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15 February 2023

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 23 February 2023 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky', written over a 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 6-22)

To confirm the attached minutes of the meeting of the Committee held on 19 January 2023.

5 **ITEMS DEFERRED** (Page 23)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 24-28)

6 **APPLICATION NO DOV/22/00652 - LAND SOUTH-WEST OF LONDON ROAD, DEAL**

Outline application for the erection of up to 155 dwellings with associated parking and means of access (all matters reserved except for access)

To consider the report of the Head of Planning and Development (to follow).

7 **APPLICATION NO DOV/21/01615 - THE OLD MALTHOUSE, EASOLE STREET, NONINGTON** (Pages 29-56)

Erection of 29 dwellings with associated access, parking and landscaping (existing industrial buildings to be demolished)

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

8 **APPLICATION NO DOV/20/01005 - PARCELS 7 AND 8 OF PHASE 2B, AYLESHAM VILLAGE EXPANSION, AYLESHAM** (Pages 57-68)

Submission of Reserved Matters application pursuant to Section 73 application DOV/19/00821 for approval of 73 dwellings, associated infrastructure, access, landscaping, layout, scale and appearance pursuant to outline planning permission 19/00821

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

9 **APPLICATION NO DOV/21/01826 - LAND NORTH-EAST OF DURLOCK BRIDGE, DURLOCK ROAD, ASH** (Pages 69-86)

Change of use of land to seasonal glamping to include the erection of 15 bell tents, 5 toilet/shower blocks, the stationing of a static caravan for on-site warden, siting of one storage container, 3 gated dog-walking pens and associated parking

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

10 **APPLICATION NO DOV/22/01225 - LAND ADJACENT TO FITZWALTER'S MEADOW, BOYES LANE, GOODNESTONE** (Pages 87-111)

Erection of three detached dwellings, associated parking and landscaping

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

- 11 **APPLICATION NO DOV/22/01466 - SUNNYMEADE, NELSON PARK ROAD, ST MARGARET'S-AT-CLIFFE** (Pages 112-122)

Erection of a detached dwelling (part retrospective)

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

- 12 **APPLICATION NO DOV/22/00962 - BEACHCOMBERS, CLIFFE ROAD, KINGSDOWN** (Pages 123-132)

Erection of single storey side and rear extensions, front porch and two rear dormer windows, one with Juliette balcony/railings; five rooflights, alterations to windows/doors, front first-floor balcony with railings, flue to side elevation, double garage with linked roof, solar panels, front garden wall/gate, 1.8-metre fence/gate, shed, garden room, raised rear platform with railings, 6-metre flagpole, bin storage, steps, patio/hardstanding, extension to vehicle access and driveway (existing porch, single storey rear extension, two dormer windows and two outbuildings to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 13 **APPEALS AND INFORMAL HEARINGS** (Pages 133-134)

To consider the attached report on appeals and informal hearings.

- 14 **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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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, 19 January 2023 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
E A Biggs
T A Bond
D G Cronk
D A Hawkes
P D Jull
N S Kenton
H M Williams

Officers: Team Leader (Development Management) - Strategic Sites
Principal Planner
Principal Planner
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Principal Planning Solicitor
Property/Planning Lawyer
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/22/01439 | Mr Andrew Swindley | Ms Zoe Dalton |
| DOV/22/00537 | Mr Guy Burrows | Mr Peter Owens |
| DOV/22/01120 | Mr Clive Tidmarsh | Ms Leanne Steed |
| DOV/22/01216 | Mr Terry Norton | ----- |
| DOV/22/01245 | Mr Clive Tidmarsh | ----- |
| DOV/22/00353 | Mr David Harvey | Mr Mark Batchelor |

103 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and C F Woodgate.

104 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors N S Kenton and H M Williams had been appointed as substitute members for Councillors D G Beaney and C F Woodgate respectively.

105 DECLARATIONS OF INTEREST

There were no declarations of interest.

106 MINUTES

The minutes of the meeting held on 15 December 2022 were approved as a correct record and signed by the Chairman.

107 APPLICATION NO DOV/22/01439 - 9 ORCHARD VIEW, ASH

The Committee was shown an aerial view, plans and photographs of the application site which was situated within the rural settlement of Ash. The Planning Consultant advised that retrospective planning permission was sought for the erection of a rear dormer extension to facilitate a loft conversion. The extension had been built the previous summer and was a box-like structure on the rear of the property with uPVC cladding. There had been an omission in the report which failed to mention Policy H6 of the emerging Local Plan, but he confirmed that the application complied with the policy.

Councillor P D Jull opined that the determinant factor in considering the application was that, apart from the colour of the cladding, the proposal could be built under permitted development rights anyway and there was already overlooking from neighbouring properties. He proposed that the application should be approved. In response to Councillor D G Cronk, the Planning Consultant clarified that the distance between the application property and the closest neighbour at no. 5 was 9.2 metres. In response to Councillor E A Biggs who mentioned obscure glazing, it was clarified that the plans showed one of the windows as being obscure glazed. Whilst it was a condition that could be imposed if Members wished, it was not one that could have been imposed had the extension not needed planning permission. Councillor N S Kenton raised concerns about imposing such a condition, arguing that if the application was going to be approved anyway, it was unreasonable to apply it now and, moreover, difficult to enforce. Councillor Jull agreed that the condition would be disproportionate.

RESOLVED: (a) That Application No DOV/22/01439 be APPROVED subject to the following conditions:

- (i) Approval of the submitted drawings;
- (ii) Approval of materials.

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

108 APPLICATION NO DOV/22/00749 - DEAL POLICE STATION, 43 LONDON ROAD, DEAL

Members viewed photographs of the application site which had formerly been the police station. The Principal Planner advised that, under a Kent County Council (KCC) scheme to bring redundant buildings back into use, planning permission was sought for the change of use and conversion of the police station building to create three terraced dwellings and the erection of a pair of semi-detached dwellings. As an update to the report, she advised that an additional condition requiring a sprinkler system was needed. In addition, the condition relating to electric vehicle charging points should be removed as this would avoid duplication with the Building Regulations which now covered such matters.

The Principal Planner advised that the proposal would see the conversion of the former police building into three dwellings and the erection of a pair of semi-detached dwellings at the rear of the site. This was a reduction from the original proposal for a terrace of three dwellings and would facilitate deeper gardens backing onto Beechwood Court. She confirmed that there would be two parking spaces per unit and that the proposal had been fully assessed by KCC Highways which had no objections. There would be no direct overlooking at the front or rear of the proposed dwellings which were of simple form and therefore not a detractor from the character of the area. She recommended that the application should be approved.

In response to Councillor Cronk, the Principal Planner advised that KCC Highways had raised no concerns about the level of vehicle movements that would be generated by the development. The site's previous use as a police station was relevant when considering this aspect of the proposal. With regards to refuse vehicles, she advised that there would be no need for refuse vehicles to use the side access as there would be a wheeled bin storage area at the front of the site that would be easily accessible to vehicles and staff. Councillor Cronk reiterated his concerns about lorries and delivery vehicles blocking the road at a busy junction with a fire station and garage nearby. For him there were safety issues and he questioned why a construction management plan had not been conditioned. The Principal Planner stressed that KCC would have assessed the proposal against the former use of the site as a police station which would have generated a similar number of vehicle movements. However, she acknowledged that a residential development could differ once domestic deliveries were taken into account. The Team Leader Development Management (TLDM) added that Officers were always guided by the statutory consultee's advice which in this case had not required a construction management plan. However, the submission of one could be conditioned if Members felt this was necessary.

Councillor Biggs agreed that a construction management plan was necessary given that the site was on a busy corner. He commented that the scheme was slightly disappointing and, in his view, could have been done better. In respect of the fence along London Road, the Principal Planner advised that permitted development rights would restrict this to a maximum height of one metre because it was adjacent to the highway. She pointed out that there were houses to the north of the site that also had frontages on the corner and were being serviced by refuse vehicles in the same way as the application site.

RESOLVED: (a) That Application No DOV/22/00749 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Removal of permitted development rights for means of enclosure and extensions (including to roofs);
- (v) Fencing details for internal gardens and site frontage;
- (vi) Surface water drainage details (Deal);

- (vii) Parking spaces – provision and retention;
- (viii) Construction management plan;
- (ix) Bin and cycle storage;
- (x) Sprinkler system.

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

109 APPLICATION NO DOV/22/00537 - 2 CORNERWAYS, WATERCRESS LANE, WINGHAM WELL

The Committee was shown an aerial view and photographs of the application site which was outside settlement confines. The Principal Planner advised that planning permission was sought for a change of use of agricultural land for the siting of two glamping pitches for holiday lets, a converted horse box for use as a toilet, associated parking and cycle/bin storage. As a correction to the report, she confirmed that comments had been received from Wingham Parish Council raising issues such as odour nuisance, view of surrounding properties, excessive noise and increase in traffic and access issues. She confirmed that the report had addressed these matters. Members were advised that the site had been assessed by the Council's ecologist and was not deemed to have any ecological value. The existing access would be used, and foul waste would be disposed of via composting toilets and collection, the latter being compliant with Environment Agency requirements.

In response to Councillor Bates, the Principal Planner confirmed that the closest dwelling to the site was 135 metres away. Visitors would park in the existing parking area shown on the map. Councillor Jull queried the fact that there was no mention of the Public Right of Way (PROW) in the report, and whether glimpses of the site could be gained through the hedgerow from the PROW. The Principal Planner advised that the application plans showed only existing planting. She had walked along the PROW, and the ability to catch views of the site would depend upon the time of year but, in any case, she did not regard this as a negative impact.

In response to Councillor Biggs, she clarified that wastewater would be deposited into containers and managed by the applicants. From the application details, she understood that the huts and horse box were likely to be finished in dark green and the finish was likely to be the only detail that could be controlled by the Local Planning Authority (LPA). Councillor T A Bond pointed out that the site was a long distance outside the settlement confines and referred to the previous history of the site. He referred to Policies DM15 and DM16 and commented that, on balance, there were strong reasons for granting permission such as the benefit to the local economy. Nevertheless, he thought it was unlikely that visitors would use the facilities of Wingham and suggested that the proposed development was not justified.

The Committee was reminded that there had been two refusals and one withdrawn application for the site. The withdrawn application had been for a much larger area and for a different type of accommodation. Whilst a certificate of lawfulness had been refused for the erection of a rear extension, another for use as a residential

dwelling without compliance with an agricultural occupancy condition had been granted. Policies DM1, DM15 and DM16 of the existing Local Plan were considered to be out-of-date and the emerging Local Plan carried more weight. Moreover, paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) supported development in the countryside for tourism purposes. Although the site was outside the settlement confines, the nature of the proposal required such a location.

RESOLVED: (a) That Application No DOV/22/00537 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) Plans;
- (iii) Drainage implementation;
- (iv) No more than 2 glamping units;
- (v) No permanent residential use;
- (vi) Written log of visitors.

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

110 APPLICATION NO DOV/22/00768 - 215 ST RICHARDS ROAD, DEAL

Members were shown a plan, drawings and photographs of the application site which was adjacent to the settlement boundary of Deal. The Senior Planner advised that planning permission was sought for the erection of one detached, two pairs of semi-detached and three terraced dwellings. As an update to the report, she clarified that the condition for electric vehicle charging points would be removed for reasons stated earlier in the meeting. She explained that the mesh fencing enclosing the electricity sub-station next to the site access had been installed in order to meet visibility requirements. KCC Highways had confirmed that this arrangement was satisfactory, subject to a Section 106 agreement being secured to ensure the fencing and visibility splays were retained.

Councillor H M Williams spoke against the proposal, stating that there had been several developments at Mill Hill without an increase in infrastructure such as school places, GP surgeries, etc. It was a cramped development, on a site that had not been allocated in the Local Plan, and there would be no developer contributions. Since the Council had reached its housing targets, she argued that the houses were not needed. In response to Councillor Kenton, the Senior Planner advised that the applicant was in negotiations with UK Power Networks (UKPN) in connection with the fence. She confirmed that, unless he was able to enter into an agreement with UKPN, the condition would not be discharged and planning permission could not be implemented.

Councillor Cronk queried the report's reference to a nearby development as it was his understanding that other developments should not be taken into account when assessing the traffic impact of a particular development. He also raised a question

about car ports and their potential conversion into garages. The TLDM confirmed that the application before the Committee should be considered on its own merits and the one referred to in the report had been included for context. Permitted development rights had been removed to prevent car ports being converted into garages without planning permission. Moreover, there was a condition requiring parking provision to be retained.

Councillor Jull questioned what had happened with regards to plans to move the urban boundary so that the school playing field was excluded. He noted the visual impact the proposed three-storey dwellings would have on the countryside, being situated on top of a ridge. In his opinion there would be harm caused by views of the development from the other side of the valley. He also queried why the access was being squeezed through a narrow road when it could more sensibly be routed through Alexander Drive. He was also concerned that the report made no reference to, nor addressed the issue of, the Manor Road/London Road and London Road/Mongeham Road junctions which KCC Highways had advised were at capacity and, as a consequence, that no further developments affecting those junctions should be permitted.

The TLDM advised that the new confines proposed under the emerging Local Plan excluded the playing fields south-west of the school. He agreed about the access but reminded Members that they could only consider what was before them and KCC had advised that the access was acceptable. In terms of visual impact, the development would be seen in the context of the GP surgery building which was also visible in views across the valley. Vehicle movements generated by eight properties were unlikely to have a significant impact on the road network. A refusal on the basis of a handful of additional vehicles entering these junctions at peak hours would not meet the test of the NPPF which was based on there being a severe impact.

Councillor Jull responded that, according to the emerging Local Plan, KCC Highways had advised there should be no more developments in Deal. He questioned therefore why a development outside the confines was recommended for approval. He did not accept that the development would not have a severe impact because the junctions were already congested and this scheme would exacerbate the problem still further. Councillor Kenton agreed that access and the road infrastructure around Deal were poor, and suggested that KCC should be challenged in future or there would be serious traffic issues around Deal. Since the principle of the development was accepted and, given that KCC Highways had raised no objections, he felt there was no option but to approve the application. Councillor Bond agreed with the report recommendation but suggested that condition 7 should be removed.

The Senior Planner agreed that condition 7 could be removed as visibility splays would be covered by the Section 106 agreement. In response to Councillor R S Walkden, she clarified that a sprinkler system could be conditioned. The acoustic fence would run the length of the driveway, details of which were to be submitted. The TLDM clarified that it was the same KCC department that provided comments on planning applications and the Local Plan, albeit they were covered by different Officers.

It was moved by Councillor N S Kenton and duly seconded that Application No DOV/22/00768 be approved as per the Officer's recommendation, subject to the removal of conditions 7 and 9.

On being put to the vote, there was an equality of votes.

The Chairman used his casting vote and the motion was CARRIED.

RESOLVED: (a) That, subject to the carrying out of the serving of notice on those interested parties related to the application site (for a period of no less than 21 days) and a Section 106 agreement, Application No DOV/22/00768 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) In accordance with approved plans;
- (iii) Material samples;
- (iv) Drainage details;
- (v) Parking provision and retention of parking spaces;
- (vi) Retention of cycle and bin storage;
- (vii) Soft and hard landscaping;
- (viii) Completion and maintenance of the access, including use of a bound surface for first 5 metres;
- (ix) Biodiversity enhancements;
- (x) Contamination;
- (xi) Archaeology;
- (xii) Tree protection measures;
- (xiii) Landscaping to be carried out in accordance with submitted plan;
- (xiv) Removal of permitted development rights for Class A and C;
- (xv) Obscure glazing within the flank elevation of Plots 1 and 8;
- (xvi) Acoustic fencing to be erected;
- (xvii) Development to accord with the submitted construction management plan.

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

The meeting was adjourned at 7.37pm and reconvened at 7.42pm.

112 APPLICATION NO DOV/22/01120 - CHERRY GARDEN, CHERRY GARDEN LANE, ASH

Members viewed plans and photographs of the application site which was situated within the village confines of Ash. The Principal Planner advised that planning permission was sought for the erection of three detached and six semi-detached dwellings. A similar application for nine dwellings had been refused in 2022. The site was situated on the eastern side of Ash at the junction with Sandwich Road and formed part of a wider housing allocation for 95 homes in the Local Plan and Ash Neighbourhood Plan. Applications for the other sites were in progress, the applicants having submitted a masterplan which demonstrated a connectivity between the two sites and a comprehensive approach to the overall development, as required by policies. Whilst a masterplan for this site had been submitted subsequent to the application, it did not show a connectivity between this and the other sites (including a safe and convenient access to the play space), nor a comprehensive and collaborative approach to development on the wider site. A new access was proposed onto Cherry Garden Lane rather than onto Sandwich Road. The new access would involve the removal of a hedgerow and did not respect the character of the street scene on which it would have a detrimental impact. Moreover, it would be out of step with the prevailing pattern of development. Ecology was also a problem. She added that if the proposal had come forward as a separate development in its own right, there would still be concerns over access, layout, etc.

Councillor Biggs commented that the masterplan was key to assessing the application. The proposed scheme did not integrate into the wider development and there was no ecology report. The Neighbourhood Plan was an excellent document and the application's failure to comply with it led him to believe that the application should not be approved. He agreed that the proposal should be refused if it did not comply with the overall masterplan for the site. The Principal Planner confirmed that the masterplan had been submitted late and failed to demonstrate that the scheme integrated with the other two sites. She also confirmed that the middle site in the wider development could provide access for this site, and details to secure this would be conditioned accordingly. In response to Councillor Bates, she advised that the other two applications had been delayed due to the Stodmarsh issue. Revisions had been made to the 2020 application and it was nearing completion.

RESOLVED: (a) That Application No DOV/22/01120 be REFUSED on the following grounds:

- (i) In the absence of a development brief for the wider site, the applicant has failed to demonstrate that the application accords with an agreed comprehensive approach for housing allocation ANP7a/LA21. Further, the applicant has failed to demonstrate that the development of this site will not prejudice the implementation of the whole site allocation. As a result, the proposed development would fail to integrate with the wider village setting and would appear as an unplanned and visually discordant urban extension to the village contrary to policy ANP7a of the Ash Neighbourhood Plan and policy LA21 of the Land Allocations Local Plan.

- (ii) The creation of new vehicle access onto Cherry Garden Lane and the proposed layout, design and siting of the development would have a harmful visual impact on the rural character of Cherry Garden Lane and would be out of keeping with the prevailing pattern of development. Consequently, the development would fail to add to the overall quality of the area and establish a strong or positive sense of place and contrary to policy ANP7a of the Ash Neighbourhood Plan, policy LA21 of the Land Allocations Local Plan, policy PM1 of the draft Dover Local Plan and paragraph 130 of the National Planning Policy Framework.
 - (iii) The lack of pedestrian links from the site to the existing highway network constitutes a risk to pedestrian safety and represents an unsustainable form of development contrary to policies SP1, SP2 and T11 of the draft Dover Local Plan and paragraphs 104, 110, 111 and 112 of the National Planning Policy Framework.
 - (iv) In the absence of evidence to the contrary, the development has failed to demonstrate a full assessment of the implications of the development on the ecology and wildlife within and around the site and the ecological and nature conservation value of the surrounding European Protected Sites. In the absence of this information, the proposal would be harmful to matters of ecological importance and would be contrary to draft policies SP13, SP14 and NE3 and paragraphs 174, 180 and 181 of the National Planning Policy Framework.
- (b) That 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.

113 APPLICATION NO DOV/22/01216 - LAND SOUTH-WEST OF FIELDINGS, STONEHEAP ROAD, EAST STUDDAL

The Committee was shown an aerial view, drawings, plan and photographs of the application site. The Senior Planner advised that planning permission was sought for the erection of a two-storey dwelling with parking and landscaping on a site that was situated outside the settlement confines of East Studdal. As an update to the report, she advised that a representation had been received from one of the ward councillors, Councillor Stephen Manion, supporting the application and stating that the site was a sustainable one and suitable for development.

The Senior Planner advised that the application was a resubmission of an application refused in July 2022, albeit with some limited alterations having been made to the design of the dwelling. Prior to July, there had been four refusals of applications for development on the site, two of which had subsequently been dismissed at appeal. Of the four applications refused, two had been decisions of the Planning Committee. The most recent application had been refused because of the plot's location outside the confines; harm to the intrinsic character and beauty of the countryside; failing to achieve a sustainable pattern of development; creation of an urbanised and visually intrusive form of development which would cause substantial harm to the unspoilt rural character and appearance of the area, and the

adverse effect on reptiles. She emphasised that the refused applications and appeal decisions were material planning considerations and therefore relevant to the Committee's determination of the current application.

Members were advised that East Studdal was designated as a tier 2 settlement where development outside the confines was not permitted. The site was not a sustainable location, and the proposed development was contrary to Policy SP4 of the emerging Local Plan which dealt with residential windfall development. If anything, this emerging policy strengthened the reasons for refusal of the current application over those previously refused. Whilst the 'tilted balance' approach of paragraph 11 of the NPPF was engaged, the limited benefits did not outweigh the significant and demonstrable harm that would be caused by the visual impact and unsustainability of the proposal. It was recommended that the application should be refused.

Councillor Walkden commented that the site did not appear to be in open countryside according to the map. The site was only 19 metres from the village confines, and he was aware that other dwellings were being constructed nearby. For these reasons, he proposed that the application should be approved. Councillor Bates reported that he had visited the site and was surprised to find that it was scrub land. There were a number of houses surrounding the site, including an extensive linear development of houses opposite. He recognised that previous refusals for development on the land were a material consideration, and that sustainability was an issue. However, he was of the view that there would be no harmful visual impact arising from the development. Councillor Jull stated that he had been in favour of two previous applications for the site, and had sought to have the site allocated in the emerging Local Plan. He argued that the Plan had allocated additional development to East Studdal and this proposal was no less sustainable than they were. In his opinion the site was an infill site, and he did not consider that the proposal would have such an adverse impact on the countryside that it outweighed the benefits of the proposal. He suggested that the application should be approved on the basis that there would not be an adverse impact on the countryside and that the proposal was no less sustainable than other schemes being constructed in the village.

Councillor Biggs referred to the four previous refusals and the two appeals that had been dismissed. The dwelling that was currently proposed was bigger than previous designs and there had been no change in policies that now made this site acceptable for development. The Senior Planner confirmed that the dwelling was larger than those previously refused on the ground of their visual impact. She reinforced the fact that previous decisions relating to the site were material considerations. In addition, previous appeal decisions had specifically stated that it was not an infill site. She stressed that the site was adjacent to undeveloped land, and that Policy SP4 was based on updated housing numbers; the application's non-compliance with that policy strengthened the reasons for refusing it.

Councillor Bond commented that, whilst he would normally be opposed to development in the countryside, the fact that permission had already been granted for dwellings that were further away from the confines, and the presence of a number of sizeable houses opposite the site, persuaded him that the application should be approved. He was of the view that refusing the application on the ground of harm to the countryside was a weak argument. If the Committee's focus should then be on the scale, form and design of the dwelling, the presence of large dwellings opposite the site suggested that these were not sound reasons for refusal either. With the right conditions, he felt the proposal would be acceptable.

Councillor Kenton stated that he had looked at the previous applications and supported the refusal of the last one as he agreed that the design had been unattractive and inappropriate for the site. However, this design was much more appealing, almost identical to a house nearby and would not be out of character with the area. He welcomed the applicant's proposals to construct a sustainable/energy efficient home. He also noted that the parish council was in favour of development on the site. He remarked that a number of other developments had been permitted at East Studdal which indicated that the village had been deemed a suitable and sustainable place for additional development. Given that Policy DM1 of the Local Plan was considered out-of-date and the new policies of the emerging Plan were not yet fully engaged, he argued that the Committee was in limbo in policy terms when it came to determining the application. In his opinion the area was not overly rural in character and he considered that the impact on the countryside would not be sufficient to warrant refusing the application.

The Principal Planning Solicitor advised that it was for the Committee as the decision-maker to exercise its own judgement when determining planning applications. However, that judgement was not to be exercised in a vacuum and the law required decisions to be made in accordance with the Development Plan unless material considerations indicated otherwise. He also explained that the fact that the Council considered its policy DM1 to be out-of-date did not change the policy's status as being part of the Development Plan and, therefore, the starting point for decision-making. He reminded Members that the report set out the relevant policies and that the proposal was contrary to those policies in terms of its location and impact on the character of the countryside. He stressed that the Committee was required to have regard to the policies of the existing Local Plan and the emerging Local Plan, and that the location of the site was contrary to the policies on the location of development in both. Furthermore, he pointed out that it was unusual to have so many recent refusals in relation to a site, those refusals being, by virtue of their similarity to the current proposal, material to the Committee's determination of the application. He advised that consistency of decision-making was a public law principle which applied to the decisions of a planning committee. If Members were minded to approve the application, it was incumbent upon them to identify the difference between this one and previous applications, and to explain their reasons for coming to that conclusion. If they were unable to support their decision with adequate reasons, it would be weak, not well founded and susceptible to challenge. In this regard, he advised that the reasons for approval cited by Councillor Jull did not engage effectively with the previous reasons for refusal and it was those previous reasons for refusal that Members needed to focus on so that it was clear what distinguished this application from the others.

