no windows on the flank elevation and no windows are proposed on the north elevation of the bungalow. The existing low level fencing would be replaced by a 1.8m timber featheredged fence which would provide both proposed and neighbouring occupants a good level of privacy between neighbouring gardens. Due to the siting and scale of the proposed bungalow, it is considered the development would be unlikely to result in an unduly overbearing impact on neighbouring amenity. Furthermore, the bungalow would be set approximately 4.2m from the boundary with Lavender Cottage and due to this separation distance and the barn hipped roof of the bungalow, the development is considered unlikely to result in unacceptable overshadowing of the neighbouring property. The proposed driveway and parking area would be located to the north side of the bungalow, adjacent to Lavender Cottage. Whilst the vehicle movements would result in some noise and disturbance, the level of movements associated with a 3 bed bungalow are unlikely to be so harmful that they warrant a reason for refusal. Nonetheless, in the interests of both visual and residential amenity, it is considered appropriate to suggest a condition for details of landscaping (including hard and soft landscaping and finish of the driveway) are imposed. The use of a bound driveway (as opposed to a gravelled driveway) would reduce the noise from movements along the driveway. Subject to this, the development is considered to accord with the amenity objectives of Paragraph 130 of the NPPF.
- 2.20 Walnut Tree Cottage located to the southwest of the proposed dwelling is a two storey detached dwelling has several windows on the flank and rear elevations. There would be a separation distance of approximately 2.5m between the proposed bungalow and dividing boundary, where a 1.8m timber featheredged fence would be installed. This boundary treatment would provide a good level of privacy between users of the two gardens. The proposed bungalow would have one window on the flank elevation facing towards the neighbouring cottage, which would serve a bedroom. The outlook from the window would primarily be the dividing boundary and flank elevation of the neighbouring properties' garage. Whilst the window may be visible from the upper floor windows of the neighbouring property, due to the separation distance between the two dwellings, on balance, I consider this is unlikely to result in such significant harm to privacy to warrant a reason for refusal. Due to the design and scale of the bungalow, the

development is considered unlikely to result in a significantly overbearing impact and due to the direction of the sun path (the bungalow being located entirely north of this dwelling), the development is unlikely to result in overshadowing to neighbouring amenity. Concerns have been raised in respect of the positioning of recycling storage which could result in smell and disturbance. However, the plan does not specify the location of refuse storage and it is therefore considered appropriate to recommend a condition is imposed requiring details of this to be submitted.

- 2.21 81 Peak Drive to the east of the site, this bungalow is separated by an approximately 1.8m tall fence. The neighbouring bungalow has several windows on the flank (west) elevation (Peak Drive is set at a slightly higher ground level than the site), however there would be a good separation distance between the two dwellings (approximately 20m at its closest point) and as such, the development is considered unlikely to result in undue harm to neighbouring privacy. Due to the separation distance between the two bungalows and the scale and design of the proposal, the development is also considered unlikely to result in harm to privacy in respect of overshadowing or overbearing impact.
- 2.22 In relation to Gore Cottage, the garden of the application property (currently used as a holiday let) would be sub-divided to leave Gore Cottage with a modest garden, and an access driveway would be installed along the northeastern side of dwelling and retained garden. This would be separated by a 1.8m close boarded fence. There are no windows on the flank elevation of this dwelling, however due to its proximity, the use of the access would result in some noise and disturbance to occupants of Gore Cottage. On balance, the number of vehicle movements and level of activity associated with one dwelling is considered unlikely to result in significant harm to the amenity of occupiers of the Cottage. The proposed bungalow would be set at a higher ground level than Gore Cottage, however due to the design and appearance of the bungalow, the development is considered unlikely to result in an unduly overbearing impact (and a condition requiring details of ground levels has been suggested). The closest window to Gore Cottage would serve an en-suite and a condition is suggested for this to be fitted with obscured glazing in the interests of privacy. All other windows on this elevation would primarily overlook the driveway of the proposed dwelling and it is considered the dividing 1.8m boundary fence would adequately preserve the privacy of the neighbouring occupants. The proposed bungalow would cast shadow towards the adjoining garden during the mornings, however, the impact on amenity would be limited by the gable roofs of the front projections of the bungalow, such that the development would be unlikely to result in significant overshadowing to this garden area.
- 2.23 Whilst the proposals may be visible at a distance from other nearby dwellings, due to their siting and scale, they are considered unlikely to harm the residential amenities of other nearby occupants and would accord with the amenity objectives of Paragraph 130 of the NPPF. Nonetheless, in order to preserve the privacy of surrounding residents, it is considered appropriate to impose a condition restricting permitted development rights for Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to control the installation of rooflights and dormer windows.
- 2.24 In terms of the amenities of the proposed occupiers, the proposed three bedroomed dwelling would be of a good size and all habitable rooms would be naturally lit. It would be provided with a private garden to the rear and an area for recycling storage and a cycle shed is shown on the proposed site plan. As

details of refuse storage (including the location of bins for refuse collection) has not been submitted, it is considered appropriate to suggest a condition is imposed in this respect. Subject to this, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 130 of the NPPF.

Other Material Considerations

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

- 2.25 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.26 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.27 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.28 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.
- 2.29 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.

Impact on Parking/Highways

- 2.30 The vehicle access and parking area to the south of the dwelling would be retained as existing and two parking spaces would be provided for Gore Cottage, in line with the parking provision requirements set out in Policy DM13.

In respect of the proposed dwelling, two parking spaces, together with a turning area (enabling all vehicles to enter and exit the site facing forwards) would be provided. Again, this would accord with the parking provision requirements of Policy DM13.

- 2.31 KCC Highways and Transportation have advised that “plans have been submitted demonstrating the visibility splays. The application red line includes part of the required 2.4 metres x 43 metres visibility splay to the north of the proposed access. If you are content that this enables the provision and maintenance of the splay to be suitably enforced then it would be acceptable. However, I would point out that the splay also appears to cross private land further to the north (the highway boundary is at the edge of the carriageway), and therefore the red line will need to be extended further to encompass the entire splay. Whilst the splay to the south appears to partly encroach on private land I am satisfied that if the splay to the north can be achieved, it will allow a driver to move slightly out and gain adequate visibility to the south before exiting the driveway”.
- 2.32 The Planning Statement submitted in support sets out that a highway search appears to confirm that the verge/bank is not adopted and is unregistered and that the visibility splay runs outside third party land but not wholly within the highway. The applicant has appointed a Planning Solicitor who has advised that “I have now carried out the searches which are attached. I advise that all reasonable steps to ascertain the names and addresses of every person interested in the land (ie the visibility splay) have been taken without ascertaining the ownership of the land and that consequently you should publish a notice in a newspaper circulating in the locality – Article 13 (1) (b) Town and Country Planning (Development Management Procedure) Order 2015”. Consequently, as part of the land within the splay (included within the red line boundary) is unregistered, Certificate D of the application form has been completed, together with a notice under Article 13 which has also been posted in the local newspaper. Whilst a representation received indicates part of the land within the splay is under the ownership of Lavender Cottage and that notice has not been served on the owner of the property, the agent has confirmed that the proposed splay crosses unregistered land and that Certificate D has been correctly issued.
- 2.33 The visibility splay of 2.0m x 43m would be provided on land that is either in the applicant’s control, within the highway or on land that is not registered. Subject to the imposition of a condition securing the visibility splay, it is considered that adequate visibility would be achieved from the proposed access.
- 2.34 In line with the Council’s emerging policy approach and with the sustainable transport objectives of the NPPF (Paragraph 112), it is suggested that should permission be granted, a condition be imposed requiring cabling to be installed to serve one of the spaces associated with the proposed bungalow, to enable the installation of an electric vehicle charging point.

Impact on Flood Risk

- 2.35 The application site is located in Flood Zone 1 which has the lowest risk from flooding. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Surface water is to be disposed of to soakaways and the development is considered acceptable in this regard.

Drainage

- 2.36 Southern Water advises that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. Should permission be granted, their consultation comments will be included on the decision notice as an informative. The application form states the disposal method for foul sewage is via the mains sewer and as such, it is not considered necessary to require further details by condition and the development is acceptable in this respect.

Trees/Ecology

- 2.37 The site was previously overgrown, however during the course of the previous application was largely cleared of trees and plants within the rear garden and to the northeast side of Gore Cottage. Whilst the removal of trees is regrettable, they were not considered to have been of such quality to warrant a preservation order. No works are proposed to the Scotts Pine (the subject of a TPO) to the southeast of the site, in the neighbouring garden of Walnut Tree Cottage. Landscaping is shown on the proposed block plan and should permission be granted, a condition is suggested for further details of landscaping to be submitted, to include both hard and soft landscaping and a schedule of planting.
- 2.38 In respect of ecology, the site has been previously cleared and, having regard for Natural England's Standing Advice, does not appear to be a suitable habitat for wildlife to reside in.

Archaeology

- 2.39 The site is located within an area of archaeological potential and KCC Archaeology has been consulted on the application, however no response has been received. In respect of the previous application at the site (DOV/20/00132), they advised that the site lies on the western edge of the village and finds of Romano-British and medieval dates have been found within fields on the opposite side of Gore Lane. As such, given the potential for items of historic importance to be found, a condition for an archaeological watching brief is suggested should planning permission be granted.

Contamination

- 2.40 Environmental Health have been consulted on the application, however no response has been received. When consulted on the previous planning application at the site (DOV/20/00132) they raised no objection, however recommended that should permission be granted, a condition was imposed requiring any contamination that may be found while the development is being carried out, to be reported to the LPA and for an investigation, risk assessment and any necessary remediation to be carried out. It is considered appropriate to suggest this condition is imposed should permission be granted and that subject to this, the development is considered acceptable in this regard.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of a detached dwelling with associated parking, boundary fence, and the

creation of a vehicle access and associated parking for Gore Cottage is considered acceptable in principle in this location. Having regard to the tilted balance engaged under Paragraph 11 of the NPPF, the proposal in within the settlement boundary, which weighs in favour of the scheme.

- 3.2 There would be restricted views of the proposal from the public highway, however due to the design, siting and scale of the development, it is considered to preserve the varied character and appearance of the street scene. Furthermore, the development is considered to result in no direct harm to heritage assets and the negligible less than substantial harm that would occur would be outweighed by the public benefit of the provision of an additional dwelling in a sustainable location within the confines, weighing in favour of the scheme.
- 3.3 Whilst the use of the proposed driveway would result in some noise and disturbance, for the reasons discussed in this report, on balance, this is considered unlikely to result in unacceptable harm to residential amenity. Furthermore, for the reasons set out in this report, on balance, the development is considered unlikely to result in unacceptable harm in respect of overbearing, overshadowing or harm to the privacy of nearby residents. Concerns have been raised in respect of visibility from the proposed vehicular access, however as addressed in the report, subject to the imposition of a condition to secure the required visibility splays, the development would be acceptable in this regard. Overall, whilst this is a balanced assessment, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