Councillor Jull suggested that the application should be approved because the current one and a half storey design was more in keeping with the street scene. The site at Strakers Hill had not been refused on the grounds of sustainability which indicated an inconsistency in decision-making regarding the sustainability of East Studdal as a settlement. The impact on the countryside was a subjective matter and, in his view, the harm would not be sufficient to warrant refusal. He added that he disagreed with previous decisions to refuse planning applications for this site.

The Principal Planning Solicitor reminded Members that, whether they personally agreed with them or not, the previous decisions relating to applications for this site were decisions of the Council which had demonstrated a consistency in decision-making and carried significant weight as the development now proposed was so

similar to those that had previously been refused. He advised that the greater the similarities between this and previous applications, the more weight Members should attribute to the previous decisions and the reasons for them. Whilst Members might now consider the proposed design acceptable, this did not address the unsustainability of the location. The site was not regarded as a sustainable location and, whilst Policy SP4 of the emerging Local Plan allowed windfall development, the application did not comply with that policy either.

Councillor Bond reiterated his concerns regarding the approval of a development near the application site, and stated that he did not feel that the Committee should be bound by decisions made by other people. In his view the reasons given for refusing the application were not sound when the site was clearly not in open countryside. Councillor Bates underlined the fact that the Committee was considering the application in its own right. He noted that there had been changes to the design since the previous application was refused, and Members were rightly weighing up the harm to the countryside and whether the site could be regarded as an infill development. In his view, the proposal would enhance the appearance of the area, and there were a considerable number of reasons why the application should be approved.

The TLDM commented that whether previous decisions had been made by Officers or the Planning Committee was irrelevant; applications for this site had twice been refused by the Planning Committee. Although the Committee was not bound by the outcomes of previous applications, he urged Members to consider carefully why this application was different to the previous applications and to reflect on the policies that applied. In respect of sustainability, he advised that he had not heard anything from the Committee that would logically lead it to a different conclusion to that reached by the Planning Inspector in relation to the dismissed appeals. Turning to the emerging Local Plan, he encouraged Members to think about SP4, in respect of which there were no unresolved issues and which therefore carried moderate weight when determining the application.

Councillor Jull referred to the agent's claim that the development would reduce the applicant's journey to work mileage considerably. The TLDM advised that, whilst this factor had the potential to carry weight, there was no way of securing or controlling it. Councillor Walkden suggested that the application should be approved because there would be no harm to the intrinsic beauty and character of the countryside given that there was already a pattern of development opposite the site. He argued that the proposal would not be intrusive nor harm the character of an unspoilt rural area.

(The Committee agreed that there should be an adjournment for Officer discussions. The meeting was adjourned at 8.56pm and reconvened at 9.07pm.)

Once the meeting had resumed, the TLDM reported that Officers had contemplated the debate and comments made by Members. It was evident that some Members considered that there would be no harm arising from the proposed development to the character and appearance of the area, whilst some Members considered there to be a benefit. Moreover, weighing the application against the 'tilted balance' approach of paragraph 11 of the NPPF, they appeared to be of the view that any adverse impacts of the development would be significantly and demonstrably outweighed by the benefits which included the dwelling's sustainable construction. He summarised the conditions that would be required and suggested that the final wording of these and any other matters be delegated to the Head of Planning and Development and/or Officers.

It was moved by Councillor R S Walkden and duly seconded that Application No DOV/22/01216 be APPROVED.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, and subject to a Section 106 agreement for the translocation of reptiles, Application No DOV/22/01216 be APPROVED on the grounds that, notwithstanding the site's location outside the settlement confines and, having regard to the planning history of the site, Members considered that the scale and design of the dwelling would positively enhance the character of the countryside, whilst the development would secure energy and water-saving features. Overall, the disbenefits of the development would not significantly and demonstrably outweigh the benefits of the development and, in accordance with paragraph 11 of the National Planning Policy Framework, permission should be granted.

(b) That approval be subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials;
- (iv) Drainage details;
- (v) Details of energy efficiency measures/technical details (e.g. rainwater recycling);
- (vi) Details of landscaping;
- (vii) Car parking (permeable driveway);
- (viii) Removal of permitted development rights;
- (ix) Provision and retention of visibility splays;
- (x) Archaeology;
- (xi) Ecology.

(c) That powers be delegated to the Head of Planning and Development to finalise, and settle the wording of, conditions and to settle any matters outlined in the report.

114 APPLICATION NO DOV/22/01245 - LAND ADJACENT TO HOURS, CHURCH ROAD, COLDRED

Members viewed an aerial view, drawings, a plan and photographs of the application site which contained a section of an old railway cutting associated with the former collieries of the east Kent coalfield which joined up with the East Kent Light Railway. The Principal Planner advised that there had been two recent

applications in respect of the site; one which had not been determined but dismissed at appeal and another last year that had been refused. The current application related to the front section of the cutting and, like the others, proposed to fill in the north-western section of the cutting. Unlike the others, it was also proposed to partially backfill sections of the cutting around the trees and to erect bridge piers with railings adjacent to the road. The cutting was a non-designated heritage asset, and the proposed works would cause material harm to what little remained of the east Kent coalfield and the industrial heritage of the district. Whilst more information had been provided with this application, it had still failed to demonstrate that the proposed infilling of the cutting was necessary, a point noted by the Planning Inspector in relation to the dismissed application. The Council's Principal Heritage Officer objected to the proposal, as did KCC Archaeology. The application was therefore recommended for refusal.

Councillor Walkden expressed reservations about preserving a feature that had been dismantled in 1935 and queried whether the East Kent Light Railway had been consulted about the proposal. Councillor Jull stated that there was no real evidence from the photographs shown to the Committee that the cutting had slumped. It appeared illogical that the applicant was proposing to plant new trees when one of the reasons given for the proposed works was to prevent the existing trees slumping further. Councillor Bates agreed, arguing that the cutting should be protected as it was an interesting part of the district's history.

RESOLVED: (a) That Application No DOV/22/01245 be REFUSED on the grounds that the proposed infilling of the historic railway cutting in the form proposed would result in unjustified harm to a Non-Designated Heritage Asset and its setting through the substantial loss, and corresponding loss of legibility, of a rare remaining section of cutting of the East Kent Railway and the local industrial heritage without overriding justification. The proposal would therefore fail to comply with Policies DM15 and DM16 of the Core Strategy, Draft Policies NE1, HE1 and HE3 of the draft Dover District Local Plan and paragraphs 174 and 203 of the National Planning Policy Framework.

(b) That 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.

115 APPLICATION NO DOV/22/00353 - RIPPLE COURT, WINGLETON LANE, RIPPLE

The Committee was shown plans and photographs of the application site which was the grounds of a Grade II*-listed property located to the south of Ripple and west of Ringwould and Deal. The Senior Planner advised that planning permission was sought for a change of use of land for hosting weddings with a temporary marquee and associated parking. As a correction to the report, she advised that Ripple Parish Council had raised objections which were addressed in the report. She also advised that a condition should be added prohibiting the use of pyrotechnics, and the one relating to electric vehicle charging points removed.

Members were advised that the proposal comprised the stationing of a temporary marquee for six months of the year in the southern part of the site, along with a small catering unit and parking. There would be a limit of 30 events per year and a maximum number of 120 guests would be allowed. No amplified music would be permitted after 10.30pm, with a venue closure time of 11.30pm. The marquee would be acoustically lined and music would be further controlled by being played

within an acoustic enclosure for dancing. The nearest residential property was 55 metres away, and KCC Highways had raised no objections. The proposal constituted a new rural business, the principle of which was supported by the NPPF. Whilst there would be less than substantial harm to a listed building, this was outweighed by the wider public benefits.

In response to Councillor Cronk, the TLDM advised that the parking area would not be marked out as this would introduce a permanent visual element for what was only a temporary use. There was a need to balance the temporary use of the site as a wedding venue against the heritage value of the site, and Officers would not want to see, for example, an area of hardstanding. Leaving the area unmarked would also allow the space to be used flexibly. Notwithstanding these points, he advised that the travel plan could require details of disabled parking and how disabled people would be accommodated within the site. Arrangements regarding disabled toilets could be covered by condition. In response to Councillor Jull who raised concerns about noise, he clarified that a sound system would limit the noise impact, as would the acoustic lining of the marquee and enclosure around the dancefloor. The Council's Environmental Health team had confirmed that it was content with the proposed arrangements.

Councillor Bates welcomed the restriction on pyrotechnics but raised concerns around parking arrangements and asked if there was a contingency plan for managing an excess of cars. Councillors Kenton and Bond raised concerns about noise generated by guests standing outside the marquee, catering unit or toilets. The TLDM advised that the travel plan would require details to be submitted of sustainable transport arrangements, including group travel. The access was quite wide so, whilst not ideal, any overflow of cars could probably be accommodated there. In terms of noise, normal background noise levels were approximately 31 decibels and this proposal, with the measures outlined, would ensure that the noise stayed at least 9 decibels below that. No music would be permitted outside the marquee. The noise information submitted so far had included, amongst other things, details of smoking areas, orderly dispersal and contacts for members of the public. Full details would be required as part of the event noise management plan. The impact of guests' vehicles would be addressed in the travel plan in order to ensure that the number of cars travelling to the rural area was minimised and that there was appropriate and adequate parking on site. It was agreed that the use of Chinese lanterns should be prohibited.

(The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee proceeds with the business remaining on the agenda.)

RESOLVED: (a) That Application No DOV/22/00353 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Restrict use to wedding venue;

- (iv) No more than 30 wedding events per year and maximum of 120 people;
- (v) Removal of marquee October to April;
- (vi) Event Noise Management Plan;
- (vii) No amplified music outside the designated marquee dancefloor enclosure;
- (viii) No amplified music after 10.30pm/venue finish time 11.30pm;
- (ix) Provision of visibility splays;
- (x) Submission of travel plan;
- (xi) Retention of parking for wedding venue when operational;
- (xii) External lighting details;
- (xiii) Use of pyrotechnics and Chinese lanterns prohibited.

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

116 APPLICATION NO DOV/22/01282 - 28 CHURCH LANE, DEAL

Members were shown an aerial view, plan and photographs of the application site which was situated within the settlement confines of Deal. The Planning Officer advised that retrospective planning permission was sought for a change of use of a summerhouse to a hairdresser's/beauty salon. She advised that the applicant had started the business during lockdown without permission and the Council's Environment Health team had investigated following a complaint. There was adequate parking in the area and the application was recommended for approval.

RESOLVED: (a) That Application No DOV/22/01282 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Hours of operation during the hours of 09.00-16.00 Monday to Saturday and no operation on Sundays;
- (iv) No more than two visiting members of the public at any one time.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with

the issues set out in the recommendation and as resolved by the Planning Committee.

117 APPLICATION NO DOV/22/00962 - BEACHCOMBERS, CLIFFE ROAD, KINGSDOWN

The Committee viewed an aerial view, a drawing, plans and photographs of the application site which was a house in a large plot situated within the settlement confines of Kingsdown and adjacent to the Kingsdown Conservation Area. The Planning Officer advised that planning permission was sought for the erection of single storey side and rear extensions, a front porch and two rear dormer windows, a front first-floor balcony with railings and a double garage, amongst other things. The rear elevation would tidy up what currently existed and there would be planting at the front. The main issue relating to the application was the wall at the front which was proposed to be 2.1 metres high.

The TLDM advised that the house was currently uninhabitable, and the proposed conditions had been worded accordingly. However, the conditions could be worded so as to require them to commence within three months of planning permission being granted. Councillor Bates reported that local residents had expressed concerns about the proposal, and specifically the wall which was considered too high and not in harmony with the street scene. Councillor Williams agreed, stating that the house was not far from the conservation area and the high wall would make it look like a gated community which was out of keeping with the character of the area. Whilst the works to the house would be an improvement, the proposed wall was too high and should be reduced to one metre. Councillor Kenton acknowledged the unpopularity of the wall and sought advice on whether the application could be refused on this basis alone. The TLDM advised that Members could either approve the application as presented, refuse it because it was unacceptable or defer it to facilitate discussions with the applicant about the height of the wall. Officers considered the wall to be acceptable because it was in keeping with the property which was large and visually distinct from its neighbours. He pointed out that there was a property nearby with a two-metre-high fence. He was of the view that the application was not worthy of refusal, but it was for the Committee to make a judgement on this matter. Councillor J S Back commented that it was an imposing house and a low wall would look out of place.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/00962 be DEFERRED in order to enable Officers to negotiate with the applicant in relation to the height of the wall, and a report be brought back to the Planning Committee.

118 APPEALS AND INFORMAL HEARINGS

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

119 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 10.24 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

PLANNING COMMITTEE – 23 FEBRUARY 2023

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.

DOV/22/00962

Erection of single storey side and rear extensions, front porch, 2 rear dormer windows, one with Juliette balcony/railings; 5 rooflights, alterations to windows/doors, front first-floor balcony with railings, flue to side elevation, double garage with linked roof, solar panels, front garden wall/gate, 1.8-metre fence/gate, shed, garden room, raised rear platform with railings, 6-metre flagpole, bin storage, steps, patio/hardstanding, extension to vehicle access and driveway (existing porch, single storey rear extension, 2 dormer windows and 2 outbuildings to be demolished) – Beachcombers, Cliffe Road, Kingsdown (Agenda Item 13 of 19 January 2023)

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.

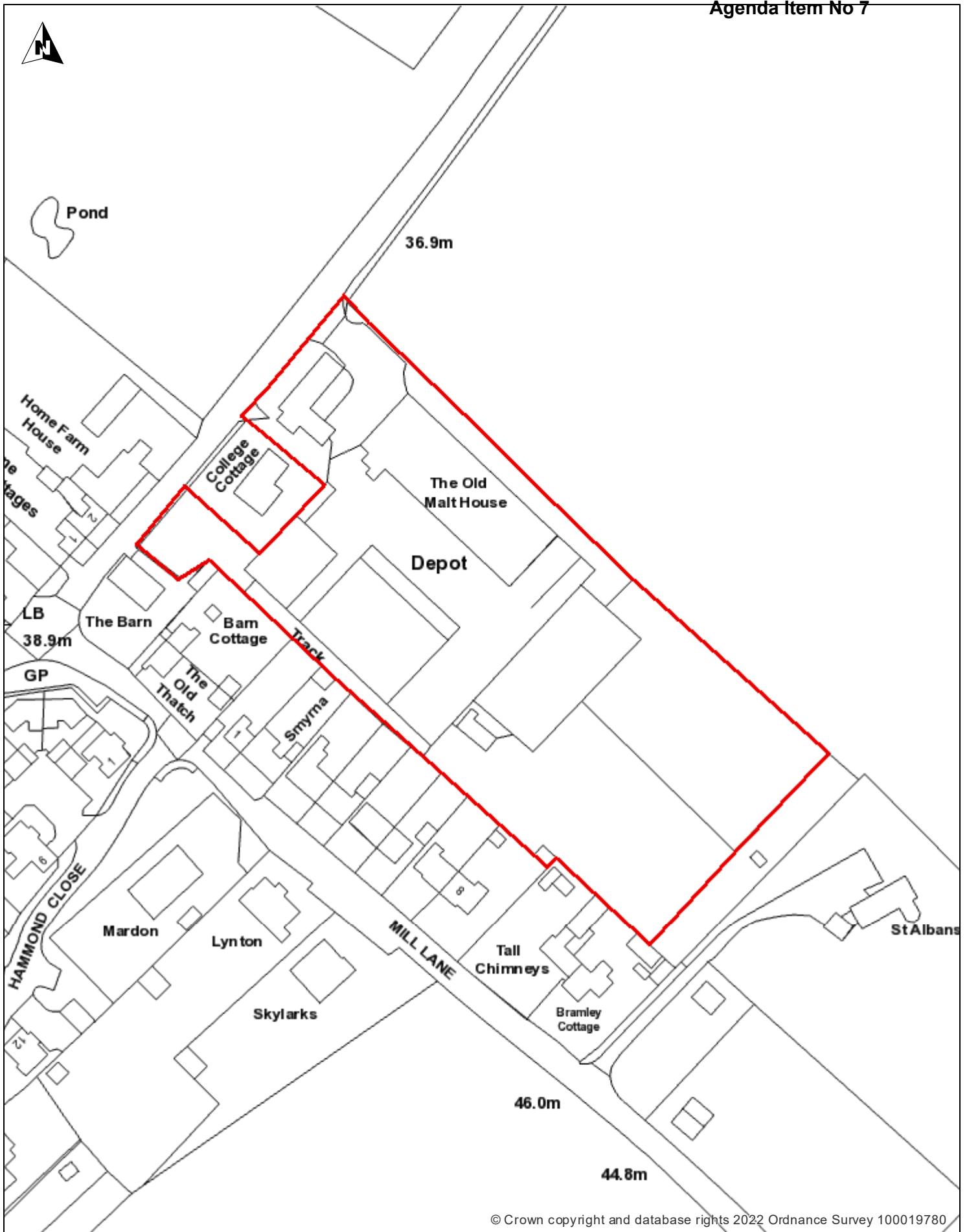
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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



21/01615

The Old Malt House
Easole Street, Nonnington
CT15 4HF

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/21/01615 – Erection of 29 dwellings with associated access, parking and landscaping (existing industrial buildings to be demolished) – The Old Malthouse, Easole Street, Nonington**

Reason for report: Due to the number of contrary views (39) and Cllr call-ins from Cllr Keen and Cllr Manion

- 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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Core Strategy (2010)

CP1, CP6, DM1, DM11, DM13, DM15, DM16

Land Allocations Local Plan

LA41

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Policies relevant to this application are: SP2, SP3, SP5, SP11, SP13, SP14, SP15, CC4, CC6, PM1, PM2, PM3, H1, H2, H3 T11, T13, NE1, NE2, NE3, HE1, HE3, SAP52

National Planning Policy Framework (NPPF) (2021)

The most relevant parts of the NPPF are 2, 8, 11, 12, 47, 55, 57, 107, 130, 180, 190, 201 and 202

The Kent Design Guide (KDG)

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

National Design Guide & National Model Design Code (2021)

Relevant Planning History

DOV/07/01379 – Change of use of land for the keeping of horses and retrospective application for the erection of 3 stables and shed - granted.

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

Nonington Parish Council

Objection, concerns have been raised in respect of heritage impact, traffic implications and lack of public transport and drainage.

Kent Highway Services

Not recommended refusal on highway grounds but has raised general concerns over the use of shared spaces.

Environment Agency

No objections, subject to conditions.

Kent Country Council Lead Flood Authority

Following the additional information, it is welcomed that preliminary infiltration testing has been undertaken in site and found favourable rates at shallow depths (<1.50m bgl). The LLFA anticipates that soakaways can be incorporated within the site. Previous objections are removed subject to conditions being imposed on any planning permission.

Southern Water

Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the developer.

Affinity Water

No comments

Kent County Council Economic Development

In addition, wheelchair accessible dwellings and a broadband condition. The following contributions should be secured per dwelling.

- Primary education – towards the expansion of primary schools in the Aylesham DfE - £4642.00
- Secondary education – towards expansion of selective and non-selective secondary schools. £4540.00
- Community Learning – Towards equipment, resources and classes to be delivered locally by the Dover District Adult Education service - £16.42
- Special Education – towards the Beacon School Satellite at Walmer - £1051.82
- Youth Service - Towards addition resources and services for Dover youth services - £65.50.
- Library Bookstock – Towards additional resources, equipment and stock – Aylesham Library and/or the mobile library service for Nonington £55.45.
- Social Care - Towards specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities and changing places within Dover District. £146.88
- Waste - Towards works at Dover HWRC to increase capacity. £54.47

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

In addition, wheelchair accessible dwellings and a broadband condition.

Kent and Medway Clinical Commissioning Group

This proposal will generate approximately 80 new patient registrations based on the dwelling mix provide. The proposed development falls within the current practice boundaries of Aylesham Medical Practice, Ash Surgery and Sandwich Medical Practice.

There is currently limited capacity within existing general practice premises to accommodate growth in this area and as such a total of £28, 764 is requested towards refurbishment, reconfiguration and/or extension of Aylesham Medical Practice and/or Ash Surgery and/or Sandwich Medical Practice and/or towards new general practice premises development in the area.

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

Dover District Council Senior Natural Environment Officer

The latest information regarding great crested newt potential is sufficient to rule out the potential for impacts to great crested newts, and there is agreement with KCC's advice that the potential for impacts to reptiles, hazel dormice, breeding and wintering birds has been adequately addressed.

In respect of bats, nesting birds and hedgehogs a condition should be imposed on any grant of planning permission. A further condition should be imposed in respect of ecological enhancements.

Dover District Council Tree & Horticulture Officer

No objections to the proposal provided the tree protection measures are installed in accordance with the details set out in the tree survey submitted with the application documents.

Dover District Council's Principal Heritage Officer

Supports the application subject to appropriate conditions.

Dover District Council Housing Manager

This application states that 9 affordable homes will be provided, which is a policy compliant quantity for a site of 29 units. The mix of property types will help to meet local need and demand. It is noted that no tenure split has been provided, so this is still to be agreed. It is advised that the apartments are provided for affordable rent, and that the 2 bedroom houses are designated for affordable home ownership. The mix is acceptable, except that First Homes should be 2 bedroom, so plots for the rent and the shared ownership should be swapped, so that it is : Affordable Rent Plots; 22, 23, 24, 25, 26; Shared Ownership Plots 20 and 21, First Homes (sold at a 30% discount in perpetuity to people from the parish) Plots 27 and 28. (Officer note: this is has been agreed by the applicant).

Dover District Council Senior Environmental Health Officer

It is noted the current industrial use of the site and the contaminated land initial assessment included in the submission information. Given the conclusion of this report, it is requested that conditions are imposed on any planning permission.

Kent Fire and Rescue Service

From plan drawing 843:P02 B the area between plots 14 and 15, concern is raised that this area will become full due to the high demand for resident and visitor parking and as a result would not be suitable for a turning fire appliance. This area should be designed as a dedicated fire appliance turning point for use at all material times.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the

relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Kent Police

Various comments regarding what the development would need to demonstrate in order to achieve Secured by Design accreditation. Comments are specifically made regarding: boundary treatments; the need for secure gates; the need for natural surveillance; management of car parking areas; the choice of tree species; defensible private spaces; lighting; main communal doors audio/visual door entrance systems; CCTV; window and door specification; and cycle storage.

Public Representations

39 letters of objections have been received and 2 in support. These comments are summarised:

Objections

- Devalue the properties.
- Adverse impact upon living conditions in respect of noise, rubbish, dust.
- No infrastructure, shops, doctors surgeries, restaurant and an empty pub.
- No connection to Snowdown railway station.
- The information on bus services is out of date.
- Adverse impact on conservation area and listed buildings. Proposal would lead to an overbearing impact, unacceptable overlooking and overshadowing.
- Adverse impact on highway and pedestrian safety.
- Nonington is a fast though road.
- Significant risk of flooding to houses on Easole Street.
- Inadequate sewage system.
- Loss to the countryside.
- Artificial lighting would be an additional intrusion to surrounding homes.
- The site has a wall that is protected and part of Nonington's heritage.
- Impact on ecology.
- Impact on Archaeology.
- Misleading information in respect of impact on traffic, loss of industrial traffic vs cars.
- Contaminated ground.
- No play area for children.
- At the time of the allocation within the local plan, residents were unaware in 2017.
- Overdevelopment of the site.
- Incongruous, visually and architecturally at odds with the surrounding houses.
- Plot 29 breaks the 45 degree rule.

Support

- Supports the principle.

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

The Site

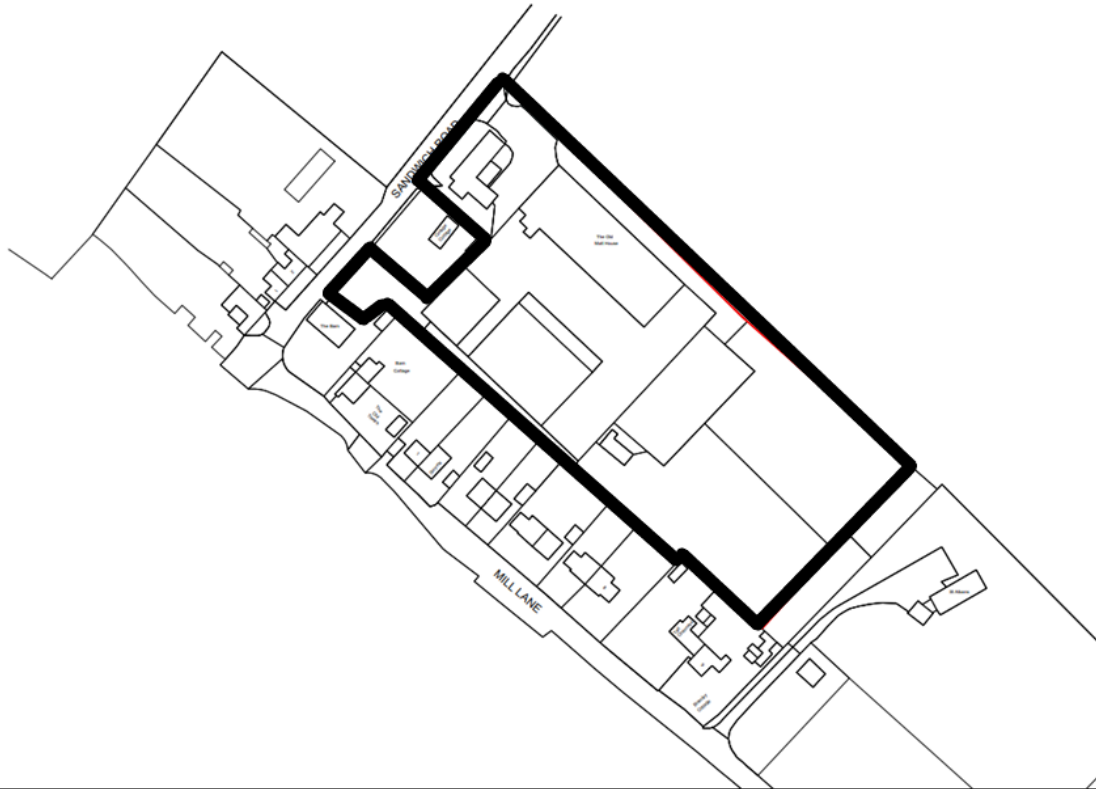


Figure 1: Plan showing site location

- 1.1 The application site lies within the settlement confines of Nonnington. Nonnington is an elongated village to the North of Dover and to the south of Aylesham which is a Rural Service Centre. The site is located on the edge of village with residential development to the south and east and open countryside to the north and west. The site is adjacent to a conservation area and listed buildings including The Old Malthouse which is located adjacent to the entrance on Easole Street/Sandwich Road. The site is screened from the open countryside by a line of mature trees along the north eastern boundary. Public footpaths surround the site, the main ones run parallel to the Sandwich Road, known as EE311 and EE312 and EE310 which runs to the north east of the site approximately 400 metres away.
- 1.2 The site consists of two large workshop and warehouse buildings, a container, an office building and a separate horse paddock (with stables and enclosures), accessible from a side access track and separated from the buildings by a tall brick wall. It is understood that most of these buildings are no longer in use and only existing offices are occupied. This part of the site is contained within an old red brick wall (discussed later in the report). The eastern section of the site is largely separated by the existing wall, is open and used for the grazing of horses. It is noted that ground levels vary between the two parts of the site.

The Proposal



Figure 2 – Block Plan

- 1.3 Planning permission is sought for the erection of 29 dwellings consisting of 2 x 1 bedroom apartments, 2 x 2 bedroomed apartments, 4 x 2 bedroomed dwellings, 12 x three bedroomed dwellings, 9 x four bedroomed dwellings. This includes 9 units for affordable housing. The application also includes an associated access, parking, landscaping and the demolition of the existing buildings on site. Parking provision is provided within the site in a mixture of garages, car ports and open parking. It should be noted that the garage provision does not contribute to the minimum requirements but are additional.
- 1.4 The properties have a range of different architectural styles and designs and the street scenes below give a flavour of what these would look like. In respect of heights, these range from the highest of approximately 9.6 metres to the lowest being 7.62 metres.



Figure 3 – Street scene elevation, showing the design of dwellings. Section AA, along the N/SE axis and BB – Mill Lane.



Figure 4 – Street Scene along the NW, N axis and SE, S axis.

Plot 29

- 1.5 This property has been raised by third parties and is set slightly apart from the main development. Plot 29 is a four bedroom dwelling located within the north west corner located between College Cottage and The Barn on an existing car parking area. This property would be solely accessed off of Easole Street. The property would have an overall height of approximately 9.3m, an eaves height of 4.8 metres, a depth of 12.2 metres and a width of 11.3 metres.



Figure 5 – Plot 29 elevations.

The pallet of materials includes the following:

- Red/brown and slate roof tiles
- Timber boarding, either natural finish or with painted white/black finish
- Antique/painted brickwork
- Timber barn doors

1.6 The site access would have a width of 5.5 metres, with a 1.5 metre footpath along the access route leading into shared surface areas within the site and visibility splays of 2.4 metres x 60 metres have been demonstrated.

2. Main Issues

2.1 The main issues are:

- Principle
- Housing Mix and Affordable Housing
- Visual amenity
- Heritage
- Residential Amenity
- Highways
- Ecology
- Habitat Regulations

- Contamination
- Drainage and Flooding
- Development Contributions
- Archaeology
- Other Matters

Assessment

Principle

- 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 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five-year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.4 It is considered that policies CP1, CP4, CP6, DM1, DM2, DM5, DM11, DM13, DM15, DM16, DM27 are the most important policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (6.03 years' worth of supply) and has not failed to deliver 75% of the housing delivery test requirement (delivering 88%).
- 2.5 Prior to discussing the policies set out in the Dover District Core Strategy, policy LA41 of the Land Allocations Local Plan (2015) should be taken into consideration as a starting point. Policy LA41 sets out 'the site is allocated for residential development with an estimated capacity of 35 dwellings. Planning permission will be granted provided that:
- i. the existing boundary hedgerows and vegetation is retained along the north eastern boundary;
 - ii. development reflects the spatial character of the surrounding;
 - iii. due regard is made to the topography of the landscape; and
 - iv. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage and water supply infrastructure for maintenance and upsizing purposes.

In this instance, the proposed development is for 29 dwellings, less than the estimated capacity and the other criteria within the policy are considered to be have been satisfied and are discussed in detail later in this report.

- 2.6 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the district must comply with the Settlement Hierarchy". Within this policy Nonington has been identified as a village with the main focus for development

in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the application site is within the confines and therefore is considered to comply with the aims and objectives of this policy.

- 2.7 Policy CP4 sets out that planning applications for residential development for 10 dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing mix in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points. The policy is generally considered consistent with the NPPF and is considered to continue to attract significant weight. Within Nonington, the dominant housing provision purpose is to reinforce and reflect the character of the area while taking any opportunities to improve design standards. How the development will respond to this requirement will be discussed later in the report.
- 2.8 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time is needed. This policy is consistent with the aims and objectives of the National Planning Policy Framework and as such attracts full weight. In this instance, the reliable mechanism proposed would be a s106 legal agreement, the requirement from the appropriate consultees is set out below.
- 2.9 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the housing Local Housing Need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. In this instance, the proposed development is within the village confines and is therefore complies with policy DM1 of the Dover District Core Strategy.
- 2.10 Policy DM2 seeks to restrict the granting of planning permission for alternative uses on sites which are allocated for, or have extant planning permission for, employment uses. However, DM2 also states that such alternative uses can be granted permission if the site has subsequently been allocated for such a use in a Development Plan Document. This policy is more restrictive than the NPPF and, as such, carried reduced weight. Since the Site was allocated for residential development in the LALP, the scheme is considered to satisfy the criteria of DM2 as regards changing the use of the Site from employment to residential.
- 2.11 Policy DM5 sets out that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need. This policy is considered to be broadly consistent with the NPPF and attracts significant weight. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions, which is discussed within the report.

- 2.12 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance. The site is located within the residential area and is justified by policy LA41 of the adopted Land Allocations Local Plan.
- 2.13 Policy DM13 of the Dover District Council Local Plan sets out that provision for parking should be a design led process based on the characteristics of the site, the locality and the nature of the site. In this instance, the proposal would provide sufficient parking within the site and as such, Kent Highway Services have not raised this as an issue.
- 2.14 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. The site is within the settlement confines and, consequently, the development would not result in the loss of countryside. A large proportion of the site is already currently built upon with light industrial units and the paddock is well screened along two sides of the application site by trees. All the trees are proposed to remain and as such, the proposal by this application would have limited impact on the character and appearance of the countryside.
- 2.15 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. The screening will be maintained and additional planting is proposed to mitigate against any potential harm.
- 2.16 Policy DM25 requires planning applications for five or more dwellings to contribute to the provision of Open Space and advises that this may be secured via off-site contributions if it is impractical to provide on-site. Recommended contribution sums for Open Space and SPA mitigation to be secured through Section 106 agreement, which the applicant has agreed to.
- 2.17 Policy DM1 is out-of-date, whilst CP1, DM2, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. Policy LA41 is considered to be crucial to the determination of this application. Whilst DM1 is also considered to be particularly important to the assessment of the application, given that LA41 relates specifically to this site, it is concluded that the basket of 'most important

policies' are, on balance, not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

- 2.18 Whilst due regard must be had for all the policies within the Dover District Draft Local Plan, the most important is SAP52 which allocates the application site with an indicative capacity for 35 dwellings subject to criteria set out within that policy and moderate weight is attributed to this policy. It has been noted that the LVIA has not been submitted with the application, however the impact is considered to be able to be fully assessed as set out in the report and therefore it is considered the proposal complies with this policy.
- 2.19 With regards to this particular application, the proposed development is an allocated site within the Local Allocations Local Plan (2015) and Draft Dover District Local Plan. In addition to this, the focus of the NPPF is to locate new housing development within sustainable locations. Supporting the principle of new housing within this location 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. In addition to this the development is consistent with the objectives of policy LA41 of Local Allocations Local Plan and the proposal is considered acceptable in principle.

Housing Mix and Affordable Housing

- 2.20 Policy CP4 of the Core Strategy requires that housing applications for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. The proposal would provide 29 dwellings comprising of two one bed roomed apartments, two two bed roomed apartments, four two bed roomed dwellings, twelve three bed roomed dwellings and nine four bed roomed dwellings. Paragraph 3.34 of the Core Strategy identifies the broad split of demand for market housing, recommending: 15% one-bed; 35% two bed; 40% three-bed; and 10% four bed and larger (albeit this split has been superseded by more recent Strategic Housing Market Assessments). The proposal comprises of the following market housing mix.

| Number of bedrooms | % Market proposed |
|--------------------|-------------------|
| One (x 2) | 7% |
| Two (x 6) | 21% |
| Three (x12) | 41% |
| Four (x4) | 31% |

- 2.21 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the recent Authority Monitoring Report advises that over monitoring period, one and two bedrooms have been under-provided, whilst the number of four bed roomed dwellings provided has significantly exceed required need. The proposal would contribute towards the current disparities within the district, weighing against the development.
- 2.22 Policy DM5 of the Dover District Core Strategy sets out 'the council will seek applications for residential dwellings to provide 30% of the total homes as proposed as affordable homes, in home types that will be addressed prioritised need. The emerging plan, at Policy H1, maintains this requirement outside of Dover. The applicant is proposing nine affordable houses (31%) comprising of 5 x affordable rent units (units 22, 23, 24, 25, 26), 2 x shared ownership plots (20,21), 2 x first home plots (27,28). Dover District Council Strategy Housing Manager is satisfied with this mix. The

proposed mix of dwelling sizes meets the needs within the area and, as such, subject to the precise tenure mix and the delivery of these dwellings being secured by legal agreement, it is considered that the development accords with policy DM5 of the Dover District Core Strategy and H1 of the Draft Local Plan.

Character and Appearance

- 2.23 Paragraph 130 of the National Planning Policy sets out that ‘planning decisions should ensure that developments function well and add quality of the area, not just for the short term but over the lifetime of the development’. Furthermore, developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Whilst the proposed development is located within the settlement boundaries of Nonington, by virtue of the location of the site on the fringe of the village adjoining open fields, regard must also be had to policies DM15 and DM16 which generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape.
- 2.24 The wider landscape is predominantly open farmland, with arable and grazing pastures, fragmented by areas of woodland. These include an area of replanted ancient woodland, orchards, windbreaks, broadleaf and coniferous plantations. The landscape is punctuated with ribbon/linear rural settlements and farmsteads along the rural roads. The closest PRow to the proposed site is public footpath EE218A which runs directly opposite the site and connects to the other PRowS in the area forming a network leading to the village and areas beyond.
- 2.25 Regard must be had for the potential viewpoints of the site from the surrounding vantage points, especially in view of the topography of the land increasing towards the rear of the site and the edge of settlement location. The expectation is that any development within this location should provide a soft transition from village into the countryside and respond well to the local spatial characteristics. Policy LA41 of the Land Allocations Local Plan (2015) and policy SAP52 of the Dover District Local Plan have estimated a capacity of 35 dwellings. The application is for the 29 dwellings which has allowed an informal and organic appearance with gaps and spaces to provide views through to the village when viewed in particular from the north east with the density of the scheme being directed to the centre and south western section of the site. By keeping the density lower along the south west of the site, this helps secure the retention of the existing screening around the site and provides opportunities for additional planting within the site and with the use of shared spaces as you walk around the site, this has kept the hard landscaping to a minimum.
- 2.26 Easole Street and Mill Lane are characterised by a mixture of architectural styles and designs, with the majority of the properties being two storey. Policy LA41 of the Dover District Core Strategy sets out that planning permission must have due regard to the topography of the landscape. There is a slight incline in the topography of the land from the front of the site towards St Albans (to the rear). To accommodate this the height of the properties have been designed to have lower ridge heights (approximately 8.6 metres) within the middle of the application site to allow for views through the site and provide a transition from the countryside into the built environment within Mill Lane. The properties with the higher ridge height of approximately 9.3 metres would be built along the dividing boundary with Mill Lane. It is therefore considered the proposed development would be read in context of those properties within Mill Lane. Concerns have been raised over the location of plot 29 which would be accessed by its own entrance off Easole Street and in particular given the height of approximately 9.3 metres these concerns have been raised mainly in respect of the heritage impact and

will be discussed later within this report. That said, in respect of the scale within the street scene, this element of the proposal is a two-storey dwelling and would be read as part of the street scene within Easole Street and is not considered to adversely impact on the character and appearance of the street scene.

2.27 Principally, the development will be seen from Easole Street along the frontage of the site and footpaths EE218A, EE311 and EE312. The current view is that of light industrial units, which are predominantly two storey in scale but vary in mass and therefore there is already in part a form of built development in which it sits. Plots 2,3, 4 have the highest ridge height of approximately 9.5 and 9.6 metres respectively, these properties would be built roughly on the footprint of the existing industrial and given the topography of the land, it is considered the development is of a suitable scale and design to reflect that of the locality in which it sits. Therefore, it is considered the topography of the land has been given consideration in respect of the application, thus being compliant with policy LA41 of the Dover District Land Allocations 2015.

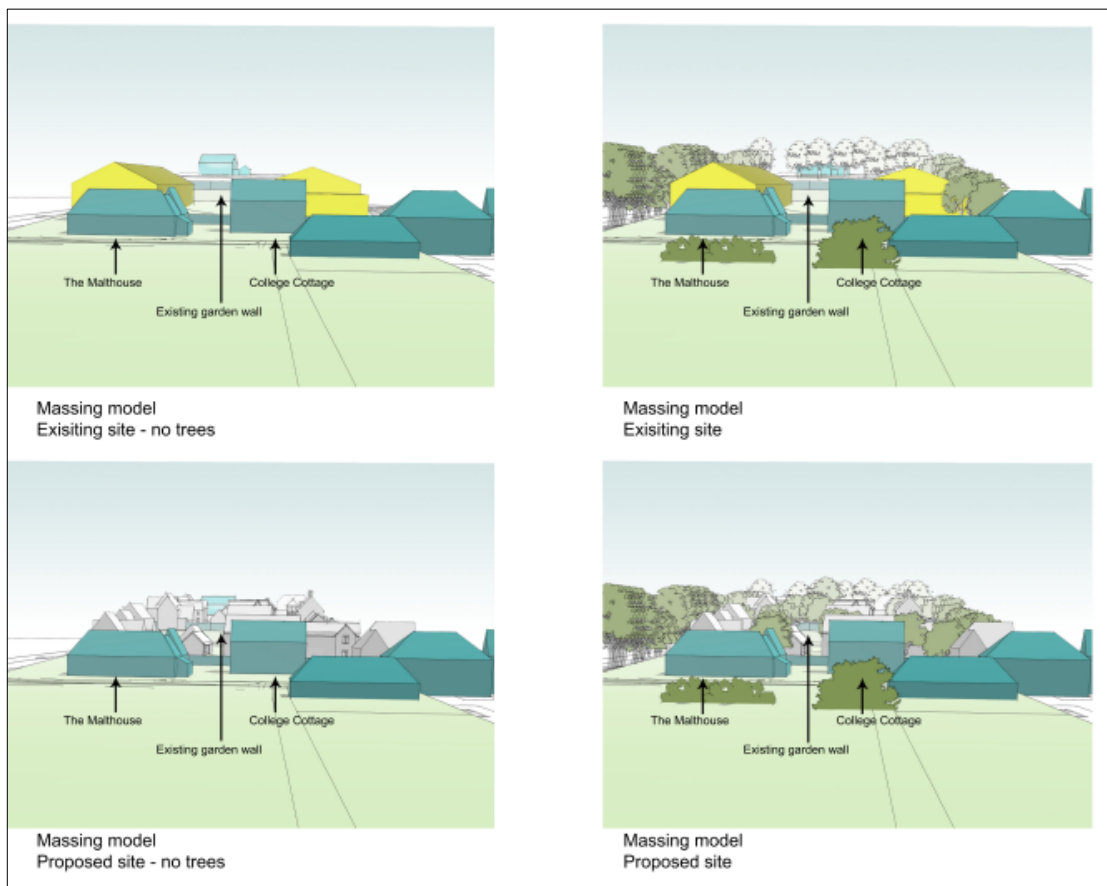


Figure 6 – shows the context of the site from the footpaths opposite the site along Easole Street.

2.28 Nonnington village has a mix of different scales, massing and materials. The proposed development has been designed to reflect the characteristics of the village with varied plan forms, pitches and roof coverings to provide a varied roof scape when viewed from afar, the proposal is considered to attempt to emulate the varied context found within the village. This has been applied to the proposed materials and joinery so that the scheme is not uniformed but is coherent when viewed as part of the wider village.

That said, given the proposed variety in respect of materials, these would need to be conditioned to have samples of materials to be submitted and approved, in the interest of visual amenity.

- 2.29 The application site has established screening most notably along the site's north-eastern boundary, which is considered to reduce the visual impact from longer views. The applicant has submitted a tree survey which sets out which trees would be crowned and how these trees and others on the site will be protected during the course of construction. Concerns were raised regarding the post development pressure to remove the trees or cut back the trees from the occupiers of the new development along the north-eastern boundary. However, the applicants Arboriculturist has stated these pressures tend to come from dwellings which are sited with their principal fenestrated elevations facing directly towards the belts or groups of retained trees. Applying these principles to the proposed layout in this case, it is immediately apparent that shadow cast by trees 3-13 and G2, which are along the site's north-eastern boundary, will fall away from proposed units 3, 4 and 8 throughout the course of the day (their shading arcs, as drawn according to the advice in BS 5837: 2012 from north-west to due east confirm this). The main garden areas to each of these units lie to their south-west, so will not be affected by any shade cast by these trees. Concerns have been raised by the occupiers of St Albans in view of their trees and the impact they will have on occupiers of plots 13 and 14. Having taken advice from Dover District Councils Tree and Horticultural Officer they are happy with the approach from the applicants arboriculturist and does not raise any objections to the proposal provided the tree protection measures are installed in accordance with the details outlined in the tree survey, this can be secured by condition. It is on this basis; I am satisfied the proposal will not adversely impact on the trees and thus retaining the views from within the public realm.
- 2.30 In terms of views of the development, this would largely be filtered by the properties within Mill Lane and Easole Street. In respect of the footpath to the north west; the proposed development would be visible, but would be read against the backdrop of Mill Lane and would therefore not result in visual harm from public view points. In respect of the existing screening, proposed landscaping and boundary treatment, it would be considered reasonable to secure this by condition. It is accepted, the existing landscaping would not fully mitigate the development within the landscape, but given the design approach of the development, on balance I consider the benefits of a suitable development outweigh the limited harm on the landscape. The development would therefore comply with criteria I, ii., iii of policy LA41 of the Land Allocations Local Plan (2015) and criteria b of policy SAP52 of the Draft Local Plan.

Heritage Impact

- 2.31 The application site is part within and adjacent to the Easole Street Conservation area and within close proximity to listed buildings namely The Old Malthouse on the entrance to the site, the barn to the north west, Barn cottage, the Old Thatch adjacent to Barn Cottage. To the south east (rear of the site) are Tall Chimneys, Bramley Cottage also listed buildings. Therefore, careful consideration needs to be given to the potential impact on the Conservation Area (CA) and the setting of the listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects the listed building or its setting, the LPA or Secretary of State should pay special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest in which it processes. Regard must be had for the NPPF paragraph 190 of the Framework advises that significance can be harmed through development within the setting of a heritage asset. In line with criteria f policy

SAP52 of the Dover District Draft Local Plan, the applicant has submitted a Heritage Statement.

- 2.32 The site itself has comprised the malthouse and a walled garden complex to the southeast. Three walls of the former garden enclosure remain, all in Flemish bond, but only the southeast wall remains completely freestanding. This forms a part retaining wall and separates the paddock from the rest of the site. The wall has been partly rebuilt or repaired in modern brick. The northwest wall has been partly demolished or rebuilt, and along with the southwest and northeast walls has been incorporated in the large warehouse structures built here during the latter 20th century. The original scheme was to remove a greater extent of the wall which has been identified as a non-designated heritage asset and amendments were sought. The amended scheme now includes a greater extent of the wall, with the returns and a reasonable length of brickwork being retained. Having taken advice from the Dover District Councils Principal Heritage Officer they do not raise any concerns in respect of this element of the proposal subject to a condition that prevents further demolition of the sections of wall within the private spaces. A condition regarding the retention wall can be secured by a further condition. The proposal is therefore considered to comply with policy HE1 of the Dover District Draft Local Plan and the aims and objectives of the National Planning Policy Framework.
- 2.33 There are listed buildings on Mill Lane namely Tall Chimneys and Bramley Cottage and due regard must be given to the setting of these listed buildings in relation to the proposed development. Having taken advice from Dover District Councils Principal Heritage officer, it is considered that the views of these listed buildings are most appreciated from within Mill Lane and these properties would not have any direct relationship to the development site, therefore the conclusion is that no harm would be caused to the setting of these listed buildings as a result of the proposed development and therefore the proposal accords with policy HE1 of the Dover District Draft Local Plan.
- 2.34 Careful consideration needs to be given to the view from the footpath from the hill opposite the application site due to it being an important aspect both of the setting of the listed building (the Oast house) and the character of the conservation of the Nonington conservation area, as it sets the scene from this particular site having a strong relationship to the countryside, albeit with the formalisation of the walled garden. As shown in figure 6 which shows the massing of the proposal, demonstrates that due to land levels there are significant views of the development. The applicant has taken this into consideration and has designed the layout of the site to ensure that the long view across towards the wall is retained (this is the section of the wall being retained, as discussed above). Dover District Councils Principal Heritage Officer has stated 'The large mass of the existing structures on site currently are considered to dominate the view to the detriment of the listed building (The Old Malthouse), therefore the replacement of the light industrial units to smaller domestic scale dwellings with individual and varied roof profiles is considered to be an improvement in my view'. I agree with this assessment. Furthermore, the addition of the soft landscaping is key to reducing the harshness of any development and over time this will promote a character of the site being a transition between the countryside and the denser centre of the conservation area and complies with criteria i. of policy LAP41 of the Dover District Local Plan, criteria a. of policy SAP52 of the Dover District Local Plan, policy HE2 of the Draft Local Plan and the aims and objectives of the National Planning Policy Framework.
- 2.35 Local residents have raised concerns over the position, scale and design of unit 29 in part due to the location the dwelling being within the conservation area and within the

context of the listed buildings. In respect of the placement and size of the plot the original submission was considered to be acceptable in the context of the listed buildings and conservation area at the time of the submission, however concerns were raised over the original design and amendments were sought. The amendments include the removal of the proposed dormers, the sweeping roof over the entrance door, whilst the continuation of the weatherboarding at first floor level has been extended leading to the gabled wing not appearing overly dominate and has lessened the impact. These design changes have resulted in an acceptable appearance within the sensitive location in which it sits. That said, the Dover District Councils Principal Heritage Officer has requested that conditions be imposed on this plot in respect of materials, joinery and chimney details and eaves sections to preserve the character and appearance of the conservation area, in line with the aims and objectives of the National Planning Policy Framework and policies, HE1, HE2 of the Dover District Draft Local Plan.

- 2.36 There are minor changes within the domestic curtilage of the Old Malthouse which includes a boundary wall and gates to enclose the private amenity space serving this property, the wall would wrap around the corner of the entrance on to the site and leading in a proposed single garage. These are deemed to be appropriate and would result in no harm to the setting of the listed building, however a condition for the materials to be submitted and approved should planning permission be granted. For the reasons above and having sought advice from Dover District Council Heritage Officer, the proposal in its current form would cause no harm to the setting of the conservation area or significance of the listed buildings within close proximity of the application site. This element of the proposal is considered to comply with policy HE1 of the Dover District Draft Local Plan and the aims and objectives of the National Policy Framework.

Residential Amenity

- 2.37 Paragraph 130 (f) of the National Planning Policy Framework sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Furthermore, Draft Local Plan policy PM2 attracts moderate weight and sets out that all new residential development must be compatible with neighbouring buildings and not lead to unacceptable living conditions. For future occupants, the policy will require new development to meet the Nationally Described Space Standards (albeit these have not been adopted to date).
- 2.38 The application site is an edge of settlement site, with properties surrounding the properties on three sides, Easole Street, Mill Lane and St Albans to the rear and therefore consideration needs to be given to the concerns raised by the local residents in respect of having an overbearing impact and overlooking. For ease I have set out the block plan, with plot numbers below in figure 7.