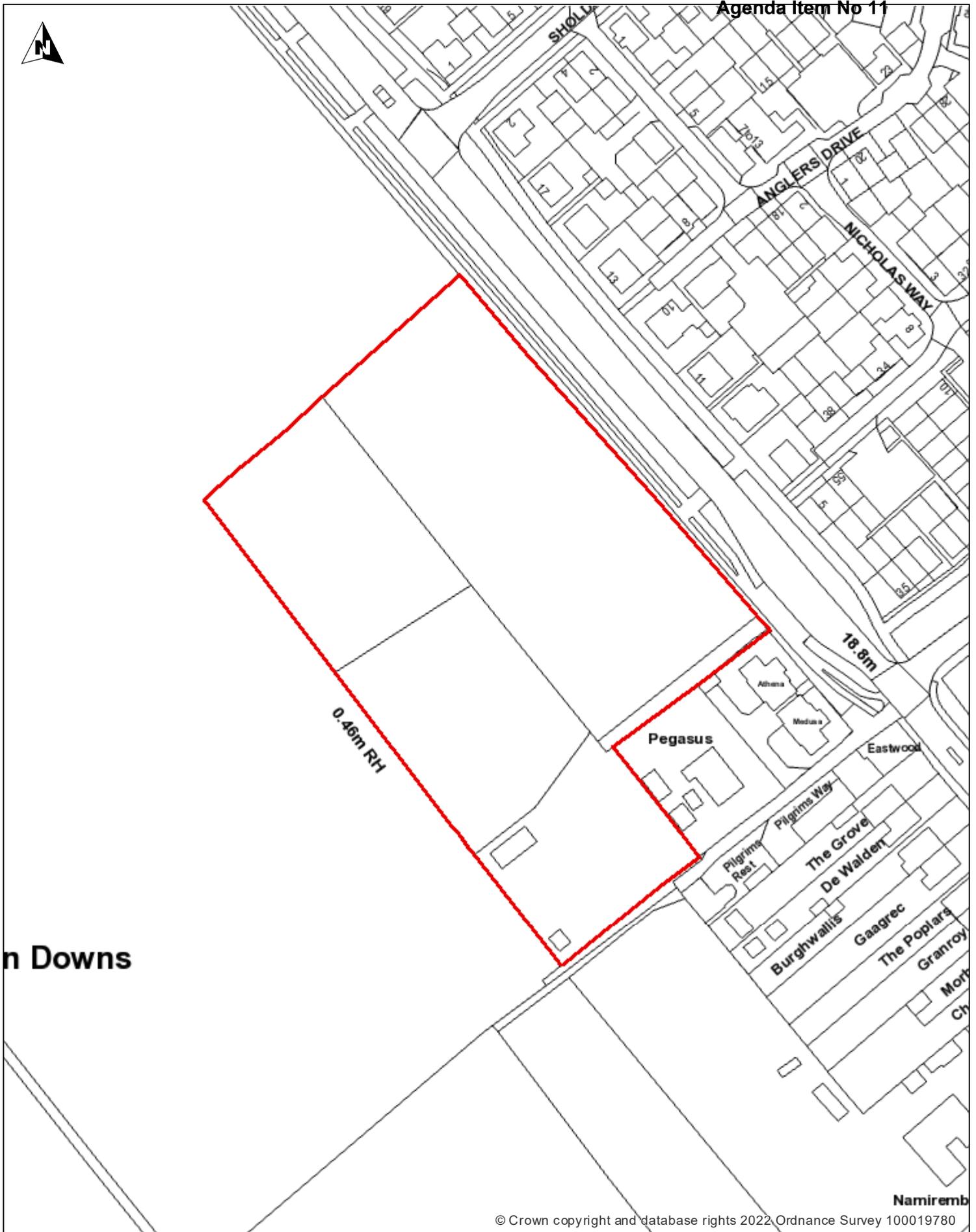
g) Recommendation

I PLANNING PERMISSION BE GRANTED subject to conditions:

- (1) Standard time condition
- (2) list of approved plans
- (3) samples of materials
- (4) details of soft and hard landscaping (including boundary treatments/driveway/hardstanding surfaces and schedule of planting)
- (5) cross sections of the site with ridge and floor levels of the proposed bungalow and Gore Cottage
- (6) provision and retention of the parking area with drainage measures
- (7) cables for EV charging points
- (8) details of refuse/recycling storage
- (9) bathroom window on northwest elevation to be fitted with obscured glazing
- (10) removal of permitted development rights for Classes B, C and E of Part 1, Schedule 2 of the GPDO
- (11) archaeological watching brief
- (12) unexpected contamination
- (13) details of provision and maintenance of visibility splays

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



21/01459

Land North West Of Pegasus
London Road
Sholden

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



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

- a) **DOV/21/01459 - Reserved Matters application pursuant to outline permission DOV/19/00216 - erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping) – Land North-West of Pegasus, London Road, Sholden**

Reason for report – Deferred by Planning Committee at its meeting held on 21 April 2022

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions

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

See attached annexe for original and full report - only updated where relevant

KCC Highways: Consultation response reported to Members verbally once received

- f) **The Proposal**

See attached annexe for original and full report with updates where relevant

1.1 The proposed plans show the layout of the proposed development. Off-street carparking is available for all the dwellings in the form of drives and dedicated car parking spaces in line with parking standards. Additional visitor spaces above the required 20% have also been provided across the site. Existing and new tree, hedge planting and associated landscaping is proposed throughout the development and along the boundaries. The landscaping across the site and along London Road has been further enhanced. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of trees on the main access road into the site from London Road.

1.2 Since the original application a number of amendments have been submitted, these have all been minor in nature and the layout has not changed significantly. Recent amendments enhance further the level of landscaping and tree planting along London Road and the access road into the site, along with strengthening with additional tree planting to the boundaries of the site. Clarification was also sought on the provision of affordable units on the application site.

1.3 Since the report to Planning Committee on 21st April 2022, further amendments have been submitted. These set out in detail the car parking spaces across the site including their size. Visitor car parking spaces have been increased further across the site (19) and some tandem spaces replaced with side by side spaces where possible. Landscaping has further been enhanced where possible in public areas, including the addition of a new hedgerow along the London Road frontage, additional tree planting and enhanced landscaping details.

2. **Main Issues**

2.1 The main issues to consider are:

- Background/summary
- Parking issues
- Site layout/landscaping

Assessment

Background/Summary

See attached annexe for original and full report with updates as relevant

- 2.2 This application was reported to Planning Committee on 21st April 2022 with a recommendation for approval. The original committee report is attached as an annexe to this report. It is not intended to revisit the issues set out in that report which are still applicable to the case. This update report sets out the revisions submitted to address the reasons for deferral by Planning Committee being: 'to explore amendments to the scheme to address concerns raised by the Planning Committee about parking and parking layout.'
- 2.3 Since the 21st April committee, further discussions were undertaken with the applicants who have subsequently amended the proposal and provided further information to address Members concerns, specifically in relation to visitor car parking spaces.

Parking Issues

- 2.4 The relevant Core Strategy policy is DM13 which requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. It should be a design led process.
- 2.5 The layout of the development demonstrates that car parking can be provided in association with the proposed dwellings with the required car parking standards met for each dwelling and additional visitor spaces provided on site. KCC Highways initially raised some concerns as some of the units provide tandem parking, rather than independently accessible spaces and therefore requested additional visitor spaces to be provided. Two additional visitor spaces have been provided in the latest revisions. A total of 19 visitor spaces have been provided, this accounts for 8.4 spaces (0.2 spaces for each unit proposed) and 10.5 spaces (0.5 spaces per each set of tandem parking spaces). The required provision is 18.9 spaces and 19 have been provided. In addition, detailed information and a parking plan have been provided that sets out all the designed spaces and their respective sizes. The proposed width of the car parking space increases according to any nearby landscaping or a boundary wall or fence. Demonstrating that all car parking spaces proposed will be accessible and provide an acceptable level of car parking provision across the application site. This fully accords with policy DM13.
- 2.6 However, providing increased on-site visitor parking needs to be off-set against the level of landscaping to be provided and should be a design led process. The need to provide a strong landscaped character along the London Road frontage is considered to be a key element in the design of the proposal. This is more appropriate in design considerations than large areas dedicated for visitor parking spaces. A balance has therefore been achieved that increases the number of visitor parking spaces but ensures that landscaping and tree planting are a key element of the layout, and both have now been further enhanced and increased. On a practical level, there is also limited scope to park outside the application site, due to existing restrictions and with the focus on tree planting and landscaping on-site, this controls the availability for unallocated on-street car parking. Residents will therefore need to use the tandem carparking spaces effectively. It is considered this balance is appropriate for this proposal.

- 2.7 KCC Highways had not yet provided their revised comments at the time of writing the report, but it is hoped these will be available by the Planning Committee meeting and will be reported verbally. Nevertheless, the applicants have adequately addressed all the previous points raised by KCC Highways and at no stage was a formal objection to the application or the proposed car parking raised. The car parking on site is found to be acceptable taking into account all material considerations and complies with policy DM13.

Site Layout/Landscaping

- 2.8 The proposed layout allows additional planting to provide landscaped areas and new trees planting throughout the site. Overall, the proposals are acceptable in respect of the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. The impact on those to be retained and the necessary protection measures including root protection zones were controlled by conditions on the outline permission.
- 2.9 In respect of the proposed landscaping details submitted with this application, including the discharge of condition 17 of DOV/19/00216, the proposal incorporates the retention of existing boundary landscaping to all boundaries except along London Road. Additional landscaping to all the boundaries of the site is proposed including additional tree planting across the site and to boundaries. The proposed landscaping details are extensive and incorporate both native planting and biodiversity gains appropriate to the landscape character and the site. DDC Tree Officer has found the details acceptable and recommends approval. The protection of the proposed landscaping is also controlled through appropriate conditions on the online application to ensure such measures are implemented.
- 2.10 Following Planning Committee's concerns at the meeting, and in addition to new tree and extensive landscaping along the London Road boundary, a new hedge is also proposed along the London Road frontage. Further, the applicants have provided enhanced landscaping across the site and additional trees. These are included along the access roads, in residential front gardens and to site boundaries. The design standard has been raised by the use of an increased level of landscaping and tree planting throughout the site, but particularly along the London Road frontage and along the main access road into the site. Overall the scheme is considered to accord with the NPPF in relation to design and landscape considerations and complies with paragraphs 130 and 174 of the NPPF. It is therefore considered that the scheme does not give rise to any unacceptable impacts on the visual amenity of the site and immediate surrounding landscape. As such, the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy.

3. Conclusion

- 3.1 Development of this site has been shown to be acceptable in principle and is in accordance with the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal. Further as a reserved matters application the principle of residential development has already been established under the outline permission.
- 3.2 Weighing up the benefits of the development identified in both reports, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the

provision of 30% affordable housing.