Figure 7 – Block Plan with visible plot numbers.

- 2.39 Plots 13 and 14 would be sited to the rear of the site adjacent to the dividing boundary of St Albans. Plot 13, within the northeast corner of the site and would have a full two storey blank gable to be sited up against the dividing boundary by approximately 0.9 metres of the dividing boundary with St Albans. Currently in situ is some established screening dividing St Albans and the application site. St Albans (a two-storey dwelling) sitting in the middle of a substantial size plot and therefore given the dividing distance between this property and plot 13, coupled with the existing screening, this element of the proposal is not considered to result in an overbearing impact on the residential amenities currently enjoyed by the occupiers of this property. In addition to this, careful consideration has been to the proposal in view of any overlooking, given there are no windows proposed in the side elevation of plot 13 overlooking the St Albans, this would not create any overlooking concerns.
- 2.40 The garage of plot 14 would be built up against the boundary of St Albans, however for the reasons above I do not consider this would result in adverse impact on the living conditions of those enjoyed by St Albans. Consideration needs to be given to those occupants living in Bramley Cottage and Tall Chimneys and the relationship with the Plot 14 abutting their boundaries. Plot 14 has been to be set off the boundary by approximately 4.16 metres from the dividing boundary to Bramley Cottage and Tall Chimneys. In order to reduce the bulk, scale and massing of the proposed dwelling, the applicant has designed the proposal to have a full hipped roof with a small dormer within the roofslope. Given the orientation of the proposed dwelling, the separation distance and the design of plot 14, I am satisfied this relationship is considered will not adversely impact on the residential amenities of those occupiers in Tall Chimneys and Bramley House. In respect of the proposed dormer overlooking these properties, this would serve bedroom, given the dividing distance separating these properties, it is not considered any overlooking would be sufficient to warrant a refusal on this basis.
- 2.41 Other concerns have been raised by the occupiers living in the properties within Mill Lane. The majority of the properties have gardens of approximately 10 metres (measured from the rear elevations to the means of enclosure). The car ports serving plots 16, 17 and 18 would be built up against the dividing boundaries, additional landscaping is proposed. Given the overall separation distance between the existing and the proposed dwellings, the proposal is not considered to result in any unacceptable loss of light, sense or enclosure of overlooking, The proposed

development is considered acceptable in this instance. Furthermore, the existing screen is to be retained and additional planting can be secured by condition.

- 2.42 Careful consideration needs to be given to the occupiers of The Barn and College Cottage due to the proposed relationship with plot 29 of the proposed development. Plot 29 would be sited on the existing car park between the above properties. Concerns have been raised concerning the position of the dwelling within close proximity to these properties and the overall bulk, scale and massing resulting in an overbearing impact on these properties. In respect of the overall height of plot 29 this would be approximately 9.3 metres, set away from the boundary with The Barn by approximately 3.3 metres and overall dividing distance (between dwelling and dwelling) of approximately 5 metres with the two proposed off street parking spaces to serve 29 dividing these properties. Currently in situ is a two-metre brick wall dividing the Black Barn and the application site. The Black Barn has roof lights and windows within the principal elevation overlooking the existing car park. Whilst, the dividing distance is closer than elsewhere in the development, given the existing brick wall and the proposed arrangement I am satisfied the proposed relationship is not considered harmful to warrant a reason for refusal. Furthermore, in respect of overlooking, a single window to serve the ensuite is proposed and this will be obscured glazed and conditioned as such. I am satisfied there will be no direct overlooking from plot 29 towards The Barn. Turning to College Cottage, whilst the proposal would be built up against the dividing boundary, given the orientation of the property within the middle of plot, within no windows within the flank elevation overlooking the application site. I am satisfied the proposal would not result in an adverse impact on the residential amenities currently enjoyed by the occupiers of this property.
- 2.43 Concerns have been raised by Local residents in respect of noise, dust and dirt, these can be dealt with under Environmental Protection legislation. Environmental Protection have been consulted and have not requested any conditions to be attached to any grant of planning permission in this regard and therefore a construction management plan is not considered necessary to make the development acceptable in planning terms.
- 2.44 Turning to the living conditions of future occupiers of the new dwellings, the proposed dwelling have been arranged to allow for reasonable separation between units, characterised by parking generally separating the properties. That said, the distance between plots 10 and 11 is considered to be tight, however, given the angle of these properties is it deemed not unacceptable. It is considered that the overall scheme would not result in an unacceptable level of overlooking, loss of light or sense of enclosure to future occupiers of the development, with a reasonable standard of residential amenities provided. The development would therefore comply with criteria h) of policy SP4 of the Draft Local Plan.
- 2.45 The proposed dwellings would have acceptable sized private external amenity space. The room sizes would be acceptable and would be naturally lit. The internal living conditions of the future occupants would be acceptable and comply with the aims and objectives of policy PM2 of the Draft Local Plan.
- 2.46 The residential amenities of existing occupiers of the properties surrounding the site and the future occupiers of the dwellings proposed have been considered. It is concluded that the development is acceptable in these respects, subject to appropriate conditions to remove permitted development rights in respect of extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that any such alterations can be assessed by the Local Planning Authority.

Impact on the Highway

- 2.47 Third parties and Nonington Parish Council have raised concerns regarding the access onto Easole Street and the amount of additional traffic leading on to the road and some of the details within the transport assessment being incorrect in respect of public transport. Whilst the application site is located within the settlement confines, it is accepted that the infrequency of the buses would invariably mean that the connections to train times would not link and therefore it is considered that the main trips would be by private cars.
- 2.48 The proposed development has been modelled using the standard methodology (the nationally accepted TRICS which references actual data from similar sites). TRICS has been interrogated to assess the existing B1, B2 and B8 and associated trip rates. Details have been provided regarding trip rates for each use of the current uses on the site, Northbourne engineering, Prima and the horse paddock. TRICS has also been interrogated to assess the trips associated with the proposed residential development, equating to 14 two-way movements in the AM and PM peak period. Kent Highway Services have stated 'The proposal will see an overall reduction in the number of trips currently associated with the site' and have raised no objection in this regard.
- 2.49 There are two accesses proposed in respect of the proposed development, both off Easole Street, one leading to the main development site and one leading into plot 29. The main proposed access serving The Old Malthouse is currently in use, visibility splays of 2.4 metres x 43 metres are required at the access, with no obstruction above 1.05 metres within the splays. In this instance visibility splays of 60 metres have been illustrated, therefore it is clear that the required splays are achievable. The proposed access would need to allow the free flow of two-way traffic in and out of this junction at any time and swept path drawings have demonstrated the access would be suitable for refuse lorries and the fire brigade and therefore the traffic would remain free flowing. In respect of the access into and out of plot 29, the applicant has provided a vehicle tracking plan which demonstrates the occupiers of this property could enter and leave in a forward gear. The proposed accesses are therefore considered to be acceptable and accepted by Kent Highway Services subject to conditions.
- 2.50 The proposed internal site layout has been criticised by Kent Highway Services for the use of shared spaces. The site is not proposed to be offered for adoption and given the size of the site, the proposal has been designed to have a low speed throughout the site giving priority to pedestrians throughout the site, with a small footpath around plot 2 to gain access into the site, with on-site parking spaces and parking courtyards. Kent Highway Services are minded to accept the shared surface layout as the site is to remain private and the comments are advisory. Whilst being a departure from the Kent Design Guide, the manual for streets document set out 'in the absence of a formal carriageway, the intention is that motorists entering the area will tend to drive more cautiously and negotiate the right of way with pedestrians on a more conciliatory level.' Given the advice from Kent Highway Services I am satisfied the use of shared spaces would be acceptable in this instance.
- 2.51 Concerns were raised by Kent, Fire and Rescue regarding the area between plots 14 and 15 and the demand for resident and visitor parking, making it unsuitable for turning a fire appliance and clarification was required confirming this area would be designed as a dedicated fire appliance turning point. The applicant has confirmed that there is not a shortage of visitor parking and that the turning areas between plots 14 and 15 will be maintained as strictly no parking zones and conditions included within the management policies of the communal parts of the development, which will be governed by the Management Company of the development and which each buyer of

the future properties will be required to agree to. I am satisfied this addresses the concerns raised and can be conditioned accordingly.

- 2.52 Turning to the concerns of parking arrangements, policy DM13 of the Core Strategy requires developments to provide sufficient car parking spaces, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. In such locations, within a village/rural setting, the expectations as set out in table 1.1 of the Core Strategy advises that dwellings should have a minimum of:

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

- 2.53 Having regard to policy DM13 the applicant would be required to provide a total of 52 parking spaces, whilst garages are only considered acceptable as additional parking spaces, however car ports are considered acceptable. Kent Highway Services raised a concern over the tandem parking spaces for plots 16,17 and 18 as this would have resulted in an additional 0.5 visitor spaces being provided, in addition to the 7 visitor spaces already being provided. The applicant has addressed this concern by providing an additional 1.5 spaces to plots 16-18, providing 8 visitors spaces. In addition to this, the proposed garages to plots 15-18 has been converted to car ports/barns enabling visitors to park on the retrospective drives. The proposed development is considered to comply with policy DM13, however it would be considered appropriate to impose a condition on any grant of planning permission to retain the garages proposed for the use of parking only and for no other purposes.

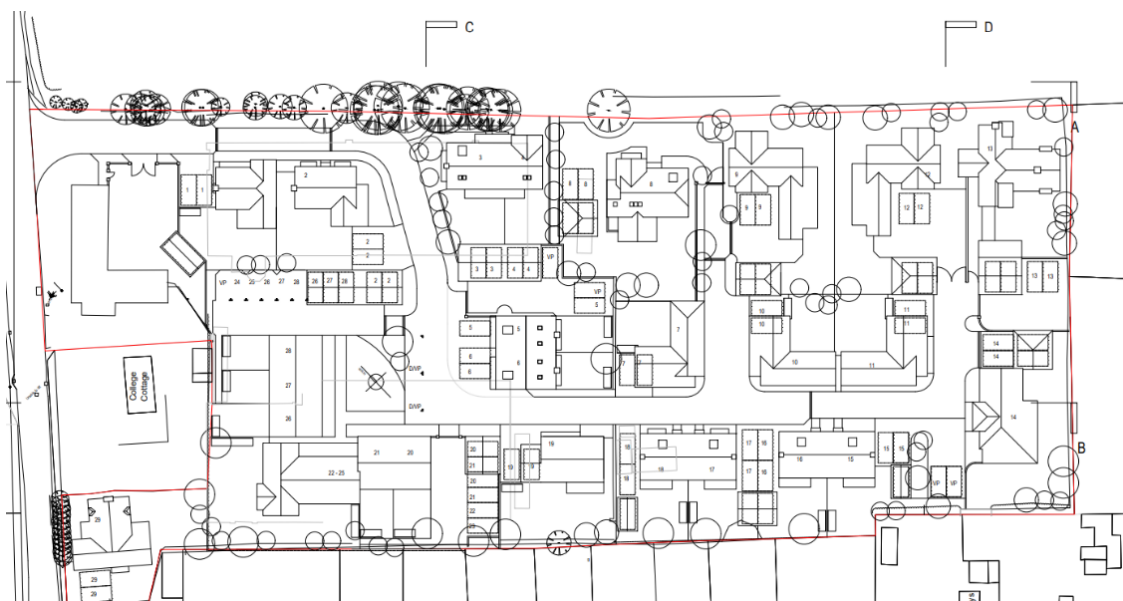


Figure 8 - Shows the parking provision

- 2.54 In relation to cycle parking the District Council does not provide any specific standards and therefore those in the Kent and Medway Parking Guide (SPG4)

have been used. The standard for the 3 and 4 bed houses proposed is 1 space per bedroom and this will be provided within the curtilage of each dwelling within suitable storage sheds/areas. Where a garage is provided, it will be of a suitable size to accommodate the required cycle parking provision.

- 2.55 During the construction phase, it is accepted there will be in an increase in vehicular movements during the construction phase, including those by larger vehicles. In accordance with advice from KCC Highways, it is recommended that, should planning permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage parking and turning areas for construction/delivery vehicles and site personnel, parking and turning areas for construction amongst other things,
- 2.56 In addition to the above, KCC Highways have recommended a suite of conditions to [ensure](#) the provision and permanent retention of parking spaces and/or car barns, electrical charging points and completion and maintenance of the access prior to the use commencing. It is considered for the reasons outlined discussed and having due regard to the comments received by KCC Highways the proposed development would be acceptable in highway terms, albeit it is not considered necessary to include a condition requiring electric vehicle charging points as this is now addressed by Building Regulations.

Ecology

- 2.57 Due regard should be given to paragraphs 179 and 180 of the National Planning Policy Framework which seeks to protect, enhance biodiversity and securing net gains for biodiversity and wider environmental gains. The development has the potential to impact the habitats, species and ecology generally on and around the site, including the protected habitats and the species they support which are near to the site. The application has been supported with a Preliminary Ecological Appraisal (PEA) which concluded that there was no evidence of reptile presence on site. However, Kent County Council's Ecologist's requested further information regarding necessary mitigation measures for great crested newts. The applicant supplied additional information in relation to the only pond being present within 100m of the proposed site and this was entirely dry and not considered to be suitable for great crested newts and it is considered sufficient to rule out the potential for impacts to great crested newts by the Dover District Councils Senior Natural Environment Officer. In respect of the hazel dormice, breeding and wintering birds these were all considered to have been adequately addressed.
- 2.58 Concerns were raised over the assessment of bats as the Preliminary Ecological Appraisal identified roosting features on the north and south elevations and a bat survey was requested. Bats, and their roosts, are protected under the EU Habitats Directive (transposed into UK law as the Conservation of Species and Habitats Regulations 2019) (Amendments) (EU Exit)), and the Wildlife and Countryside Act 1981 (as amended). This protects bats from being killed, injured, captured and disturbed and their roosts from being damaged, destroyed and obstructed. The bat survey confirmed no bats were seen emerging from the building during the survey. Only a low number of common pipistrelle, serotine and noctule bats were seen and heard commuting and foraging. Having sought advice from Dover District Councils Senior Natural Environment Officer, they have set out given the extensive coverage of ivy a precautionary method statement is implemented, with the ivy removed by hand (outside of the bird nesting season) and prior to demolition of the building and a condition is considered appropriate should planning permission be granted.

- 2.59 The proposed development is considered to provide opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation integrated bat/bird boxes. In the event of the grant of planning permission a biodiversity method statement and ecological enhancement conditions are considered appropriate in accordance with paragraph 180 of the National Planning Policy Framework that takes ‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity’. The proposed development is considered to comply with the aims and objectives of the NPPF.

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

- 2.60 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.
- 2.61 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.
- 2.62 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.63 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.
- 2.64 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour at Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.65 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. The SPA index-linked figures can be secured by a S106 and the precise sum would need to have regard for the most up to date figures at the time that the S106 is completed.

Contamination

- 2.66 The applicant has provided a preliminary risk assessment has been provided required by criteria g of policy SAP52 of the Dover District Draft Local Plan. This concludes, that

the environmental risk from on-site contamination to future occupants and controlled waters is low to moderate. The environmental risks from off-site sources to on-site receptors is considered low. Environmental risks from future coal mining are considered to be very low. Recommendations are that further investigations are considered necessary with testing recommended comprising at least 30 near surface soil samples for contamination, further enquiries into the current and historic uses of the factory buildings, and a radon survey. On the conclusion of this report Dover District Councils Environmental Protection Team leader has suggested a suite of conditions in the event of granting planning permission. It is agreed that these conditions are necessary to make the development acceptable in planning terms.

Flooding, Drainage and Utilities

- 2.67 Local residents have raised concerns in respect of flooding in areas in and around the application site and therefore careful consideration has to be given and advice has been sought from the Local Lead Authority and Southern Water.
- 2.68 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. The location of the site is therefore sequentially preferable in terms of flood risk. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.
- 2.69 The application has been supported by a flood risk assessment and drainage strategy. Following an investigation into the site, it has been concluded that the foul network is connected to the existing public foul sewer within Easole Street, subject to a formal application to Southern Water. Southern Water have confirmed that investigations indicate that they are able facilitate foul sewerage disposal to serve the proposed development.
- 2.70 Surface water will be dealt with through the use of soakaways and permeable pavement at the site to accommodate and discharge surface water into the ground. This network would accommodate a 1:100 storm event with a 40% allowance for future climate change. Concerns were initially raised by Kent County Council Lead Local Flood Authority in respect of the lack of ground investigations/infiltration testing on site and additional information was requested from the applicant. Upon receipt of this information the Local Lead Flood Authority anticipates that soakaways can be incorporated within the site and all previous objections are now removed subject to a suite of conditions. Subject to such conditions, it is considered that the development would provide adequate surface and foul water drainage, without increasing the risks of localised flooding.

Developer Contributions

- 2.71 In accordance with Policy DM27 of the Land Allocations Local Plan and Policy PM3 of the Draft Local Plan the development would be expected to provide Open Space on site, or a contribution towards off-site provisions, to meet the Open Space demand that would be generated by the development, if it is in practical to provide it on-site. A financial contribution is considered appropriate in this instance, as the site is not located in the optimal place to deliver a communal facility, and can be secured by a section 106 legal agreement, it is considered the requirements of Policy DM27 will be met.
- 2.72 Local residents have raised concerns in respect of a lack of local infrastructure regarding the local doctors and places within local schools to name a few. KCC have

advised the application would place additional demand on their facilities and services, for which there is insufficient capacity. The development would increase the number of school children within the area and therefore contributions are requested in respect of primary, secondary and special education for the expansion of Aylesham, the Beacon School satellite and expansions with Deal, Sandwich and Dover district. Further pressures would be put on community learning, libraries and social care provision, for which there is currently insufficient capacity. Contributions are required for waste towards work at Dover Household Waste and Recycling Centre to increase capacity. Projects have been identified which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development.

- 2.73 KCC have also demonstrated that the expectation would be to provide High-Speed Fibre Optic and as such these details should be prior to the commencement of the site. This can be dealt with by a suitably worded condition.
- 2.74 The NHS identified the proposed development would generate approximately 29 new patient registrations based on the dwelling mix. The NHS have advised that the additional funding will go towards refurbishment, reconfiguration and/or extension of Aylesham Medical Practice and/or Ash Surgery and/or Sandwich Medical Practice and/or towards a new general practice premises development in the area.
- 2.75 It is considered that the requested contributions set out above are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has confirmed that they are willing to provide the accepted contributions, and this can be dealt with within the section 106 agreement.

Archaeology

- 2.76 The site lies within an area of archaeological potential. To the front of the site is the Old Malthouse, which dates to 1704. There are numerous other listed buildings in the immediate vicinity, predominantly dating from between the C17th and C19th. However, older buildings, notably the Grade II* listed Southdown Cottage which dates from C13th, can also be found. This indicates a long history of continued settlement in the close vicinity of the site. Whilst there are no records of archaeological finds in the immediate vicinity, there are archaeological records of around St Albans Court of early medieval graves. The proposed development would include the construction of 29 dwellings and associated infrastructure which would include significant below ground works, including to areas of the site which have been relatively undisturbed. KCC Archaeology have been consulted, but have not provided a response to date. However, given the known heritage above ground level in the immediate vicinity, the known heritage above and below ground level in the wider area and the excavation which would be required by the development, it would be reasonable and proportionate to require that a programme of archaeological work takes place prior to the commencement of the development.

Other Matters

- 2.77 An objector has raised concerns over the land allocation and the consultation being incorrect, due to local residents not being aware and the Parish Council also unaware the recent review of the LDP did not allow for objections on the basis for the review as the land was already allocated. Dover District Councils Policy team has stated:

“The Land Allocations Plan went through all the correct legal procedures and was found to be 'sound' by an Independent Inspector in 2015 and was adopted by DDC at that time. The full Inspectors report is available to view on the website. The emerging Dover District Local Plan has been subject to two formal consultation periods where all comments received have been reviewed and will be placed before the Independent Inspector when submitted for Examination. All consultation has been undertaken in accordance with the adopted Statement of Community Involvement. Of particular note is the Regulation 22 Statement which outlines the specific consultation undertaken with communities and stakeholders.

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 The application site is an allocated site both in the Dover District Land Allocations Plan and the Dover District Draft Local Plan and is therefore considered acceptable in principle subject to material considerations. In this instance, the proposed development on balance the proposed development would not have an unduly adverse impact on either the character and appearance of the area, the heritage assets, the living conditions of the occupiers of adjacent properties, or highway safety, to the extent this would warrant a refusal of planning permission.

f) **Recommendation**

- I PERMISSION BE GRANTED subject to a S106 to secure affordable housing, development contributions and a payment towards the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy, and subject to conditions to include:
- (1) standard time limit
 - (2) approved plans
 - (3) samples of materials
 - (4) Details of the joinery to be used on unit 29
 - (5) Chimney and eaves sections to be submitted in connection with unit 29
 - (6) Details of hard and soft landscaping
 - (7) Retention of refuse and cycle storage
 - (8) Construction management plan
 - (9) Provision and retention of visibility splays
 - (10) Provision and retention of vehicle parking spaces and car barns.
 - (11) Completion and maintenance of the access prior to site commencement
 - (12) Completion and maintenance of the access, including use of a bound surface for the first 5 metres
 - (13) Details of surface water drainage infrastructure.
 - (14) Contamination strategy
 - (15) Tree protection measures installed prior to commencement of works.
 - (16) ecological mitigation and details of enhancement of biodiversity (including a Biodiversity Method Statement).
 - (17) removal of certain permitted development rights for extensions, outbuildings, insertion of additional windows, alterations to roof slopes and conversion of garages.

- (18) Implementation of a programme of archaeological work
- (19) retention of the garden wall
- (20) precautionary method statement regarding bats

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 recommendation and as resolved by Planning Committee.

Case Officers

Karen Evans



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20/01005

Phase 2B Parcels 7 & 8

Land For Aylesham Village Expansion, North Of Dorman Avenue North
Aylesham

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



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

- a) **DOV/20/01005 – Submission of Reserved Matters application pursuant to Section 73 application DOV/19/00821 for approval of 73 dwellings, associated infrastructure, access, landscaping, layout, scale and appearance pursuant to outline planning permission 19/00821 – Parcels 7 and 8 of Phase 2B, Aylesham Village Expansion, Aylesham**

Reason for report: Number of contrary views (71)

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Planning Policies and Guidance**

Reg 19 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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. The relevant policies are for this application:

SP3, SP5, SP11, SP14, CC1, CC2, CC4, CC8, PM1, PM2, PM3, NE2, H1, T11 and T13

Core Strategy Policies

CP1, CP4, CP6, DM5, DM11, DM12, DM13, DM15, DM16 and DM25

Land Allocations Local Plan

DM27

Dover District Local Plan 2002 (Saved Policies)

AY1, AY2, AY3 and AY7

Aylesham SPG 2005

Aylesham Design Code

National Planning Policy Framework (NPPF)

- d) **Relevant Planning History**

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

DOV/07/01081 granted in 2012:

A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works

Since the original grant of permission, a number of Section 73 applications to vary the conditions were submitted including 14/01206, 14/00338, 14/00759, 13/00120 and 15/00068. The most relevant Section 73 application, and therefore permission for the site was the following:

19/00821 - Section 73 application for variation and removal of conditions in relation to planning permission 15/00068 – Approved 14/08/2020

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

Public Representations – 69 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Loss of open space which is much used by local residents for informal recreational use.
- Open space important for mental well-being and community feel, particularly at present
- Too much building in Aylesham – loss of village feel and overcrowding
- Strain on local services, particularly health services and local schools
- Increased pressure on emergency services
- Unsafe for children to walk to local schools
- Will overload infrastructure
- Too dense and out of character
- Should all be two storeys
- Loss of views and overlooking. Loss of privacy. Too close to existing homes.
- Loss of existing rear access
- Increased traffic in area – congestion and impact on primary school
- Insufficient parking – parking problems in area at present
- Loss of landing space for air ambulance
- Reduced strength of internet signal
- Pit head wheel form of original Aylesham layout being lost
- Nothing id being given back to the community
- Increase in flytipping
- Loss of footpath EE291A

Aylesham Parish Council

Second Response

Re routing of PROW EE291a is unacceptable due to the number of properties and vehicle spaces causing a conflict with pedestrians. Recommend a different colour surfacing for the highway and signage to make pedestrians aware of vehicles. Lack of visitor parking, and concern with the 3 storey apartment units causing overlooking of the park and neighbouring properties.

Initial Response

Objects to the proposal on the grounds of: parking too far from houses; poor design of visitor parking; traffic calming needed; land beyond Plot 70 needs to have a long term use; obstruction of public footpath EE291A; overlooking of children's play area from flats; too much density; 3 storey flats too high.

Nonington Parish Council objects to any further development in Aylesham until a full traffic impact study is made. Residents have observed a huge increase in all sorts of traffic through the village which has become a rat run.

Technical Representations

Southern Water – Some plots are proposed over a public sewer which will be unacceptable to Southern Water. A revised layout will be required which should show 3 metre easements on each side as well.

Kent County Council Lead Flood Authority

Following the submission of further information, KCC Suds team are satisfied with the drainage principles and remove their objection to the determination of this application.

Environmental Health – No objections.

Environment Agency – No comments.