- 3.3 The proposal in this RM application accords with relevant development plan policies, the NPPF and is acceptable in principle being pursuant to the outline planning permission and all other material considerations. Outstanding matters raised can be adequately addressed by planning conditions, that includes conditions that were recommended at outline stage, yet need to be included in this RM submission. Consequently, the application is recommended for approval, subject to conditions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to the following conditions:
- 1) Approved plans
 - 2) Samples of materials
 - 3) Removal PD roof extensions/dormers
 - 4) SW foul drainage network capacity
 - 5) Noise mitigation, internal noise levels
 - 6) Works to access undertaken prior to commencement and completed in accordance with an agreed schedule prior to occupation
 - 7) Broadband provision
 - 8) Secured by design details
- 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 Officer

Lucinda Roach

- a) **DOV/21/01459 - Reserved Matters application pursuant to outline permission DOV/19/00216 - erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping) – Land North-West of Pegasus, London Road, Sholden**

Reason for report – Requested by Planning Committee

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

Draft Dover District Local Plan

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

National Planning Policy Framework (NPPF) (2021)

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

d) Relevant Planning History

DOV/19/00216 - Outline application for the erection of up to 42no. dwellings with associated parking and access (all matters reserved except for access) - Granted

e) Consultee and Third-Party Representations

DDC Environmental Health - no further observations

DDC Trees - no objections to the proposed landscaping proposals. All works to be in accordance with the Soft Landscape Specification document and Landscape plans

DDC Housing Manager - There is a section 106 agreement in place which requires 30% of the properties to be affordable housing, 13 units should be affordable.

DDC policy requires the following tenure split within these 13 properties:

3 x First Homes, 3 x Shared Ownership, 7 x Social or Affordable rent

Our preference is for Affordable Home Ownership properties - ie First Homes and Shared Ownership – to be predominantly 2 bedroom homes. This is on the grounds of affordability and suitability for first time buyers. There is the potential for one or two of the 3 bedroom properties to be provided for Shared Ownership, but First Homes should all be 2 bedroom. There is a need and a demand for social and affordable rented properties of all sizes in the district, and particularly in this location. The ideal mix would include 2, 3 and 4 bedroom houses.

KCC Highways and Transportation –

1. Further details regarding the level of parking and justification for the tandem parking. As noted, tandem spaces will require additional visitor parking.
2. Tracking for refuse freighters at the northern turning area.
3. Confirmation of the proposed highway features.

The site plan has been amended to indicate the number of visitor (19) and unallocated (4) spaces has been increased. There are 10 visitor spaces proposed along the frontage of the site. These spaces are abutting a verge or a hedge, where confirmation is required as to how passengers will be able to access the spaces. Should they not be sufficiently accessible, this could lead to vehicles parking elsewhere within the site. Tracking is also required for the northern turning area, or confirmation that freighters will be expected to reverse.

Vehicular access to the new development is taken from Sandwich Road to the North East of the site, which remains in line with the approved outline plans. Pedestrian crossing facilities are required to ensure safe access. A Stage 1 Safety Audit will be required for any amendments to the public highway and will be subject to a S278 Agreement.

A total of nine visitor spaces are outlined, which is in line with the required 20% provision. The majority of parking is illustrated as tandem parking, which will require an additional .0.5 spaces per tandem arrangement. In a location such as Sholden 3

and 4 bed dwellings should have 2 independently accessible spaces, unless it can be justified that sufficient additional visitor spaces are provided to mitigate for the tandem spaces.

Refuse freighter tracking does not illustrate vehicles turning in the northern turning area. It is noted that this is a small turning area. Are refuse freighters proposed to reverse the length from the turning area to the access road?

Features are noted on the highway outside Plots 25 and 28, where confirmation is required as to their nature and materials proposed.

KCC Archaeology: No response in relation to RM

KCC Flooding and Waste Management - recommend approval of the drainage strategy drawing E21-001-1000 Rev P4

KCC Public Rights of Way Office – Public Right of Way EE389 passes adjacent to the proposed site. The existence of the right of way is a material consideration.

No objections to the application but as part of the wider network we look for rural connectivity into Deal centre and an important Active Travel opportunity. As this application will include an additional access over London Road, I would like to draw the applicant to the comments below in relation to the promoted Miners Trail Route.

The Miners Trail: The primary access to this development cuts across the Miners' Cycle Track that runs alongside the A258. This is a well-used promoted route and a significant part of the Districts leisure and tourism promotion for walking and cycling routes, and as such it is disappointing to see the access here. Cyclist and all user safety must be paramount at this access point and comply to the latest national Cycle Infrastructure Design. KCC PROW request approval of a detailed design to ensure this is upheld. We are aware of Deal Council aims to maintain the cycle routes of the area, providing Active Travel and leisure opportunities to residents and visitors, particularly connectivity from the surrounding villages. We would request that the applicant provides some funding towards improvements for the Trail as mitigation for the above and loss of countryside environment.

Kent Fire and Rescue: The Off-Site emergency access requirements have been met.

Southern Water - no objections to the reserved matters application for appearance, landscaping, layout scale submitted.

Affinity Water – No comments

Environment Agency - No comments.

Natural England – No comments

Kent Police Crime Prevention Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behavior (ASB), nuisance and conflict. We submitted comments on the outline application. Whilst most of these recommendations have now been addressed we still have the following outstanding concerns;

Parking courts that serve plots 13 to 21 have limited natural surveillance from adjacent properties. This can attract crime and ASB as the area is not sufficiently lit. We

recommend, where possible, for residents to have on-plot parking covered by natural surveillance from an active window i.e. living room or kitchen.

All windows and doors on the ground floor or above a flat roof meet both PAS 24:2016 or certified equivalent and any ground floor bedroom windows to have defensive treatment to protect them.

Sholden Parish Council – DOV/21/01459 should be refused on the grounds that the reserved matters application whilst only referring to Condition 17, in considering the whole application the applicant has not demonstrated that the proposed landscaping could be accommodated on the site in a manner that would result in a form of development that would deliver an appropriately high standard of urban design as sought by the NPPF and the National Design Guide. The applicant's proposal concerning condition 17 would likely create a poor layout that will not provide a high-quality development, a beautiful or successful place in which to live nor a high standard of amenity for future users. This is contrary to paragraphs 8 and 130 of the National Planning Policy Framework and the National Design Guide and in line with paragraph 134 of the NPPF.

In addition to (i) and (ii) above, Council was further concerned that in the draft Local Plan Regulation 18 consultation there is reference to the developers of this proposed site and the developers of 21/0402 collaborating on access etc. Sholden PC is very concerned that we have not seen any evidence of such collaboration and in the absence of such, reserved matters may be further not compliant with parts of the NPPF.

Third Party Representations - 2 representations have been received objecting to the proposal. The following is a summary of the objections:

- School places limited, Deal doesn't have infrastructure and houses are not affordable
- Increased congestion, risk of accidents and danger to school children in the area
- Further countryside/greenfield sites being developed
- More houses are not needed

f) 1. **The site**

- 1.1 The site is located on the western side of London Road, Sholden and forms an area of 1.51 hectares. It is situated outside the settlement boundary of Deal but adjoins it on the southern and eastern boundaries. It is roughly rectangular in shape and extends along the London Road frontage. On the other side of London Road is a relatively recent housing development with dwellings extending along the London Road frontage. To the southeast and outside the application site is Pegasus, a chalet style bungalow. To the front of this property, two detached two storey dwellings have recently been constructed. To the north and west of the site are open agricultural fields laid to crops.
- 1.2 The site is situated to the south of a number of national and international designations – Thanet Coast and Sandwich Bay RAMSAR and SPA on the coast and Sandwich Bay to Hawkinge Marshes to the north/west. These also form part of the SSSI. Betteshanger Park and Cottington Lakes are to the north of the site. There is also a Public Right of Way along the southern boundary EE389 that links

up to a number of other PROW and a Bridleway to the north ED37.

- 1.3 The site itself is largely grassed and fairly flat and has been used for grazing. Tree hedges from the rear/western and northern boundaries with some landscaping to the front /eastern and southern boundaries. To the rear of Pegasus there are a number of low key outbuildings and hardstanding areas. It is with Flood Zone 1 and Groundwater Source Protection Zone 3.

The Proposal

- 1.4 This application is a reserved matters (RM) application pursuant to the outline planning permission DOV/19/00216 for up to 42 dwellings. The RM application is for 42 dwellings of 3 and 4 bedroom open market dwellings and 2, 3 and 4 bedroom affordable units. The affordable units are sited to the southeastern corner of the site. The dwellings are to be 2- 2.5 storeys in height. The proposed plans show the layout of the proposed development. Off-street carparking is available for all the dwellings in the form of drives and dedicated car parking spaces, this also includes some additional visitor spaces. Existing and new tree and hedge planting and associated landscaping is proposed throughout the development and along the boundaries. The landscaping across the site and along London Road has been further enhanced.
- 1.5 The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of trees on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 1.6 Since the original application a number of amendments have been submitted, these have all been minor in nature and the layout has not changed significantly. Recent amendments enhance further the level of landscaping and tree planting along London Road and the access road into the site, along with strengthening with additional tree planting to the boundaries of the site. Clarification was also sought on the provision of affordable units on the application site.

(g) 2. Main issues

- 2.1 The main issues to consider are:
- Background
 - Principle of Development & Landscape Impact
 - Site Layout and Design
 - Affordable Housing and Residential Amenity
 - Highways Issues
 - Archaeology
 - Ecology & Appropriate Assessment

- Drainage and Flooding
- Planning Contributions summary

Assessment

Background

- 2.2 Outline planning permission was approved subject to conditions and a S106 agreement to secure the required contributions as set out below. Unfortunately, a one-off error occurred when the decision notice was issued, and the wrong set of conditions were attached to the decision notice. This included planning conditions that were required but not included in the issued decision notice. These were conditions relating to affordable housing, archaeology and EVC charging points. However, the full wording and set of the conditions had been agreed by all parties in advance. It should be noted this error has been fully investigated for audit purposes.
- 2.3 In agreement with the Head of Planning, Regeneration and Development and Legal Services, repeated attempts were made to resolve this through a Unilateral Undertaking (UU) with the original applicant as soon as the error was identified by the case officer, nevertheless the site was sold to Abbey Homes during this period and the UU was not signed. Further negotiations with the new owners of the site were also undertaken to sign the UU and secure the agreements to the conditions identified above. It was identified that any other minor errors with wording in the issued decision notice were not determinative and could be addressed through the RM submission or the discharge of the relevant planning conditions.
- 2.4 Conditions relating to affordable housing, archaeology and EVC charging points were considered to be determinative, and informal negotiations had not secured a suitable outcome it was felt necessary to judicially review the DDC decision. Appropriate measures were therefore put in place to address the matter in full agreement with the Leader, Members, Directors and Heads of Service. The outcome of the Judicial Review and Consent Order is set out below.
- 2.5 The judicial review of application (reference DOV/19/00216) was successful in quashing the first, erroneous, decision notice (dated 17 February 2021). The Consent Order (dated 11 January 2022) confirms the quashing of the decision. The reasons that the order was made are recorded in the schedule. The situation now is that the second decision notice (dated 15 April 2021) is accepted to be of legal effect and is the basis for the permission.
- 2.6 The schedule sets out that a second planning obligation under section 106 of the TCPA 1990 (which took the form of a unilateral undertaking dated 9 December 2021) was the mechanism used to rectify the omissions in the second decision (ie. the inclusion of the conditions set out above) notice and, in conjunction with the existing section 106 agreement (dated 17 February 2021), secures the necessary planning contributions and restrictions.
- 2.7 The RM application was submitted before the Consent Order was received but could not be progressed until this process had been concluded. As set out above any further minor alterations to wording can be addressed either through this RM application or through the discharge of the conditions that now have legal effect. In relation to the reference to the wrong road in the Construction Management Plan condition, this can be addressed when details are submitted pursuant to the

condition.