KCC Archaeology – Geophysical survey insufficient to address requirements of the archaeological condition and further evaluation required initially.

KCC Highways

No objection on behalf of the highway authority.

Details of adoptable highway have been submitted, which will be subject to a separate S278 agreement. Swept path details, cycle storage, crossing point and details of additional visitor parking to compensate for tandem parking spaces has all now been provided and is acceptable.

KCC Public Rights of Way

The revised PROW Diversion for PROW EE291A and EE91 are acceptable. Advise that application for the diversions should be submitted as soon as possible.

The Housing Manager – confirms there is a need for affordable housing and the tenure type need to be agreed. Ideally a mix of rented and shared ownership with 2 bedroom houses being preferred for shared ownership.

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

1.1 The application site comprises part of the Aylesham Village expansion area which includes the existing village of Aylesham itself, together with the new development areas which mainly lie on adjoining land to the north of the original village. However, this particular phase comprises two irregular linear shaped areas of land located to the north and south of Abercrombie Garden East. The larger parcel (parcel 8) is located to the north of the gardens and to the south of Kings Road, whilst the smaller parcel (parcel 7) is located to the south of the gardens and to the north of Queens Road. They presently comprise informal open space as part of a larger area of such space which extends north and south of Abercrombie Garden East, west to the Market Place and east to the railway station.

1.2 The proposal is a Reserved Matters submission, pursuant to the outline permission which granted the principle of residential development on this area of land. The details essentially comprise matters relating to the design, layout, access roads, parking and landscaping.

1.3 The proposal comprises the following dwelling mix:

| | |
|-----------------|----|
| 1 Bedroom Units | 3 |
| 2 Bedroom Units | 43 |
| 3 Bedroom Units | 25 |

In terms of split across the two parcels, 42 would be on parcel 8 (northern section) with the remaining 31 on parcel 7 (southern section) in the image below.

1.4 The scale of development is primarily 2 storey but with 3 storey apartment blocks at strategic parts of the site. 31 affordable housing units are proposed in accordance with the provisions of the outline permission granted under 19/00821. The proposed layout for the development is shown below.

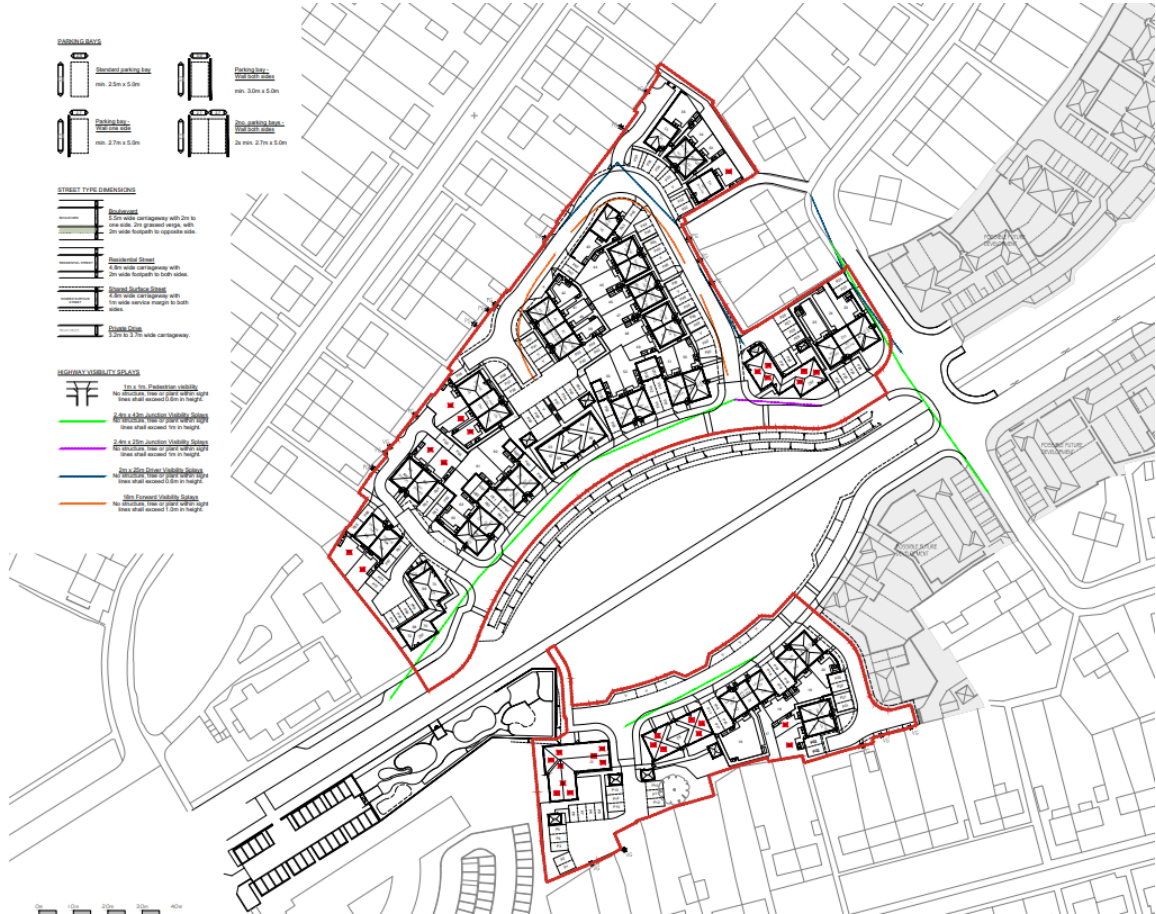


Figure 1: Site Location and Proposed Site Layout

- 1.5 The layout comprises frontage blocks on either side of the gardens with internal access roads leading to further units at the rear. Apart from the apartment blocks, the houses are a mixture of detached, semi-detached and terraced house types. The main frontage access road serving parcel 8 is already in existence having been put in as part of the earlier infrastructure works for the area and is crescent shaped in form. On the opposite side, the frontage road to parcel 7 will also be crescent shaped and will comprise an extension of the road serving parcels 5 & 6 approved under 20/00879.
- 1.6 At the rear of both parcels provision is made through parking courts and private access ways to serve existing vehicular and pedestrian access points to the rear of some properties in both Kings Road and Queens Road, which over the years have acquired user rights across the open space area.
- 1.7 A total of 112 parking spaces and 15 visitor spaces will be provided for the 73 units, comprising a mixture of on site and communal parking areas. Cycle storage is provided in separate buildings for the apartment blocks.



Figure 2: Proposal Street Scene

2 Main Issues

Principle and Loss of Open Space

- 2.1 With regard to principle and loss of open space, members will be aware that the current proposal raises the same issues as those considered for phases 5 & 6 under 20/00879, which was approved at the December 2021 planning committee.
- 2.2 The principle for the loss of the open space to residential development was embodied in the initial outline planning permission granted in 2012, and have been included in successive outline permissions since, including the most recently approved outline permission granted by members in June 2020 (19/00821) (figure 3 below). The principle for development of this parcel for 73 dwellings and associated outward impacts on matters such as loss of open space, traffic and infrastructure has been accepted. Therefore, this application cannot re-visit the principle of housing at the site or the loss of the open space, but can consider where the layout, scale, landscaping and design are acceptable.

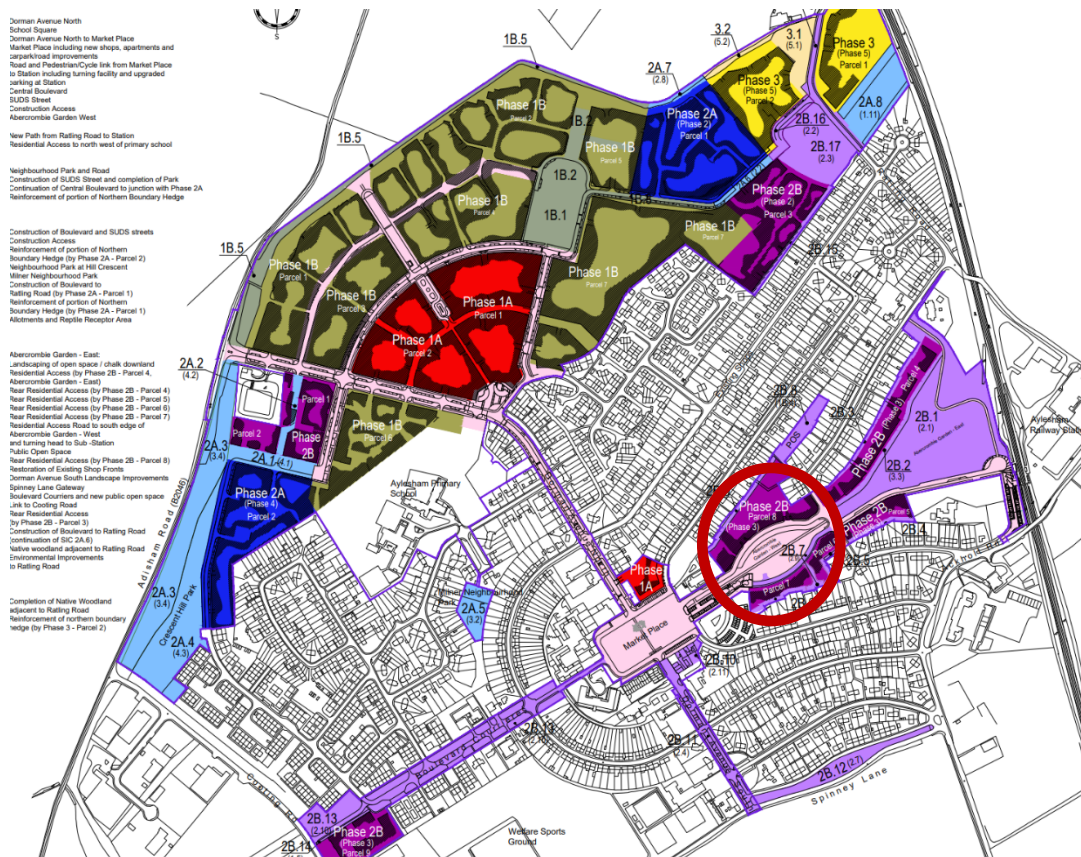


Figure 3: 19/00821 – Outline Permission Site Layout – Parcels 7 & 8 circled in red

2.3 There are a number of requirements under the outline permission and the key issues to consider are the following:

- Conformity with the SPG and Aylesham Design Code
- Highways issues relating to the layout, parking provision, ecology and other matters.

Conformity with the SPG and Aylesham Design Code (Design, Layout, Scale and Landscaping)

2.4 The proposed mix of size and type of housing units, including the affordable units, will provide a variety of housing choices and is generally consistent with Policy CP4 and the SPG.

2.5 Density is consistent with that approved at the outline stage which allowed for a slightly higher density on this site in order to be consistent with the surrounding area. Storey heights are also consistent with those approved at the outline stage in relation to parcel 7. For parcel 8 a variation is proposed with an additional 3 storey element proposed in the centre of frontage block. It is considered that this will provide some symmetry to that frontage as well as introducing variety in the roofline, but without being overly dominant in the streetscene. Elsewhere the locations of the Phase 3 storey elements were as agreed at the outline stage and designed to provide strong visual keys from distant views to the east and west of the gardens.

2.6 In layout terms, the development adopts the approved approach elsewhere in the Aylesham development, of a series of perimeter blocks which directly address the road frontages, and in this case the open space area. Street scene interest is provided by a mix of architectural styles and forms, pedestrian entrances to provide active frontages,

including return frontages, and with parking areas generally located to the rear of properties. The architectural detailing is similar to the Aylesham vernacular and as adopted elsewhere and set out in the design code. Accordingly, a generally traditional built form is proposed with local features such as vertically proportioned windows, eaves detail, brick courses to cills and window heads and brick walls to road frontages. The previously agreed palette of materials will also be adopted including a mix of grey and red roofing tiles with profiles matching surrounding areas, and predominantly red and yellow stock bricks to elevations interspersed with some rendered elements.

- 2.7 The main frontage roads to both parcels will connect with the existing road leading to the station to the south east. The internal roads will also connect to the existing established rear accesses from existing housing which have become established over time as referred to earlier. In that respect all those properties currently having either an established vehicular or pedestrian access, will continue to benefit from that. The access roads will not be adopted but will be managed and policed by a maintenance company who will also maintain communal parking areas and areas of open space. The layout is considered acceptable in that respect. Draft Local Plan policy CC8 (Tree Planting and Protection) attracts little weight at this time due to the draft policy requirement for two new trees to be planted for each new dwelling. Full landscaping details have been provided with a mixture of new tree planting and shrub planting being provided which is consistent with standards and choice of species approved elsewhere on the Aylesham development. Full details of refuse provision have been shown for both houses and flats, all of which are to Council's standards and are conveniently located to required carry distances for refuse collection.
- 2.8 In overall terms, it is considered that the proposed details are consistent with the standards approved elsewhere on the Aylesham development, will integrate satisfactorily within the street scene and are compliant with the SPG and Design Code.

Highway Matters

- 2.9 Although a number of concerns have been raised about increased traffic generation, a transport assessment accompanied the original application which considered the likely impact of overall traffic levels generated by what was then proposed to be an additional 1210 dwellings throughout the development as a whole. Subject to certain improvements at junctions, the local highway network was considered to be able to absorb the additional traffic. That assessment was recently updated in connection with the recent outline permission 19/00821 where overall numbers of dwellings was increased by 150 to 1360. The assessment showed that actual levels were likely to be slightly less than originally predicted. Both Highways England and KCC as Highway Authority accepted those conclusions which were also agreed by members in approving the latest outline permission under 19/00821. Those assessments included the current phase.
- 2.10 Notwithstanding the above, a condition on the outline permission requires the submission of an updated traffic survey at nearby villages in order to assess impacts of traffic generation off site. That survey was due to take place in 2020 but was delayed by the pandemic because traffic levels would not have been representative. Accordingly, condition 10 on 19/00821 agreed by members in August 2020, allowed for a revised timing to be agreed whereby the survey and any mitigation required would be carried out prior to any further occupation of residential units.
- 2.11 Turning to detailed matters, in terms of parking, Core Strategy policy DM13 and policy T13 of the Draft Local Plan (which attracts moderate weight), set out the parking requirements for new development within the District. A total of 112 spaces are provided for the 73 units which is compliant with KCC parking standards for the mix of housing units proposed. Additionally 15 visitor spaces will be provided throughout the scheme and marked as such to ensure they are used for that purpose. The spaces are all

considered to be well related to the properties they serve. The cycle route from the station will be connected along the front of parcel 7 before turning through 90 degrees to connect with the path running down the central area of open space. Similarly, pedestrian connectivity to the adjoining parts of Aylesham will be provided with links to the existing jittys and connections to the adjoining footpath system.

Affordable Housing

- 2.12 The originally approved SPG required that the development provide 20% of the total number of dwellings as affordable dwellings and the development to date has been built in accordance with a 20% provision target, since that forms the basis of the approved outline permission and supporting documents. The principle has also been that the design of the buildings would not differ from that of the market housing with the same house types and materials being used. As such, the affordable housing areas would be indistinguishable from the market housing.
- 2.13 As part of the recently approved outline permission under 19/00821, the overall percentage of affordable housing was increased to 22% throughout the scheme, resulting in a total of 300 affordable homes being provided. The approved strategy indicated where affordable housing would be located on the remaining phases with the parcels 7 & 8 accommodating 31 units. The detailed submission complies with that with a mixture of primarily 1 and 2 bedroom flats being provided. As indicated above, the design of the affordable housing reflects the style and materials of the adjoining development to ensure that it will be satisfactorily integrated within the scheme. The details of actual tenure type and management arrangements are yet to be agreed and will be the subject of further discussions between the developers, Registered Providers and the Councils Housing Officer. Those details will be agreed separately as part of a condition on the outline permission.

Residential Amenity

- 2.14 Policy PM2 of the Draft Local Plan attracts limited weight as the Nationally Described Space Standards (NDSS) set out that their use is for when the Local Plan is adopted. However, all the new properties will be provided with adequate private gardens apart from the apartments. However, the central open space is directly opposite. In terms of building relationships, spacing between the new properties and existing properties in Kings Road and Queens Road to the rear are satisfactory with no unacceptable overlooking despite concerns raised in the representations.
- 2.15 Some concern has been expressed regarding overlooking of the adjoining play area school from the proposed flats at the western end of parcel 7. However, that is not an unusual situation in housing schemes where residential properties either adjoin play areas, or those areas are integrated within the scheme. Such a relationship provides natural surveillance and is recommended in order to deter anti-social behaviour.

Other Matters

- 2.16 With regard to drainage issues, a detailed flood risk assessment was approved as part of the outline permission which noted that the area is in Flood Zone 1 and has a low annual probability of flooding from fluvial sources. Since the houses will be set slightly above existing ground levels, no flood mitigation measures are proposed. Previous surface water discharges have been from shallow soakaways and deep bore soakaways, and this is proposed for this phase, together with a continuation of existing SUDs methods, including storage of storm water. The arrangements are satisfactory in principle and Members will note that the KCC as lead flood authority, raises no objections. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.

- 2.17 With regard to foul water, Southern Water previously objected on the basis that the original plans showed some units being proposed over the alignment of a public sewer. The plans have been revised to overcome that concern as well as providing the required easements on either side. That is considered satisfactory for planning purposes, and the further technical details will be approved by Southern Water.
- 2.18 The original plans also showed a conflict with proposed buildings over the alignment of part of public footpath EE291A. Following further discussions with KCC Public Rights of Way, agreement in principle has been reached for a short diversion of the path which is considered satisfactory for planning purposes (figure 4 below).

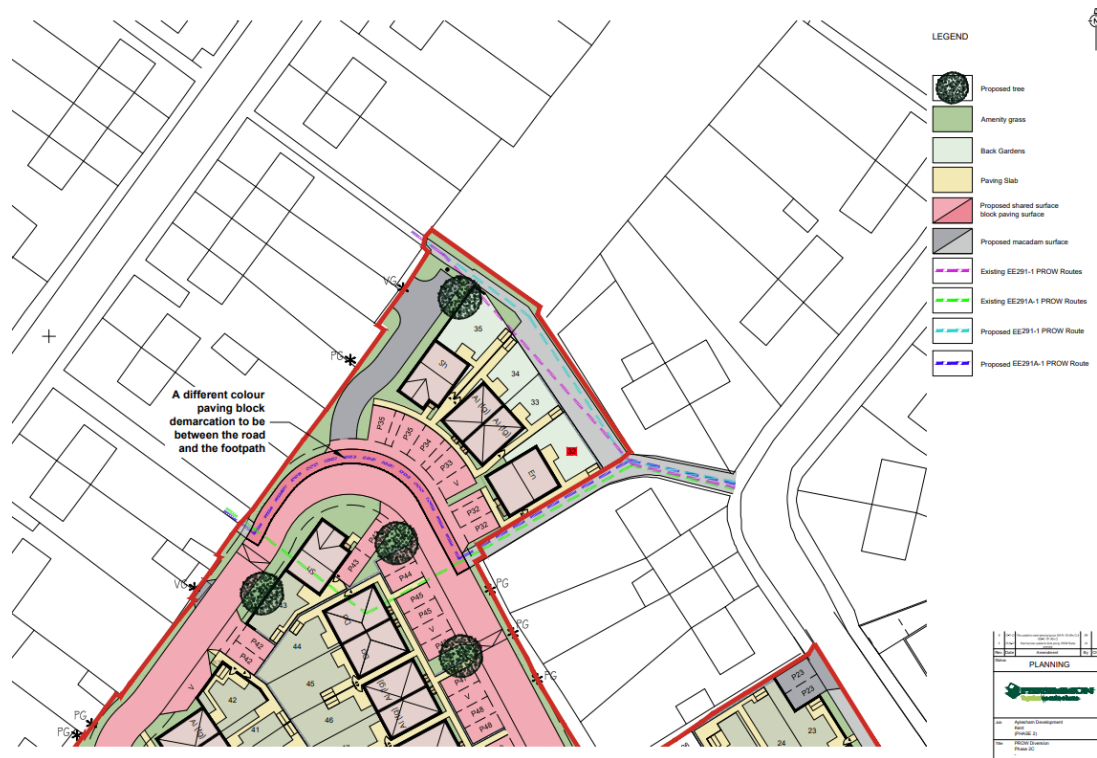


Figure 4: PROW Diversion Plan

- 2.19 Although concerns have been expressed in representations regarding increased strain on infrastructure generally, it needs to be borne in mind that this has already been assessed in principle as part of the approval of the outline permission. In that context, the permission and the accompanying Section 106 Agreement provides for significant contributions towards such infrastructure as public transport, improvements to primary schools, open space, new play parks, additional new formal sports provision, allotments, woodland areas, health facilities and social care. Some of that has already been delivered, with further infrastructure to follow to accompany each phase of development. The current detailed phases should therefore be seen in that context.

Ecology

- 2.20 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment.
- 2.21 One 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.

- 2.22 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.
- 2.23 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.24 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.
- 2.25 For proposed housing developments in excess of 14 dwellings (such as this application in relation to the proposed increase in 150 dwellings) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.26 Having had regard to the proposed mitigation measures, it is considered that the proposal, in respect of the impact on birdlife (but excluding the nutrient issue referred to above) would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3. **Conclusion**

- 3.1 The submitted application complies with the outline planning permission, whilst the detail of the scheme responds to the requirements contained within the Aylesham Masterplan SPG and the subsequently approved Design Code. Furthermore, it is considered that the development would provide a built environment of an acceptable quality and will achieve an acceptable standard of residential amenity, both to existing and future residents.
- 3.2 Whilst local concerns regarding the loss of open space are fully acknowledged, such a loss was agreed as part of the original masterplan and has been approved for successive outline permissions since, including the recently approved 19/00821. The principle therefore is firmly established. Notwithstanding that, the provision of informal open space throughout the Aylesham development area will still be in excess of current Council standards and the remaining undeveloped part of Abercrombie Gardens East, which in itself will continue to be a substantial size and will be laid out to be more visually attractive whilst still affording space for dog walking and informal play.
- 3.3 In summary, it is considered that the proposed detailed submission does not give rise to any planning objections or a departure from the previously agreed approach towards new development at Aylesham in terms of principles and quality of development. In that respect there is no conflict with Development Plan policy or national planning guidance and permission is recommended accordingly.

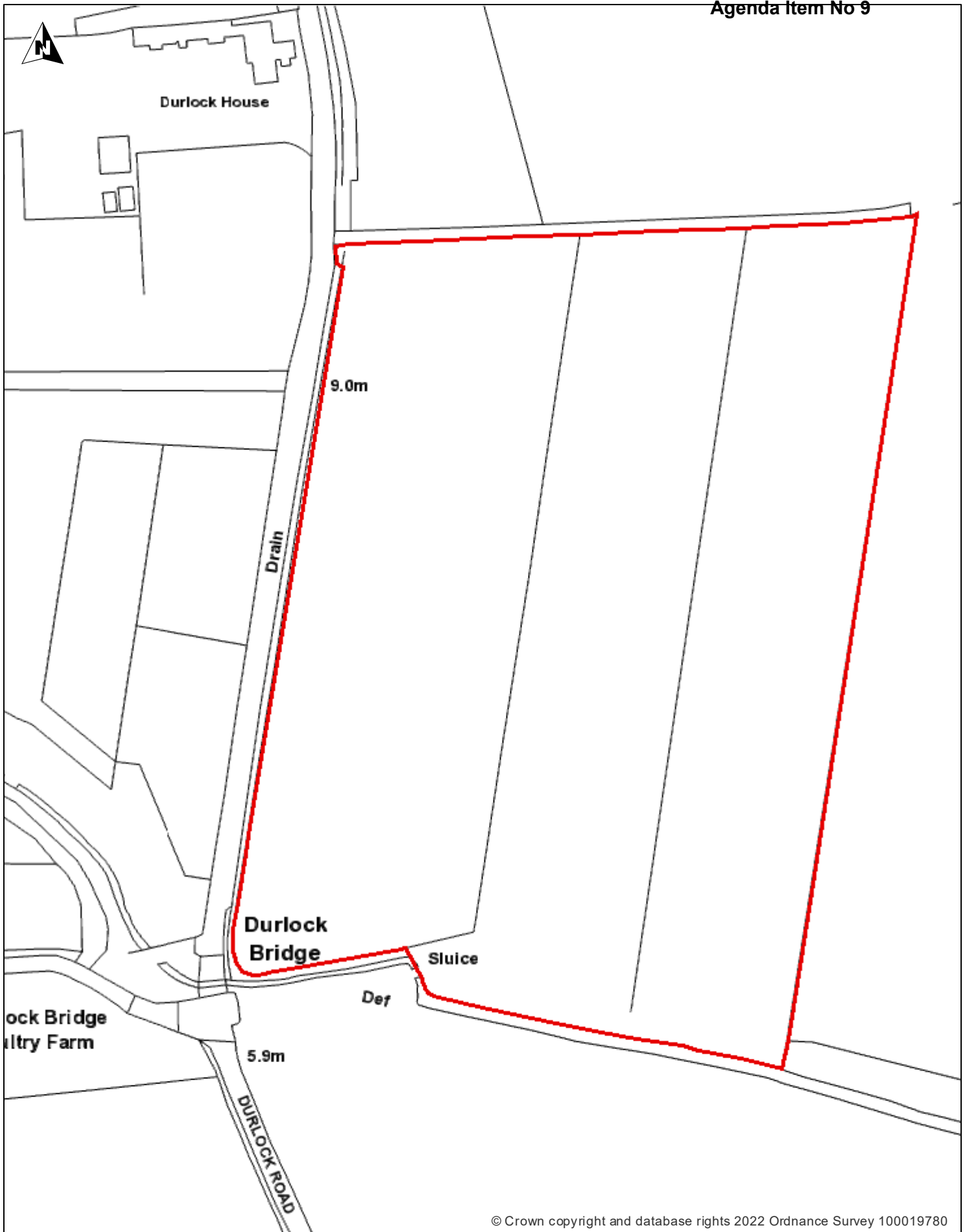
g)

Recommendation

- I Reserved Matters be GRANTED subject to additional conditions to include:
 - (1) Approved plans
- 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 recommendation and as resolved by the Planning Committee.

Case Officer

Adam Reynolds



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21/01826
Land North East Of Durlock Bridge
Durlock Road, Ash
CT3 1JU

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/21/01826 - Change of use of land to seasonal glamping to include the erection of 15 bell tents, 5 toilet/shower blocks, the stationing of a static caravan for on-site warden, siting of one storage container, 3 gated dog walking pens and associated parking - Land North-East of Durlock Bridge, Durlock Road, Ash**

Reason for report – Number of contrary views (10)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Ash Neighbourhood Plan: ANP1, ANP4, ANP5, ANP6, ANP13, ANP15 and ANP16

Core Strategy Policies (2010): CP1, CP6, CP7, DM1, DM3, DM11, DM13, DM15, DM16

Local Plan (2002) Saved policies: Policy LE30 -Campsites, CO8 Development affecting hedgerows.

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Draft policies SP1, SP6, SP11, SP13, SP14, E4, PM1, TI1 and TI3 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 92, 110, 111, 112, 119, 130, 174, 180

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

None

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

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

Ash Parish Council –

Initial response- Ash Parish Council requests conditions are agreed should the application be approved relating to:

- Trees / hedgerows
- No expansion of the site due to flood risk
- Incorporating the PRow into the landscape design
- Preservation of dark skies in this rural setting.
- Retention of the biodiversity area
- Maximise low energy consumption
- Neighbouring amenity in relation to the dog walking element of the proposal.

- Months of operation restricted to 1st April to 1st October.
- Use of the one static caravan

Comments were raised relating to:

- Increased traffic movements along a narrow rural lane.
- Consideration of an occupancy rate of no more than 36.4 persons per night during each seasonal occupation period.
- Amount of parking provided
- Clarification of provision of shower cubicles / toilets

Second response- Comments were made relating to:

- Possible noise from the dog walking in proximity to neighbours living close to the site
- Additional traffic movements to and from the site. Provisions need to be made regarding vehicle access.

KCC Highways—Following the submission of further information and an amended site location plan which shows bin storage facilities, confirmed that provided the following requirements are secured by condition or planning obligation, no objection is raised:-

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway

KCC Ecology – We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided regarding protected habitats and species. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements and a lighting strategy is attached.

KCC PROW– No comments

Environment Agency– No comments

Natural England—The application could have potential significant effects on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar, Thanet Coast and Sandwich Bay SPA and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- A demonstration that the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority.
- Clarity around certain figures used in the submitted Nutrient Neutrality Report (May, 2022)
- Consideration of recreational disturbance impacts of proposed development, contributing to the agreed strategic solution if required.

Rural planning consultant- There appears to be no related issue in terms of any significant, permanent loss of agricultural land; whilst the site lies in a general area of high quality land, there is no irreversible development proposed that would prevent a return to a productive agricultural use, should that be needed at some future date. The

overall acceptability of the proposed change of use, as a tourist venture, is a matter for the Council.

Third-Party Representations:

10 representations of objection have been received and are summarised below:

- The land was cleared before the PEA took place.
- Dog fouling
- The site notice was not sufficiently prominent.
- The site is outside of settlement boundary

22 representations in support of the proposals have been received and are summarised below:

- Benefit to local economy and employment
- Boost to the tourism sector
- There is a local bus service via the site
- The public footpath allows access into Ash village

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

1.1 The site is located to the south-west of the village of Ash, on the east of Durlock Road, as shown in figure 1 below. It is located outside of the Ash village confines as shown in the Ash Neighbourhood Plan.



Figure 1: Site location Plan, NTS

1. 2 The site is rectangular in shape and rises gently to its northern end. There are existing shelter belts around the perimeter of the site and running north-south through the site, dividing the site into three parcels. To the south of the site running parallel to the boundary is the Wingham River. Public Right of Way EE118 is located within the site, running alongside the northern boundary.
1. 3 To the north, south and east is agricultural land. To the west of the opposite side of Durlock Road is Durlock House and Durlock Bridge Poultry Farm.
1. 4 The proposal is for the change of use of land to seasonal glamping to include the erection 15 no. bell tents, 5 no. toilet/shower blocks, the stationing of a static caravan for on-site warden, siting of one storage container, 3no. gated dog walking pens and associated parking. The application utilises the existing vehicle access from Durlock Road on the western boundary of the site. Figures 2 and 3 below show the existing and proposed.



Figure 2 Existing site layout, NTS

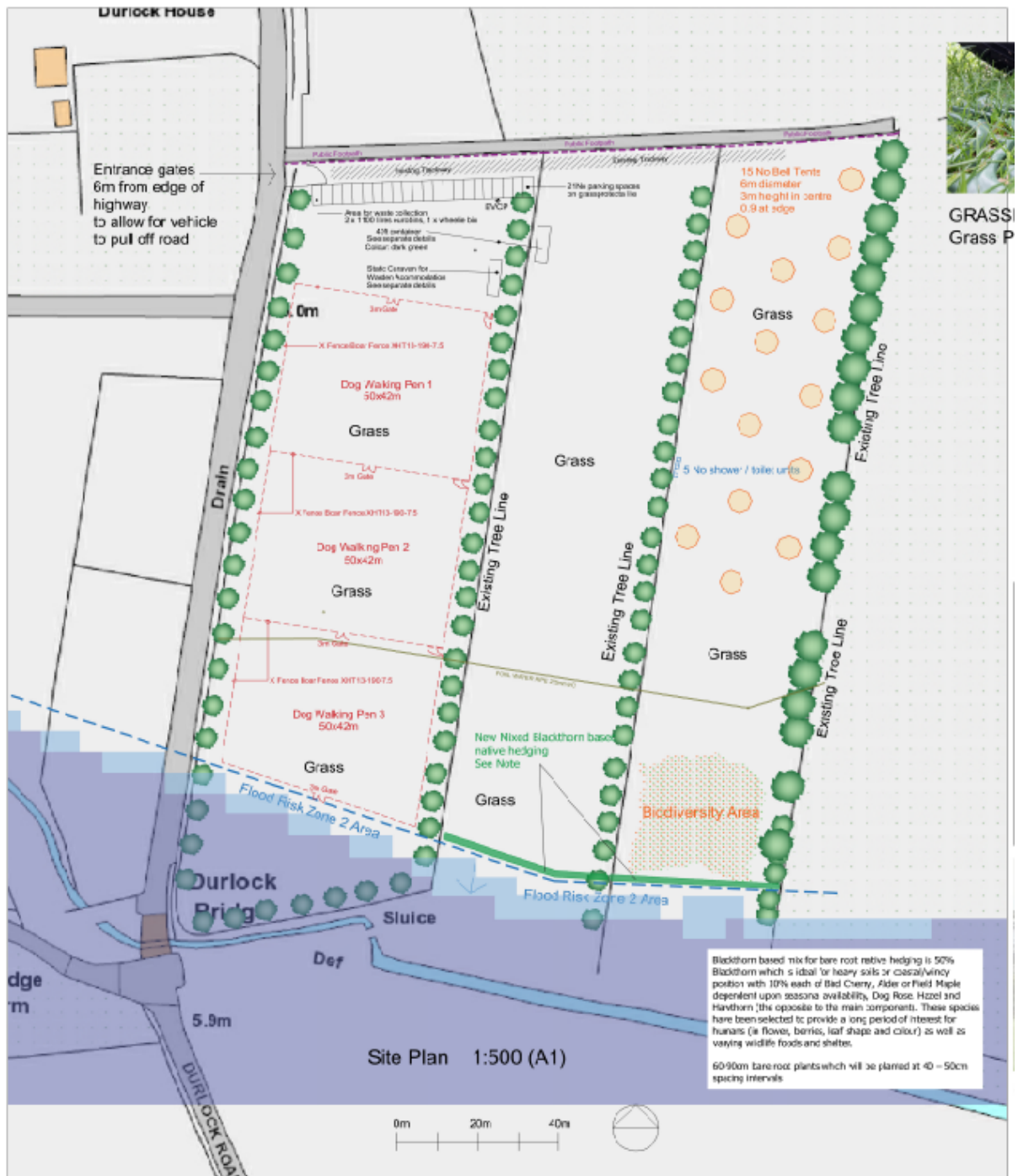


Figure 3 Proposed site layout, NTS

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance
- Landscape impact
- Heritage impact
- The impact on residential amenity

- The impact on parking and highways
- The impact on ecology and biodiversity
- The impact on flood risk

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The application site is located within the boundary of the adopted Ash Parish Council Neighbourhood Development Plan (2021). Therefore, policies ANP1 and ANP15 are considered the most relevant in determination of this application.
- 2.4 Notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.5 At the present time the council has a demonstrable 5-year housing land supply of 6.16 years and has not failed to deliver the housing delivery test requirement (delivering 88%). Furthermore, it is considered that the main policies for determining the application ANP1 and ANP15 are up-to-date given that the Ash Neighbourhood Plan was adopted in 2021 and as such the 'tilted balance' (paragraph 11, NPPF) would not be engaged.
- 2.6 ANP1 states that development beyond the Ash village settlement boundary will be supported where it provides for a local business or community need on a site that is adjacent to or beyond the existing village settlement area and is physically well related to the existing settlement boundaries. In addition, development proposals must have regard to the purpose of conserving and improving the physical surroundings and should maintain the distinctive views and visual connectivity of the village with the surrounding countryside from public vantage points within, and adjacent to, the built-up area. Lighting should only be directed where necessary and there should be no loss of night-time dark skies due to light pollution
- 2.7 Policy ANP15 seeks that proposals should include measures to minimise and make acceptable the impacts on the local road network by demonstrating how walking and cycling opportunities have been prioritised and new connections have been made to existing routes.
- 2.8 Historically the expansion of Ash constitutes ribbon development out to the west and east and is characterised by sporadic mix of development along Guilton and Durlock Road, including residential, market gardens and agricultural uses, such that the hamlets of Guilton and Dulock are within the immediate environs of the village of Ash. As such it is considered that the proposed development would constitute a local business on a site that is beyond the existing village settlement area and is physically well related to the existing settlement boundary. It is

considered that the proposals meet the criteria of ANP1 and this is discussed in the remaining relevant sections of the report.

- 2.9 A public right of way runs parallel to the northern boundary of the site and the PROW network including walking routes into Ash village centre are accessible from the site. Ash village centre is approximately 1km (15 minutes walking time) from the site. The bus stop at Guilton is approximately 800m (10 mins walk) from the site. It is considered that the proposals meet the criteria of ANP15.
- 2.10 Policies CP1, DM1, DM3, DM11 and DM15 of the adopted core strategy (2010) and saved policy LE30 of the Dover District Local Plan 2002, are also considered relevant to the principle of development. Policies CP1 and DM1 act together to confirm that the defined urban area and villages are intended to be the focus for new development in the district. DM3 seeks to resist commercial development in the rural area unless it is located at a Rural Service Centre or Local Centre as designated in the settlement hierarchy, it is consistent with the scale and setting of the settlement, or it is at a Village (provided it would not generate significant travel demand and is in other respects consistent with the scale and setting of the settlement). In all cases, development should be within rural settlement confines unless no suitable site exists, when it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere. Policy DM11 seeks to manage travel and states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside.
- 2.11 It is considered that weight should be given in favour of the principle of tourist development, which provides some counterbalance to the otherwise unsustainable nature of the site's location, with countryside locations often being desirable for tourist accommodation. Whilst it is acknowledged that a rural location may be beneficial, the proposed change of use of the land to holiday accommodation would be contrary to CP1, DM1, DM3, DM11 and DM15.
- 2.12 However, it should be noted that these policies in effect place a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. Therefore, as a matter of judgement, it is considered that the above basket of policies is out-of-date and, as a result, carry reduced weight.
- 2.13 Saved policy LE30 of the Dover District Local Plan 2002, is also considered relevant. The policy supports new camping sites, which are well related to the primary transport network, and include a landscaping scheme.
- 2.14 The proposal consists of a new campsite with good transport links, including proximity to the A257, a bus in Guilton for service 43 (Canterbury- Sandwich) 800m (10 minute walk) and being well positioned to make use of the PROW network, with Bridleway and footpath links to Guilton and Ash. The proposals also include a landscaping scheme which is discussed later in the report. As such the proposals are considered to accord with saved policy LE30.
- 2.15 Draft policies SP1, SP6, E4 and TI1 are considered relevant to the principle of this development. Draft policy SP1 seeks to ensure new development contributes to climate change mitigation including by reducing the need to travel and maximising opportunities for sustainable transport options. Draft policy TI1 requires that

development be readily accessible by sustainable transport modes through the provision of high quality, safe and direct walking and cycling routes.

- 2.16 Draft policy SP6 seeks to support tourism development that would extend the range of tourist facilities particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season. Draft policy E4 states that proposals for self-catering tourism accommodation, including glamping, will be supported across the district subject to specific criteria, including the following relevant criteria:

i The scale and design of the proposal is compatible with the character, layout, density, fabric and appearance of the existing settlement, surrounding area, and where relevant the countryside;

iii The level and type of activity the proposal generates and the functional and visual relationship it has with adjoining uses would not result in harm to the character and appearance of the surrounding area, including where relevant the character and quality of the countryside;

iv It would conserve and enhance landscape character and biodiversity and not result in an unacceptable intrusion into open countryside or the loss of important green spaces within the confines that contribute positively to the existing character of that settlement;

v It would preserve or enhance any heritage assets within its setting;

vi It would not have an adverse impact on the living conditions of existing adjoining residents;

vii Appropriate provision can be made for parking and access;

viii It is demonstrated that traffic generated from the development can be safely accommodated on the local road network, and the development will not generate a type or amount of traffic that would be inappropriate to the rural road network; and

ix Proposals should seek to improve provision of sustainable travel options to the site wherever possible, in accordance with Policy TI1.

- 2.17 The proposals are considered to accord with draft policies SP6 and EM4 of the regulation 19 stage draft local plan, meeting the criteria set out, and the criteria are assessed further in the report.

- 2.18 To conclude it is considered that the proposals accord with the policies for determining the application, ANP1 and ANP15, in the adopted and up to date Ash Neighbourhood Plan. In addition, the proposal also accords with saved policy LE30 and emerging policies SP1, SP6, E4 and TI1. The proposal does not accord with the remaining development plan policies of CP1, DM1, DM3, DM11 and DM15, however as previously discussed these are considered out of date and as such reduced weight can be given to these. Given the above, the principle of the development is considered acceptable.

Impact on the Character and Appearance

- 2.19 ANP1 states that development proposals must have regard to the purpose of conserving and improving the physical surroundings. ANP6 states that proposals for new development should demonstrate a high standard of design which respects and reinforces the local distinctiveness of its location, surroundings and the individual character areas of the Parish. All new developments should be designed to avoid increased vulnerability to the impacts of climate change by ensuring development demonstrate how adaption measures and sustainable development principles have been incorporated into the design and proposed implementation.
- 2.20 Draft policy PM1 states that all development in the district must achieve a high quality of design, that promotes sustainability, and fosters a positive sense of place. New development must demonstrate an understanding and awareness of the context of the area. It should be compatible with neighbouring buildings and spaces, and respect and enhance character to create locally distinctive design or create character where none exists.
- 2.21 The proposal is for a seasonal camping site with 15 bell tents, five toilet and shower blocks, a static caravan for an on-site warden for the duration of the camping season only, and the permanent siting of one storage container to enable the storage of items over-winter.
- 2.22 The bell tents would measure 6m in diameter and 3m in height (as shown below in figure 4) and would be located at the eastern portion of the site. The shower and toilet cubicles measure 1.1 x 1.1 x 2.5m high, will be finished in a light green colour, and will also be located in the eastern portion.



Figure 4 - Bell Tent

- 2.23 The storage container is a shipping container which measures 12.2 x 2.4 x 2.6m high (as shown below in figure 5) and is finished in dark green. This will be located at the northern end of the site.

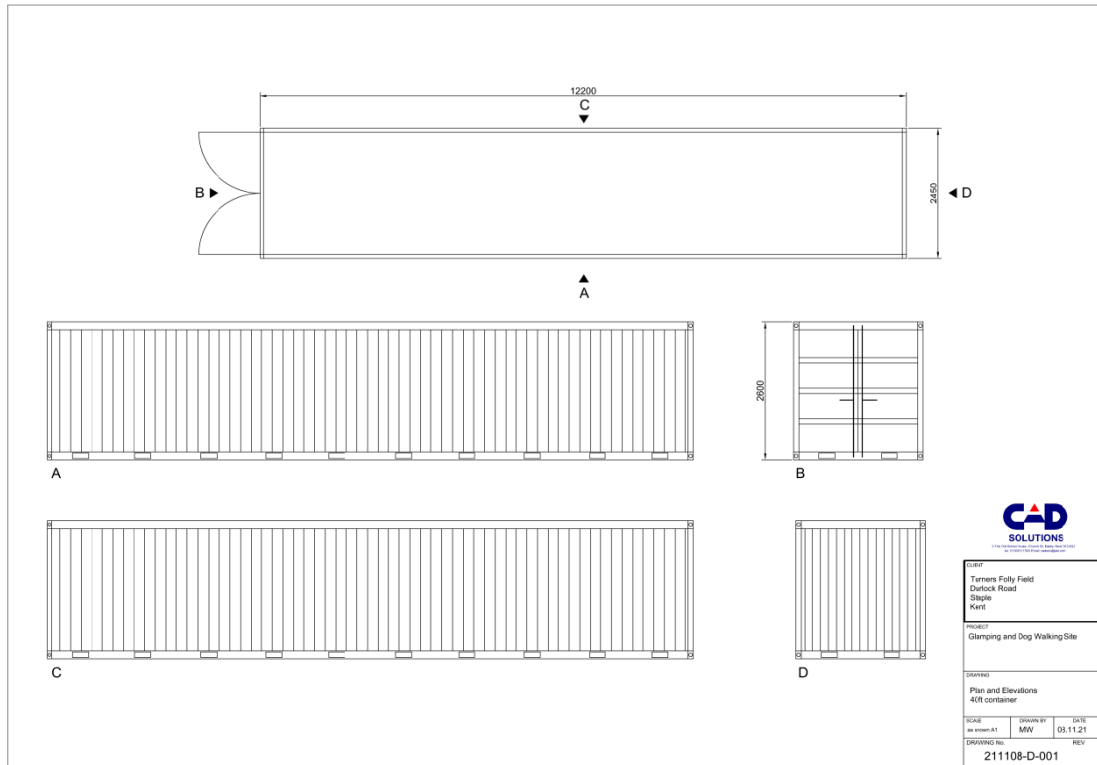


Figure 5 - Storage Container

- 2.24 The proposed static caravan will be occupied seasonally to coincide with when the campsite is operational and will be located alongside the existing tree belt.
- 2.25 Refuse and recycling storage areas are proposed and located near to the access onto Durlock Road.
- 2.26 A dog walking area, split into three paddocks, is provided to the west of the site, along the roadside. The dog walking area comprises three pens each measuring 50 metres by 40 metres and enclosed with post and wire fencing. The intention is that bookings will be taken on-line in hourly slots for the dog walking, with a 15 minute gap between bookings to enable a turn around and to reduce the number of vehicles on site at any one time. The dog-walking will operate year round. No advertisements, lighting or agility structures will be erected to ensure protection of the countryside. Dog walkers will be responsible for taking their dog foulings away from the site.
- 2.27 Car parking will be provided immediately to the south of the existing entrance with green grasscrete. Within weeks of being put down the grass will grow through the grasscrete and there will be no landscape impact as a consequence of the proposed parking area.
- 2.28 The vehicle parking area will be used by both campers and dog-walkers. It is considered that cycle parking can be secured by condition.

- 2.29 The proposals are considered small in massing and height and, combined with the location on the site of the tents, toilet/ shower blocks, storage container and seasonal caravan, are not considered to have an unacceptable impact on existing character and appearance of the streetscene or immediate area. In addition to this there would be an element of screening provided by the existing tree belts.
- 2.30 As such it is considered that the proposals would accord with ANP1, draft policy PM1 and paragraph 130 of the NPPF.

Landscape Impact

- 2.31 Paragraph 174 of the NPPF states that development should contribute to and enhance the intrinsic character and beauty of the countryside.
- 2.32 ANP1 states that Development proposals must have regard to the purpose of conserving and improving the physical surroundings and the natural beauty by enhancing and expanding the trees and hedgerows, preferably native/indigenous, and landscape within the designated area. Developments should respect the natural environment within the designated site and adjacent land by enhancing and re-connecting the existing natural features such as veteran trees, hedges, protecting wildlife corridors/ watercourses. Developments would maintain the distinctive views and visual connectivity of the village with the surrounding countryside from public vantage points within, and adjacent to, the built-up area, in particular those defined on Map 6 (Key views in and around the village of Ash). Lighting should only be directed where necessary and there should be no loss of night-time dark skies due to light pollution.
- 2.33 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 2.34 Draft policy NE2 sets out that proposals should demonstrate particular regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020 and in which they are located, including the characteristics of landform and topography, and the pattern and distribution of settlements.
- 2.35 The site lies within the Staple Farmlands landscape character area. The area is characterised by generally undulating topography, with the Wingham River extending through the area at Durlock Bridge. The area contains poplar shelter belts and conifer plantations, scattered historic settlement pattern, mixed land use of arable and grazing fields interspersed with orchards and vineyards, and overall a tranquil landscape with a good experience of dark skies.
- 2.36 Guidelines for landscape and development management include conserving the traditional landscape pattern and structure, increasing biodiversity interest through the establishment of hedgerows along field boundaries, protecting the valued recreation usage of the landscape, and seeking opportunities to further enhance access and enjoyment, avoiding the introduction of large scale or incongruous elements in order to conserve the open landscape and resisting proposals for highway upgrading to retain the rural character of the narrow lanes and associated verges.

- 2.37 The site can be viewed from higher ground including from parts of the Ash ridge to the North of the site and at a distance from the South when approaching the site along Durlock Road. The site is visible from PROW EE118 which runs parallel to the northern boundary. The site is also visible from PROW EE193 approximately 380 m away to the east.
- 2.38 The site occupies a low-lying position within the landscape and surrounded by poplar shelter belts. In its vicinity are Durlock Bridge poultry farm to the west of Durlock Road, to the north of the site is Durlock House, and to the east is Poulton farm at a distance of 400m from the site. In its immediate setting it is viewed in the context of these surrounding elements of existing development. As discussed above there is a scattered settlement pattern within the landscape and a mixed land use. This mix of uses is evident in the landscape surrounding the site when the site is viewed in a wider context.
- 2.39 The site does not relate to any of the key views identified in the Ash Neighbourhood plan and refereed in policy ANP1.
- 2.40 By virtue of the small scale of the proposals, low lying topography, surrounding poplar shelter belts and the existing context of scattered development and mix of land uses in the surrounding area, the proposals are not considered to be visibility prominent in the surrounding landscape.
- 2.41 It is considered therefore that the development of the site would not result in an incongruous form of development and would be in keeping with the existing scattered pattern of development and mix of land uses which partly define the landscape character in this area and would not erode the open character of this part of the countryside.
- 2.42 In relation to preservation of dark skies, it is considered that the scale and nature of the proposals would be unlikely to cause unacceptable harm, however it is considered that a condition listing details of external lighting should be attached to the planning permission.
- 2.43 As such the proposals are considered to accord with the aims and objectives of the NPPF, policy DM16 and draft policy NE2.

Heritage Impact

- 2.44 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.45 ANP6 requires development proposals to respect, conserve and enhance the settings of Listed Buildings and street frontages as described in the Ash Character Assessment and to respect the integrity, character and appearance of the conservation areas.
- 2.46 The site is located approximately 470m to the south of the Ash Gilton Conservation Area and approximately 350 m west of a grade II* listed building Poulton Manor. Given the distances retained and the small scale development proposed, it is not considered that there would be any unacceptable impact on these heritage assets.

- 2.47 As such the proposals are considered to be contrary to the aims and objectives of the NPPF, and draft policies HE1 and HE2.

Impact on Residential Amenity

- 2.48 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, including conversions, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2.49 The nearest residential property is located approximately 50m from the site boundary, but approximately 125m from where the bell tents would be located. Given the scale of the development and the distance retained to nearby properties it is not considered there would be any unacceptable loss of amenity.