Principle of development & Landscape Impact

- 2.8 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. The tilted balance under paragraph 11 of the NPPF was engaged and duly applied and outline planning permission was granted. The principle of housing development on this site was established under the outline planning permission DOV/19/00216. This application is submitted pursuant to the outline permission. The terms of the outline permission, its conditions and the s106 legal agreement are all therefore applicable and are not matters to be addressed under a RM application, key issues are, however, set out briefly and summarised.
- 2.9 It was determined that there were no policies that indicated development should be restricted as the site has no landscape or other designations. Permission was therefore granted as no clear harm was identified that would significantly and demonstrably outweigh the benefits of additional housing development in the district.
- 2.10 It is also relevant that the Regulation 19 Local Plan Review included this site for development accordingly. Although the Local Plan review has limited weight at this stage, its assessment is material to this application.
- 2.11 The assessment of the outline application found no visual harm to the landscape or local highways and was found to be acceptable in all other material considerations. It is therefore determined an acceptable form of development for this site and was recommended for approval as it met the overarching objectives of the Core Strategy and the framework in the NPPF as whole. This RM application does not alter this position and seeks to determine the appearance, landscaping, layout and scale of the development only which includes the discharge of condition 17 that relates to landscaping details.
- 2.12 In terms of the impact on the wider landscape policies DM15 and DM16 are most relevant. The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 174 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.13 A Landscape and Visual Impact Assessment was submitted in support of the outline application which identified that the impact on the character of the landscape will be low or negligible as all of the existing landscape features are to be retained and enhanced in the context of the site and the existing group of trees. The report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The site is considered to have a long-term capacity to accommodate the proposed development.
- 2.14 In respect of the proposed landscaping details submitted with this application, including the discharge of condition 17 of DOV/19/002,16 the proposal incorporates the retention of existing boundary landscaping to all boundaries except along London Road. Additional landscaping to all the boundaries of the

site is proposed including additional tree planting across the site and to boundaries. The proposed landscaping details are extensive and incorporate both native planting and biodiversity gains appropriate to the landscape character and the site. DDC Tree Officer has found the details acceptable and recommends approval. The landscape proposals adequately address screening and mitigation on site from the wider landscape and any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of the proposed landscaping is also controlled through appropriate conditions on the online application to ensure such measures are implemented.

- 2.15 The massing of the development, as shown on the site layout, confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the wider character of the area. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to 2 to 2 and a half storeys, on which is a reasonable for a housing site. In addition, only 2 units are to be 2.5 storeys with the majority being 2 storey only. Nevertheless, it was considered that the height of the resultant dwellings should be controlled by a condition on the outline permission that requires details to be submitted of the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this site are appropriate and acceptable in respect of the visual amenities of the landscape. Such a condition does not need to be included on the RM decision.
- 2.16 It is therefore considered that the scheme does not give rise to any unacceptable impacts on the visual amenity of the site and immediate surrounding landscape. As such, the proposal is in accordance with Policies DM15 and DM16 and paragraph 174 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

Site Layout and Design

- 2.17 The siting of the access road into the site was submitted at outline stage and has therefore informed the final location and layout of the dwellings. The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of new trees to be planted on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 2.18 The simple design, palette of materials and features reflects the character of the area and in particular Sholden Fields opposite the application site. Although this isn't raising the design standard or particularly innovative, it is in keeping with the character of the surrounding area and is acceptable in principle. The limited mix of unit styles and materials is also reflective of Sholden Fields and being a fairly limited site is appropriate. The design standard has been raised by the use of an increased level of landscaping and tree planting throughout the site, but

particularly along the London Road frontage and along the main access road into the site. Control through conditions on landscaping are addressed in the outline permission. However, it is necessary to require samples of materials to be submitted for approval and also remove PD rights for roof dormers and extension due to the sensitivities in relation to the height of the proposed units and ensure control of such additions is controlled in the future. Overall the scheme is considered to accord with the NPPF in relation to design consideration and comply with paragraph 130 of the NPPF.

Affordable Housing and Residential Amenity

- 2.19 The applicant is proposing to provide the required 30% affordable housing, which amount to 13 dwellings. The affordable units are provided in a small cluster to the southeastern corner of the site and are tenure blind. The Council seeks 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to further details of the affordable housing being submitted by condition, which includes details of the provision and tenure, the development is in accordance with Policy DM5 of the Core Strategy and the Affordable Housing SPD. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.20 This proposed site layout demonstrates that the development can be accommodated and ensures a significant separation distance between new and existing properties and a good standard of accommodation is proposed for the future residents. Given the location of the site and the significant separation distances to existing properties, being 3 adjacent dwellings including Pegasus, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development. The siting therefore mitigates any detrimental impact on their residential amenities.
- 2.21 The development has the potential to cause limited harm to the amenities of neighbouring properties during the construction phase and a construction management plan was conditioned under the outline permission to mitigate this potential harm.
- 2.22 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potentially exceeding the recommended indoor noise levels with windows open adjacent to the A258 which has the potential to cause noise and disturbance to future occupiers. The proposed dwellings towards the front of the site will therefore need additional acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. This can be addressed through further details submitted pursuant to a condition, which was recommended to be imposed on the outline permission, however, was not included for the reasons set out at the beginning of the report. It is therefore recommended that this condition is therefore included under this application.

Highway Impacts

- 2.23 The relevant Core Strategy policies are DM11, DM12 and DM13. Policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.24 Details of the proposed access were approved at outline stage. This included

details of off-site highway works and a details of right turn lane on London Road. Footpaths are proposed on the site that provide easy links to the wider area and with London Road providing links to the town. The proposals therefore provide connections to the existing townscape and adjoining built form that encourages walking. KCC Highways and Transportation raised no objection at outline stage and have not raised an in principle objection to the RM application. The proposed works and the erection of up to 42 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 111 of the NPPF.