Impact on Parking/Highways

- 2.50 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Core Strategy, and cycle provision informed by KCC Guidance SPG4.
- 2.51 Draft policy T13 sets out parking requirements for new developments. The standards set out in the Parking Standards for Kent SPD and Kent Design Guide Review: Interim Guidance Note 3 (or any subsequent guidance) are the starting point for decision-taking on acceptable parking provision in all developments.
- 2.52 The site has an existing vehicular access located at the northwest corner of the site boundary. Adjacent to the vehicular access, the site has a public footpath which runs along the northern edge of the access, signed with a fingerpost at the gated access point.
- 2.53 It is proposed to use the existing site access for the development. A new vehicle gate would be set back approximately 6m from the highway edge.
- 2.54 Adjacent to the vehicle entrance and parallel to the northern boundary of the site would be 21 parking spaces using green plastic grasscrete surfacing. The spaces would be for visitors and dog walkers.
- 2.55 KCC Highways and transportation have raised no objections following the submission of further information and an amended site location plan which shows bin storage facilities, subject to conditions being attached to permission requiring use of a bound surface for the first 5 metres of the access from the edge of the highway and gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

Ecology

- 2.56 Policy ANP4 states that developments should provide biodiversity net gains and take the opportunity to maximise the benefits for biodiversity. Developments should seek to avoid any harm and to minimise any adverse impact upon the local biodiversity, habitats and wildlife. Where necessary and appropriate, proposed development should demonstrate that the conservation of protected and rare species will be maintained, including that of their foraging habitat. Where

necessary and appropriate, development should incorporate additional features for the support of protected species, such as bird and bat boxes, swift bricks and roosting sites and access routes for wildlife (e.g. hedgehogs).

- 2.57 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.58 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats. Draft local plan policies SP14 and NE1 work together to ensure that the green infrastructure and biodiversity of the district are conserved and enhanced and seek biodiversity net gain.
- 2.59 Saved policy C08 states that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists and suitable native replacement planting is provided.
- 2.60 Draft policy SP13 relates to protecting the districts hierarchy of designated environmental sites and biodiversity assets. Draft policy NE3 sets out that financial contributions should be secured for developments within a 9km zone of influence of the Thanet Coast and Sandwich Bay SPA, towards monitoring and mitigation measures set out in the Thanet Coast and Sandwich Bay SAMP. It should be noted that NE3 would not be relevant to this application, as the application was submitted prior to publication of the Regulation 19 stage draft Dover district local plan.
- 2.61 A preliminary ecological appraisal was submitted and recommended that avoidance measures are implemented. These include protection of existing trees. In addition, a buffer of at least 7m with the southern ditch with the additional planting of a native species hedgerow and a mesh fence 7m north of the ditch should be constructed, this is to prevent habitat degradation for water voles and is indicated on the proposed site plan. In addition, measures to reduce impact on foraging and commuting bats are proposed in the PEA including the use of LED lights only.
- 2.62 The PEA recommends enhancement measures which include native hedgerow planting, a swathe of infrequently cut grassland, bat and bird boxes, log/brush piles for small mammals, invertebrates, reptiles and amphibians, and a grass/ compost heap for grass snakes.
- 2.63 KCC Ecology raise no objection to the proposed development and advise relevant conditions are attached.
- 2.64 To conclude, it is considered that the proposals would accord with policy ANP4, draft policies SP13, SP14, NE1 and NE3 and the aims of the NPPF.

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.65 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.66 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. 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.
- 2.67 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.
- 2.68 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.
- 2.69 Development in the district of Dover is no longer affected by the water quality and nutrient neutrality advice issued by Natural England in relation to Stodmarsh SPA/SAC/Ramsar site. Natural England has confirmed that it will be formally updating its advice on the Stodmarsh catchment in due course. Planning applications may now be determined without the need for an Appropriate Assessment of the implications of the application for the Stodmarsh site.

Flood Risk

- 2.70 The National Planning Policy Framework advises that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site specific flood risk assessment that the development would not result in an unacceptable risk on flooding on the site or elsewhere.
- 2.71 Part of the site was in flood zones 2 and 3. The site boundary has been amended, so that the site is now entirely within flood zone 1. The submitted drawings indicate that no development would be located within the flood zones 2 and 3. The application is also supported by an FRA.

3. Conclusion

- 3.1 It is recommended that planning permission is granted with conditions.

g) Recommendation

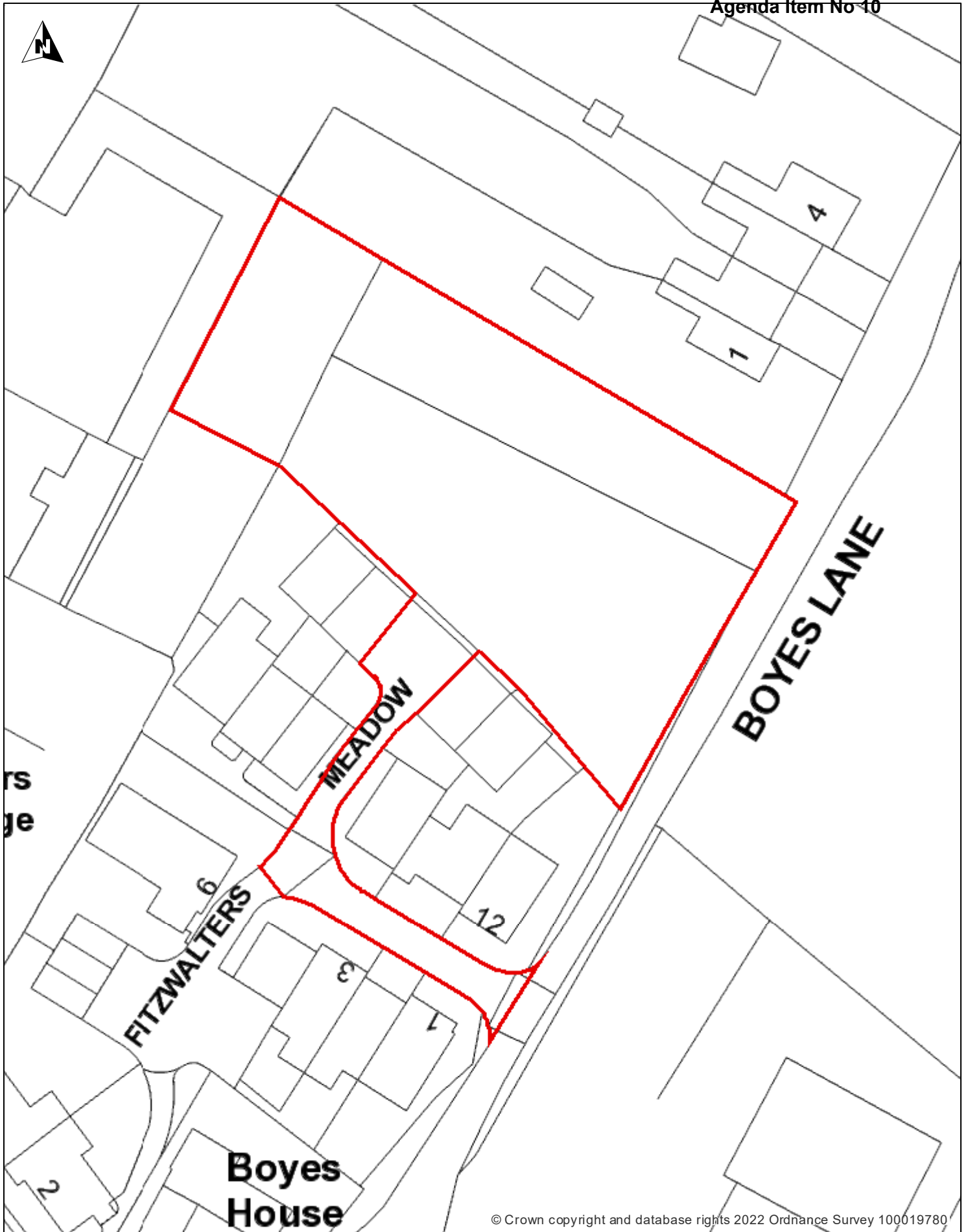
I PERMISSION BE GRANTED, with the following conditions:

- 1) Time
- 2) Plans
- 3) Bicycle storage
- 4) Vehicle parking
- 5) Bound Surface for the first 5 metres of the access
- 6) Any vehicle access gates set back a minimum of 5 metres from the edge of the carriageway.
- 7) Tree replacement
- 8) External lighting
- 9) Ecological avoidance and enhancement
- 10) Tents and as a camping pitches shall only take place between 1 April and 31 October
- 11) No more than fifteen bell tents (glamping pods)
- 12) No caravans or motorhomes shall be stationed on the site at any time, with the exception of the caravan/static home provided for the Warden
- 13) No caravan on the site shall be occupied between 31st October in any one year and 1st April in the succeeding year.
- 14) Refuse and recycling

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 recommendation and as resolved by the Planning Committee.

Case Officer

Nicola Kingsford



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22/01225

Land Adjacent To Fitzwalters Meadow
Boyes Lane, Goodnestone
CT3 1FB

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/22/01225 - Erection of 3 detached dwellings, associated parking and landscaping - Land Adjacent to Fitzwalter's Meadow, Boyes Lane, Goodnestone**

Reason for report – Number of contrary views (19)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM15, DM16, DM19

Local Plan (2002) Saved policies: CO8

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Draft policies SP1, SP2, SP13, SP14, SP15, CC2, CC4, CC6, CC8, PM1, PM2, TI1, TI3, NE1, NE2, HE1, HE2, HE3 and HE4 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 57, 69, 92, 93, 110, 111, 112, 119, 130, 154, 157, 174, 180, 194, 195, 197, 202

Kent Design Guide

National Design Guide and National Model Design Code (2021)

d) **Relevant Planning History (Neighbouring Land)**

07/00952 - Erection of 12no. residential dwellings, detached garages with room over plots 7, 8 and 9, carports for 1-6, construction of vehicular access and associated parking - Granted

06/00737 - Erection of 12 no. residential dwellings, detached garages with room over for plots 7, 8, and 9, car ports for 1-6, construction of vehicular access and associated parking - Granted

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

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

Goodnestone Parish Council – Object to the proposal.

Kent Fire and Rescue - It appears from plan drawing number 29928B_10 B that the access road passing in between the two existing houses is narrow and does not meet the typical Fire and Rescue Service vehicle access route specifications. It also appears that there is a physical boundary to the sides and rear of the existing properties which would create a pinch point, further narrowing the access road and preventing access for a fire appliance. This would create extended hose lay distances from a parked fire

appliance, before the pinch point on Fitzwalter's Meadow, to the furthest points within all of the proposed plots. There would also be extended hose lay distances from a parked appliance on Boyes Lane, via the pedestrian access gate, to the furthest of plot 2 and 3. Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Southern Water - No objection.

Third-Party Representations:

19 representations of objection have been received and are summarised below:

- The applicant does not have a legal right to remove the existing gate and widen the site access
- The roads in the area are too narrow
- Harm to highway and pedestrian safety
- The internal roads and adjoining access road don't allow for vehicle tracking or visibility.
- Fire and emergency and refuse access can't be achieved
- Increase in traffic
- Insufficient car parking
- No transport statement has been provided
- Impact on the Conservation Area
- Impact on the character and appearance of the area
- Harm to residential amenity - overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance
- The adverse impact on biodiversity interests at the site
- The effect on surface water and foul drainage
- Hedge at the front of the application site is poorly maintained and is impacting overhead power cables
- Site clearance effecting ecology
- Poor broadband connectivity and signals
- No economic advantage for village for proposal.
- Overdevelopment of site

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

- 1.1 The site is located outside, by adjacent to, the settlement confines of Goodnestone as defined on the Policies Map in the Council's Core Strategy 2010. The site is within the Goodnestone Conservation Area. The settlement of Goodnestone is surrounded by Goodnestone Park, which is a registered Historic Park.
- 1.2 This site is located to the north-west of Boyes Lane. It comprises an overgrown area of land located between the more recent development of Fitzwalter's Meadow to the south-west and the row of early 19th century terraced cottages at 1-4 Boyes Lane, to the north east. The ground levels rise towards the rear of the site away from Boyes Lane.
- 1.3 There is a gated access from within Fitzwalter's Meadow itself and a hedgerow fronting Boyes Lane. On the opposite side of Boyes lane are open fields.

1. 4 The proposal is for the erection of three detached dwellings, associated parking and landscaping. Vehicle access is proposed through the existing Fitzwater Meadows development.



Figure 1: Site Location Plan



Figure 2 Existing Site Plan



Figure 3 Proposed Site Layout

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance
- Landscape impact
- Heritage impact
- The impact on residential amenity
- The impact on parking and highways
- The impact on ecology and biodiversity
- The impact on flood risk and drainage

Assessment

Principle of Development

2.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.

- 2.3 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date” permission should be granted unless:
- “i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 2.4 The Council are currently able to demonstrate a five-year housing land supply (as identified in the most recent Housing Technical Paper 2021) and have not failed the housing delivery test.
- 2.5 Were a planning application to be submitted, the policies most important in its determination are considered to be CP1, DM1, DM11 and DM15.
- 2.6 Policy CP1 of the Core Strategy seeks that the location and scale of development in the district complies with the Settlement Hierarchy. Policy DM1 sets out that ‘Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- 2.7 The site subject to application is located outside of the settlement confines, adjacent to the settlement boundary of Goodnestone. As such, the development would not accord with Policy DM1.
- 2.8 Policy DM1 accords with the strategic aim of the NPPF to promote sustainable development. However, it is considered that Policy DM1 is in tension with the NPPF as it is more restrictive, and that limited weight should therefore be afforded to this policy. Given the degree of conflict between this policy and the NPPF, it is considered that this policy is out-of-date.
- 2.9 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines.
- 2.10 The proposed site is located outside of the settlement confines and is not justified by other development plan policies. As the site is located outside of the settlement confines, the creation of new dwellings in this location is considered to be contrary to Policy DM11.
- 2.11 Whilst there is some tension, this policy broadly accords with the NPPF’s aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date, however the weight is reduced.
- 2.12 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside.
- 2.13 Given the location of the proposed development outside of the village confines and within the countryside, the proposal would be contrary to Policy DM15.

- 2.14 The 'blanket' protection of the countryside advocated by the first sentence of DM15 is more stringent than the NPPF. However, this policy is considered broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside (Paragraph 174 of the NPPF). It is not therefore out-of-date and continue to attract significant weight.
- 2.15 In relation to the Draft Local Plan, policies SP1, SP2, SP4 and TI1 are considered most relevant to the principle of development.
- 2.16 The Draft Local Plan was published for Regulation 19 stage consultation on 21st October 2022. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. Draft policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and draft policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.17 Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. Using this information and current housing requirements, the policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed.
- 2.18 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining the settlement confines. Policy SP4 also applies other criteria to assess the appropriateness of development in these locations.
- 2.19 The policy and the confines applicable to the settlements in question are considered to be in line with the sustainable development objectives of the NPPF. There are currently no unresolved objections to the policy, following the publication of the Regulation 18 version of the Plan. As such and in line with Paragraph 48 of the NPPF it is considered that the policy can attract significant weight in the planning balance.
- 2.20 The proposal is located directly adjacent to settlement confines as identified within the draft plan. As the policy and confines to which it relates have been devised in line with up-to-date housing figures and the objectives of the current NPPF, the Policy is considered to hold significant weight in the planning balance. The proposal is considered to be in accordance with requirements of draft policy SP4 and as such this is considered to provide significant weight in favour of the scheme.
- 2.21 Consideration must be had for whether the "tilted balance" would be engaged were an application submitted, having regard for Paragraph 11 of the NPPF. Some of the adopted policies relevant for determining the application are considered to be out of date to varying degrees, with Policy DM1, which is particularly crucial in

assessing the principle of the development, being particularly so. Giving weight to policy DM1, it is therefore concluded that the 'basket' of local policies is out of date.

- 2.22 Consequently, it is considered that the 'tilted balance' would be engaged, and that paragraph 174 the NPPF would be relevant in the assessment of any forthcoming application. Sub-paragraph (ii) would be relevant, and in order to grant planning permission, it should be demonstrated at planning stage that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.23 Arising from the above, while the starting point remains that the decision must be made in accordance with the development plan unless material considerations indicate otherwise, this approach must be adopted having proper regard to the 'tilted balance' i.e. whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Impact on the Character and Appearance

- 2.24 Draft policy PM1 states that all development in the district must achieve a high quality of design, that promotes sustainability, and fosters a positive sense of place. New development must demonstrate an understanding and awareness of the context of the area. It should be compatible with neighbouring buildings and spaces, and respect and enhance character to create locally distinctive design or create character where none exists.
- 2.25 The proposed scheme consists of three detached dwellings, gardens and parking with vehicle access provided through the adjacent Fitzwalter's Meadow development. There would be a separate pedestrian access onto Boyes Lane, with a pedestrian gate.

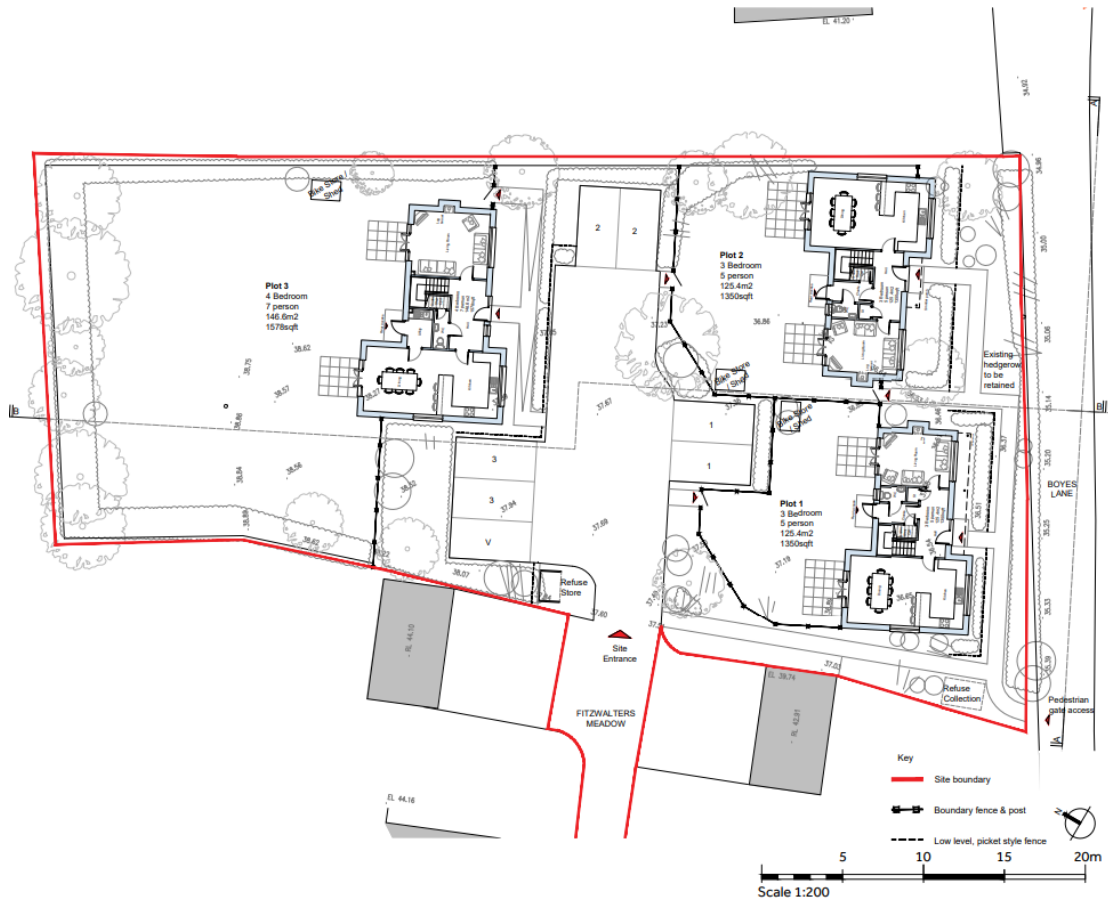
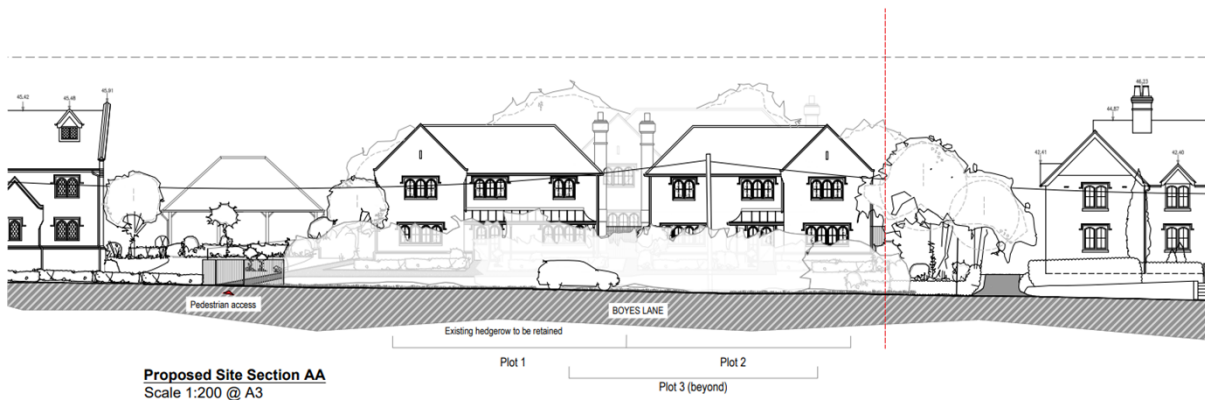


Figure 4 Proposed Site Layout



Proposed Site Section AA
Scale 1:200 @ A3

Figure 5 Proposed Street Elevation onto Boys Lane

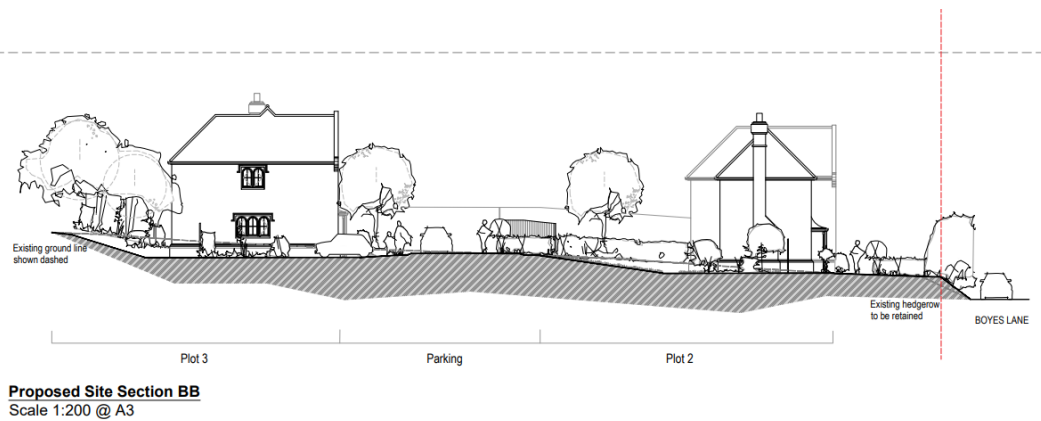
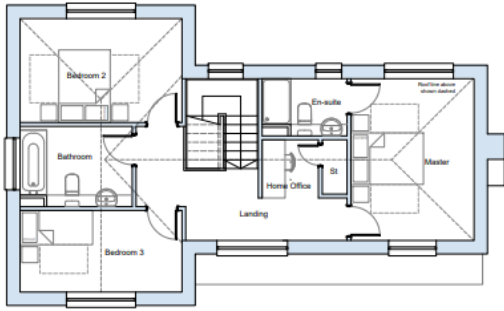
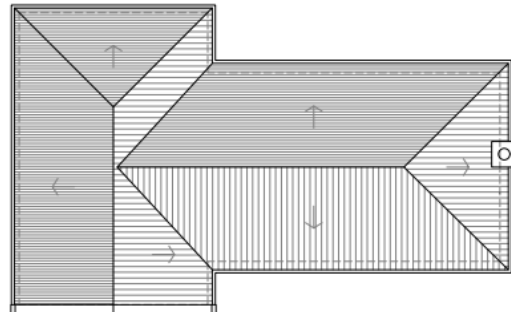


Figure 6 Proposed site section showing plot 3 and plot 2

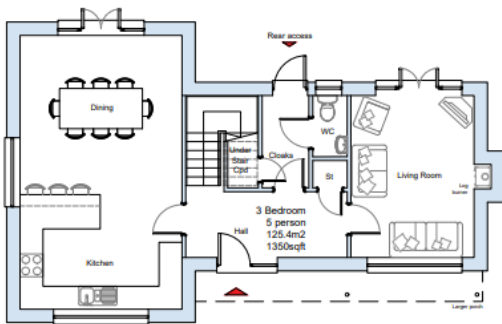
- 2.26 Two houses would be sited at the southern end of the development, facing onto Boyes Lane, but located behind the existing hedgerow which would be retained. These two houses would each have two floors and three bedrooms, pitched roofs and a projecting element at the front with a gable. The height of both houses would be less than adjacent 1-4 Boyes Lane and the recently built Fitzwalter’s meadows development.
- 2.27 At the rear of the site would be one two-storey detached house with 4 bedrooms, the house would be in the same style as the two houses fronting Boyes Lane. The ridge height of this house would be slightly higher than the other two proposed homes, due to the existing topography of the site. The ridge height of this house would be approximately 50cm higher than the ridge height of the terraced cottages at 1-4 Boyes Lane.
- 2.28 The architectural design of all the houses would be in the “Goodnestone” style, with red brickwork, pitched roofs with clay tiles, a gable to the front, round arched windows, with black powder coated aluminium window frames and brick chimneys. The houses would have front and rear elevations wider than the side elevations, and it is considered that this is characteristic of many buildings in Goodnestone.
- 2.29 The width of the houses gives mass to the appearance of the proposed dwellings, however as discussed above this is not considered out of character for Goodnestone. The proposed dwellings would be sited so that a 9.5m separation distance would be retained between plot 2 and the existing terrace at 1-4 Boyes Lane. Plot 1 would be sited approximately 15m from No. 12 Fitzwalter’s Meadow. The separation between plots 2 and 3 would be approximately 3m.
- 2.30 Given all of the above, it is considered that the spacing that would be retained between would ensure that a terracing effect would not result, and that the proposal would not result in any unacceptable massing or bulkiness in relation to visual impact of the development within the streetscene.