- 2.25 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for the Core Strategy. The layout of the development demonstrates that car parking can be provided in association with the proposed dwellings with the required car parking standards met for each dwelling and additional visitor spaces provided on site. KCC Highways have raised some concerns as some of the units propose tandem parking rather than independently accessible spaces, therefore they have requested additional visitor spaces to be provided. Some additional spaces have been provided but at a slightly lower number than is considered appropriate by KCC. However, providing increased on site parking needs to be off-set against layout and the level of landscaping to be provided. On this occasion the need to provide a strong landscaped character along the London Road frontage is considered more appropriate than large areas dedicated for visitor parking spaces. A balance has therefore been achieved that increases the number of visitor parking spaces but ensures that landscaping and tree planting are a key element of the layout. On a practical level there is limited scope to park outside the application site due to existing restrictions, and on-site tree planting and landscape are the main focus reducing the opportunities for on-street parking. Residents will therefore need to use the limited number of tandem carparking spaces more effectively. It is considered this balance is appropriate for this proposal.
- 2.26 For the reasons previously stated it is necessary to include a condition that was recommended at outline stage, to ensure the access is implemented before development commences and completed before first occupation and is therefore included in the recommendation. It is also necessary to require these details to be submitted and approved due to the discrepancies with the outline decision notice. This therefore can also include details to address the concerns stated in relation to the Miners Way and ensure a timetable and appropriate works minimise any impact on this cycle route.

Archaeology

- 2.27 The outline application was supported by a Desk-based Archaeological Appraisal as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The assessment notes the potential for the site to contain archaeological remains of Bronze Age and Anglo-Saxon date of regional or national importance and a high likelihood of archaeological remains from other periods. If nationally important remains are present, as the DBA suggests could be the case, then careful consideration needs to be given to these. KCC Archaeological Unit provided their statutory views on the archaeological potential of the site under the outline permission but have not provided a response in relation to this application. For the reasons set out at the beginning of the report the Archaeological Evaluation condition was addressed under the UU.

2.28 As such, and in view of KCC's comments in relation to the outline permission an up-to-date position was sought from the applicants. The response was the submission of the Archaeological Evaluation report undertaken by Canterbury Archaeological Trust. This has been added to the public file for information. It confirms that no significant finds were identified following the evaluation of the site. On this basis the potential for archaeology remains on the site has been fully addressed and the development is acceptable in this regard and accords with the NPPF in this regard.

Ecology

2.29 In furtherance to the impacts on the off-site Ramsar/SPA discussed below, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with the NPPF. The outline application was supported by a Phase 1 Ecological Appraisal which considered both the flora and fauna of the site. Safeguards were recommended and these were controlled by condition on the outline permission. In respect of the outline permission, the DDC Natural Environment Officer confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures were addressed through planning conditions at the outline stage. As no ecological constraints to development were identified at outline stage, it was not considered necessary for further consideration in relation to the RM submission.

2.30 The proposed layout allows additional planting to provide landscaped areas and new trees planting throughout the site. Overall, the proposals are acceptable in respect of the protection of ecology and the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF. In respect of existing trees there are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. The impact on those to be retained and the necessary protection measures including root protection zones were controlled by conditions on the outline permission.

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

2.31 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. 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.

2.32 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. For proposed housing developments the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the

Strategy in accordance to a published schedule. Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.

- 2.33 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £2,322.43 was agreed and included in the S106 in relation to the outline planning permission.

Drainage and Flooding

- 2.34 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 states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, 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. A Drainage report and FRA were at the outline stage. The method of surface water disposal is acceptable for this site with the LLFA, raising no objection. The proposed drainage measures are therefore considered acceptable and were addressed by conditions on the outline permission.

- 2.35 Southern Water supplies foul waste disposal at this location and they have raised no objection. They advise that they require a formal application for a connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard and complies with the NPPF. It is noted that the outline planning permission did not include the foul drainage capacity condition that has been attached to a number of recent major proposals, which seeks to ensure that any necessary upgrades to capacity in the SW drainage network within Deal is undertaken in advance of occupation on site. It is therefore suggested that this condition is now attached to the RM permission.

Planning Contributions

- 2.36 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind. These needs were all addressed in a signed s106 legal agreement, attached to the outline permission. The Heads of Terms that were considered necessary to make the development acceptable in planning terms were:

- Primary education – towards Phase 2 expansion of Deal Parochial CE Primary School of £139,608
- Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £172,830
- Library - contribution towards a 'Digital Den' at Deal library of £2016.66
- £2,322.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy

- An off-site local equipped play space contribution towards Travers Park of £27,436.63
- An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £17,975.22
- Monitoring per trigger event of £236 per event

2.37 The full range of contributions required by the development have been met and it is not proposed to secure further contributions under the RM application.

3. Conclusion

3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be acceptable in principle and is in accordance with the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal. Further as a reserved matters application the principle of residential development has already been established under the outline permission.

3.2 There are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the benefits of the development identified in the report, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposal in this RM application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle being pursuant to the outline planning permission. All other matters raised can be adequately addressed by planning conditions, that includes conditions that were recommended at outline stage, yet need to be included in this RM submission. Consequently, the application is recommended for approval, subject to conditions.

4 Recommendation

I. PLANNING PERMISSION BE GRANTED subject to the following conditions:

- 1) Approved plans
- 2) Samples of materials
- 3) Removal PD roof extensions/dormers
- 4) Foul drainage capacity SW
- 5) Noise mitigation, internal noise levels
- 6) Works to access undertaken prior to commencement and completed in accordance with an agreed schedule prior to occupation
- 7) Broadband provision
- 8) Secured by design details

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 Officer: Lucinda Roach