Proposed First Floor
Scale 1:100 @ A3



Proposed Roof Plan
Scale 1:100 @ A3



Proposed Ground Floor
Scale 1:100 @ A3



Figures 7 and 8 Proposed floor plans and front elevation to plot 1



Figures 9 and 10 Before and after views of the site, when viewed from the South-west on Boyes Lane



Figures 11, Nolli Urban Grain diagram

- 2.31 Historically within Goodnestone, development has infilled fields and areas of open space including along The Street and Boyes Lane, at Fitzwater’s Meadow. It is considered that the proposal would be infill development, of a suitable amount, layout and scale, which would represent organic growth of the village. This is illustrated in the Nolli urban grain diagram shown above.
- 2.32 A refuse storage area is indicated adjacent to the entrance to the development off Fitzwater’s Meadow, and a refuse collection point is indicated adjacent to Boyes Lane.
- 2.33 To conclude, it is considered that the proposals would accord with draft policy PM1 and paragraph 130 of the NPPF.

Landscape Impact

- 2.34 Paragraph 174 of the NPPF states that development to contribute to and enhance the intrinsic character and beauty of the countryside.
- 2.35 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.36 Draft policy NE2 sets out that proposals should demonstrate particular regard to the Landscape Character Area (LCA), as defined by the Dover District Landscape Character Assessment 2020 and in which they are located, including the characteristics of landform and topography, and the pattern and distribution of settlements.
- 2.37 The site is located within the Chillenden LCA, which is characterised by gentle ridge and dry valley topography, with mixed field patterns. It is a rural and tranquil landscape crossed by narrow winding rural lanes, with undulating landform giving rise to moderate range views across open arable land with more enclosure around villages and hamlets and in minor valleys.
- 2.38 Identified development management objectives include to conserve the characteristic sparse pattern of historic villages and hamlets, maintaining their enclosed character and conserve the strong vernacular of historic buildings and their rural setting, as well as protecting the character of the sparsely settled rural chalk landscape, and sense of tranquillity associated with it.
- 2.39 The site is adjacent to the Shepherdswell Aylesham Parklands LCA in which the remainder of the village of Goodnestone to the west of the site is located. This LCA is characterised by undulating topography of distinct gentle ridges and valleys, historic parklands at Goodnestone, Knowlton and Fredville with associated historic buildings, woodland, and mature parkland trees, and estate villages linked to the historic parklands with strong vernacular of redbrick, flint and Kent peg tiles, linked by narrow rural roads.
- 2.40 Identified development management objectives include to conserve the strong vernacular of historic buildings and their rural setting, ensure that landscape continues to provide a rural setting to these areas, and encourage the use of in keeping materials such as redbrick and Kent peg tiles for new developments.
- 2.41 The site is located on land which gently slopes down towards the south-east portion of the site. The site fronts on Boyes Lane, on the opposite side of Boyes Lane is a field of which the landform continues to slope down. The ground levels then reach a low point about 150m from the site and rises up again and levels off approx. 600m metres from the site at the eastern end of Catsole Hill.
- 2.42 The site is visible from the highway at Catsole Hill, and from PROW footpath EE271, which runs through the parkland at Goodnestone Park. Rooftops of the eastern end of the village, in which the site is located are also visible from Buckland Lane. The views at present from Catsole Hill and Buckland Lane contain a break in the built form where the site is located. To the north-east of the existing terrace at 1-4 Boyes Lane, the views open out to undulating fields and blocks of woodland.
- 2.43 Although there is currently a break in built form, it is considered that the visual edge of the village is the terrace building at 1-4 Boyes Lane. This is because the width of the visual break where the site is located is relatively small compared with the extent of the village which can be seen in views from Catsole Hill and Buckland Lane. As such it is considered that infill development at this site of a suitable scale, would be read as development within the visual envelope of the village and as such would not be detrimental to landscape character of the area and would preserve the values of the wider landscape in this area including moderate range views across arable land, gently undulating landform and overall tranquilly. In addition to the above the existing high hedgerow at the front of the site, fronting

Boyes Lane, is proposed to be retained and it is considered that this will aid visual integration of the proposal into the wider landscape.

2.44 Figure 12 below, shows the view as existing from Catsole Hill. Figure 13 shows the view with the proposed scheme outlined as a wireframe.



Figures 12 and 13, Existing and proposed views from Catsole Hill

- 2.45 The site is also visible from EE271, which runs through the parkland at Goodnestone Park. In views from the footpath the site is viewed within the context of built form, in particular the agricultural buildings at Yew Tree Farm and is read as being within the existing village envelope. This can be seen in figure 14 below.



Figure 14 - View from EE271

- 2.46 As such the proposals are considered to accord with the aims and objectives of the NPPF, policy DM16 and draft policy NE2.

Heritage Impact

- 2.47 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 2.48 The site is within the Goodnestone conservation area and adjacent to the early 19th century terrace that forms 1-4 Boyes Lane and which is considered to be a positive contributor to the character of the conservation area.
- 2.49 The terrace is visually separated from the core of the conservation area as a result of the open space provided by the application site. This space between 1-4 Boyes Lane and the development of Fitzwalter's Meadow is considered a key component in the character of the conservation area. When viewed from Catsole Hill the terrace looks somewhat set alone, separate from the core of the settlement which can be seen over to the south-west of the site.

- 2.50 On viewing from Boyes Lane, the formality of Fitzwalter's Meadow dissipates on reaching the development site, and the character of the conservation area immediately becomes more dominated by the agricultural landscape, adjacent to the conservation area. The informal, rural character is supported by the boundary of the site, which contains a hedgerow. This is considered the edge of the settlement before the countryside begins.
- 2.51 It is considered that the massing of the two units would be dominant and detract from the character of the conservation area, including when viewed from Catsole Hill. Due to the higher ground levels at the rear of the site, the three dwellings would be viewed as one mass, effectively infilling the space between the terrace and existing modern development.
- 2.52 As such it is considered that the proposal would not conserve the character of the conservation area and as such less than substantial harm would entail.
- 2.53 There are a number of grade II listed buildings close to the site, Hop cottage and Ivy House at approximately 60m from the site, and Yew Tree Farm at approximately 70m from the site. Given the distance retained from the site to these listed properties, the scale of development proposed and in addition the existing built form between the site and the listed buildings it is considered that the proposal would conserve the settings of the listed buildings.
- 2.54 To the south of the site is the grade II* listed historic park surrounding Goodnestone House. The site can be seen from inside the parkland, including from PROW EE271. In views from the parkland the site is viewed within the context of built form, in particular the agricultural buildings at Yew Tree Farm and is read as being within the existing village envelope. Given the distance retained from the site to these listed properties, the scale of development proposed and in addition the existing built form between the site and the listed buildings it is considered that the proposal would conserve the settings of the listed park. As such the proposal would accord with adopted policy DM19 of the core strategy 2010.
- 2.55 A pedestrian gate and a small amount of railings/ fencing is proposed fronting onto Boyes Lane, details have not been provided, however it is considered that this should be in a traditional style in keeping with the conservation area, and that this can be secured by condition.
- 2.56 Given the above, in relation to impacts on the conservation area, but not nearby listed buildings or the listed park, it is considered that the proposals to be contrary to the aims and objectives of the NPPF, and draft policies HE1 and HE2.

Impact on Residential Amenity and Future Living Conditions

- 2.57 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation and meet the Nationally Described Space Standards (albeit these are not formally adopted at present) in respect of internal accommodation. Well-

designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.

- 2.58 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users.
- 2.59 The proposed new homes would be located to the north-east of the existing houses on Fitzwater's Meadow. Plot 1 would be located approximately 15m to the north-east of no. 11 and 12 Fitzwater meadow. Plot 3 would be approximately 22m away from numbers 7, 8 and 9 Fitzwater's meadow.
- 2.60 The proposed dwelling at plot 3 includes a bedroom window located in the flank elevation facing the rear of nos. 7-9 Fitzwater meadow. Given the separation distance of 22m and the existing carport located to the northeast of 7-9 Fitzwater meadow, it is not considered that any unacceptable loss of privacy or overlooking would be caused.
- 2.61 It is not considered that there would be any unacceptable overbearing impact or loss of outlook due to distance retained to existing properties and the height of the proposed dwellings.
- 2.62 Due to the distance retained to adjacent existing homes and the height of the dwellings proposed, it is not considered that there would be any unacceptable loss of daylight or sunlight. For example, the "25° rule" (BRE Site Layout and Planning for Daylight and Sunlight : A Guide to Good Practice (2011)) can be used to help establish the effect a proposed building will have on existing properties with regards to obstructing daylight to existing windows. This test is carried out when the proposed building is opposite the existing building. In the case of the proposed development, the entire development falls underneath the line drawn at 25 degrees from existing development at Fitzwater meadows, at a height of 2m above ground level, therefore indicating the proposal is unlikely to cause a detrimental effect to daylight on the existing properties at Fitzwater's Meadow.
- 2.63 The proposal is for residential uses adjacent to existing residential uses, it is therefore considered that there would be no unacceptability in terms of compatible uses and noise generated.
- 2.64 Given all of the above, it is considered that the proposal accords with draft policy PM2 and the aims of the NPPF.

Archaeology

- 2.65 The site lies within an area of archaeological importance. Given the size of the proposals it is considered that an archaeological watching brief should be added as a condition.

Impact on Parking/Highways

- 2.66 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 2.67 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.68 Paragraph 112 of the NPPF states that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 2.69 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Core Strategy, and cycle provision informed by KCC Guidance SPG4.
- 2.70 Draft policy T13 sets out parking requirements for new developments. The standards set out in the Parking Standards for Kent SPD and Kent Design Guide Review: Interim Guidance Note 3 (or any subsequent guidance) are the starting point for decision-taking on acceptable parking provision in all developments.
- 2.71 The scheme proposes 2 parking spaces per dwelling and one visitor space. This is considered adequate for the size of the development, and number of bedrooms per house. Cycle storage is proposed in sheds in each garden.
- 2.72 Vehicular and pedestrian access is proposed via Fitzwalter's Meadow, with further pedestrian access directly onto Boyes Lane. Fitzwalter's Meadow is an unadopted no through road adjoining the public highway of Boyes Lane. The access and sightlines were approved under planning permission DOV/06/00737. A condition was added to DOV/06/00737 which requires the retention of these sightlines.
- 2.73 It is considered that if the visibility splays from Fitzwalter's Meadow onto Boyes Lane were found to be suitable at the time, an uplift of three additional dwellings would not significantly add to risk from drivers using this access. At present however it appears planting at the site frontage has been installed within the

visibility splays and it appears the proposal is not compliant with the conditions of the previously permission.

- 2.74 The access width through Fitzwater's Meadow is approximately 3.5m in width, narrowing to 3m between Nos. 9 and 10 (the latter for approximately 15m in length). This is not sufficient to safely cater for both vehicles and pedestrians.
- 2.75 The width of the existing access road is not considered wide enough for two vehicles to pass. As such this may cause access difficulties should vehicles arrive at the same time as others try to exit. It should be remembered that Boyes Lane is also too narrow for two vehicles to pass. This would increase the risk of vehicles having to carry out protracted reversing manoeuvres to allow others.
- 2.76 Turning and access would need to be demonstrated for an 11.4m refuse vehicle. The proposed dwellings are at a distance from the existing turning head both in terms of refuse vehicle reversing distance and carry distance for refuse.
- 2.77 The vehicle track drawing (an unidentified 8m vehicle) provided on the proposed site plan shows overrun beyond the extent of the road over private property. Additional paving has been constructed to allow the overruns as shown in the photographs below. However officers raise concerns regarding safe access and turning space for larger vehicles, such as delivery, refuse or fire tender.





Figures 15 and 16- Photos of existing access road through Fitzwalter's Meadow, looking south-west

- 2.78 Safe access for refuse collection and fire tender has not been demonstrated. This in itself could cause safety issues through reversing manoeuvres. Kent Fire and Rescue Service have been consulted and have raised concerns over sufficient access for fire tenders.
- 2.79 There is an existing lack of pedestrian facilities on Boyes Lane, however these poor pedestrian facilities were not seen as sufficient a reason to refuse the initial Fitzwalter's Meadow development. It is considered that the addition of three more dwellings would make a significant difference to the existing situation.
- 2.80 The width of the existing access road is not wide enough for two-way traffic and does not cater well for pedestrians and vehicles. However, with an uplift of only three dwellings, it is considered that the number of conflicting movements is likely to be relatively low.
- 2.81 Officers have concerns over the access arrangements to the proposal. Primarily that the width of the access road through Fitzwater's meadow is not wide enough to cater safely for both vehicles and pedestrians, and for vehicles using the access in both directions. Secondly that the access is not wide enough for efficient delivery of goods, and by service and emergency vehicles.

- 2.82 Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.83 It is considered that there would be some impacts on highway safety, as discussed above, however given the scale of the proposal consisting of three homes, it is not clear if this would constitute an unacceptable impact. KCC Highways have been consulted and have not commented on the scheme.
- 2.84 In relation to acceptable access for both the fire service and refuse vehicles, adequate access would need to be provided to meet the requirements of the Building Regulations, which would be likely to necessitate the provision of a residential sprinkler system.

Ecology

- 2.85 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.86 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats.
- 2.87 Draft policy SP13 relates to protecting the districts hierarchy of designated environmental sites and biodiversity assets.
- 2.88 Saved policy C08 states that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists and suitable native replacement planting is provided.
- 2.89 A preliminary ecological assessment was submitted and identified the possibility of a reptile habitat on the site. A separate Reptile Survey was undertaken and one lizard was seen on the site over the seven day survey period.
- 2.90 The PEA proposes a series of measures to be undertaken prior to the commencement of development to prevent harm to potential reptiles on site. These include a translocation of reptiles and reptile proof fencing during construction.
- 2.91 An area for reptile mitigation has been proposed to the north of the site and the long-term use of this site as a reptile receptor site will be secured by a s106.
- 2.92 Two conditions have been added, requiring a method statement for the protection of reptiles, nesting birds and hedgehogs during vegetation clearance and construction works, and details of the locations, specifications, and timings of measures and/or features to enhance biodiversity.



Figure 17 Proposed reptile receptor site

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.93 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.94 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. 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.
- 2.95 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.

- 2.96 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.
- 2.97 Development in the district of Dover is no longer affected by the water quality and nutrient neutrality advice issued by Natural England in relation to Stodmarsh SPA/SAC/Ramsar site. Planning applications may now be determined without the need for an Appropriate Assessment of the implications of the application for the Stodmarsh site.
- 2.98 To conclude, it is considered that the proposals would accord with draft policies SP13 and SP14 and the aims of the NPPF.

Flood Risk and Drainage

- 2.99 The National Planning Policy Framework advises that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site-specific flood risk assessment that the development would not result in an unacceptable risk on flooding on the site or elsewhere.
- 2.100 The site is located in Flood zone 1, as such it is within an area at lower risk of flooding and suitable for residential development. Foul drainage is proposed via existing sewer, whilst a sustainable urban drainage system is proposed for surface water.

3. Conclusion

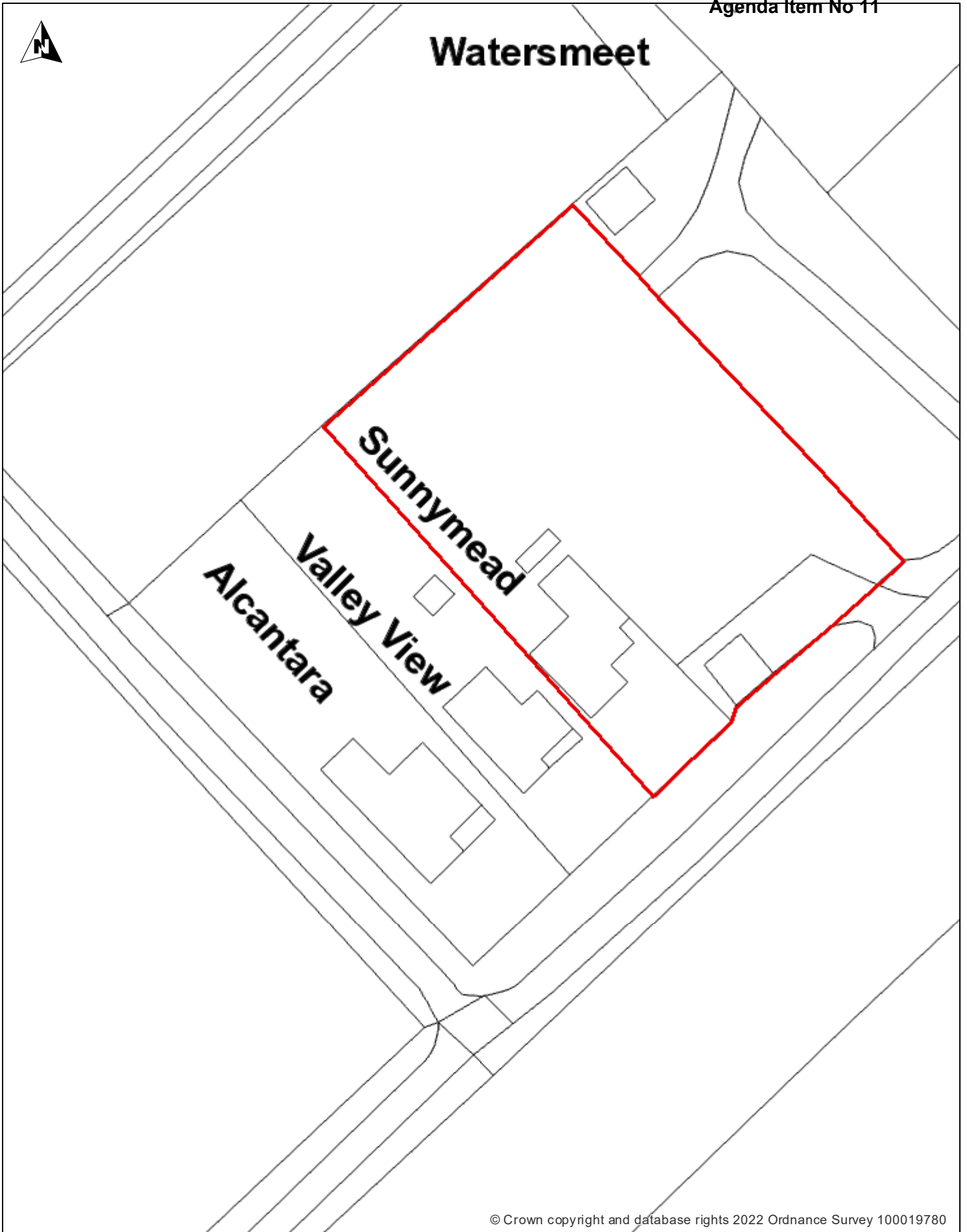
- 3.1 On balance it is considered that the less than substantial harm identified to the conservation area, would be outweighed by the socio-economic benefits of new homes in a settlement identified as suitable for development of a suitable scale. It is considered that any adverse impacts of approving development proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As such, it is considered that the principle of development and other relevant considerations are acceptable, and that the proposal accords with the aims and objectives of the NPPF.
- 3.2 It is therefore recommended that planning permission is granted with conditions and subject to S106.

g) Recommendation

- I PERMISSION BE GRANTED, subject to a S106 to secure the translocation of reptiles and subject to the following conditions:
1. Time limit
 2. Approved plans
 3. Samples of materials
 4. Bicycle storage
 5. Vehicle parking
 6. Construction Management Plan
 7. Refuse and recycling
 8. Method statement for the protection of reptiles, nesting birds and hedgehogs
 9. Biodiversity enhancements
 10. Measures to avoid damage to trees
 11. Existing hedges or hedgerows shall be retained and protected
 12. Details of the materials to be used for all means of enclosure and hard surfacing
 13. Hard and soft landscaping
 14. Archaeology
 15. Removal of permitted development within Classes A, AA and B of Part 1 of Schedule 2 of that Order, and Class A of Part 2 of Schedule 2 of that Order.
- 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 recommendation and as resolved by the Planning Committee.

Case Officer

Nicola Kingsford



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22/01466
Sunnymeade
Nelson Park Road, St Margarets At Cliffe
CT15 6HD

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



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

a) **DOV/22/01466 - Erection of a detached dwelling (part retrospective) - Sunnymede, Nelson Park Road, St Margaret's-at-Cliffe**

Reason for referral: Number of contrary views (9)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions

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.

Countryside and Rights of Way Act 2000

Development Plan

The statutory development plan comprises:

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

Relevant Core Strategy policies include : CP1, DM1, DM8, DM15 and DM16

Other Material Considerations

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. This sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Policies of the emerging Local Plan relevant to this application include:

SP1; SP13; SP14; PM1; PM2; NE1; and NE2

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Planning Policy Framework (NPPF) (2021):

The most relevant paragraphs 7, 8, 11, 12, 130, 174, 176,180

Kent Design Guide (2005)

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

DOV/20/01563 – Erection of two storey side extension, single storey rear extension, porch canopy, first floor roof extension with 2 no. dormer windows and 5 no. rooflights, flue to side extension, balconies with glass balustrades to front and side elevations alterations to doors/windows, external cladding, erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished)
Approved 12.11.2021

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

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

Town/Parish Council – objects and considers the proposal incongruous in the street scene and the AONB. Considers the proposal to be apparently illegal.

Southern Water - notes:

- The Building Control team would need to be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- The Environment Agency should be consulted directly by the applicant regarding the use of a cess pit.
- Any sewer found to be crossing the site during construction works should be investigated to establish its ownership.

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

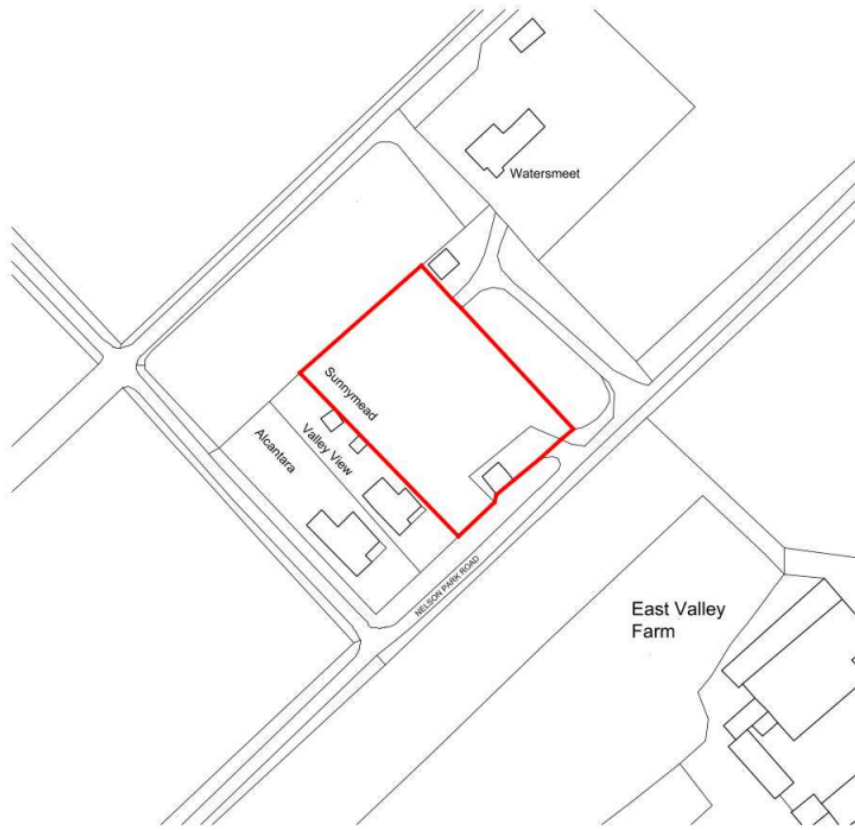
Third Party Representations -

8 letters of objection have been received, raising the following concerns:

- House will be out of keeping in the rural area and AONB due to the size
- Object to demolition and rebuild approach rather than construction of approved extension
- Use of dwelling as a holiday home
- Overlooking from balcony
- Comments have also been made about the procedures taken by the applicant, (which are considered misleading and inaccurate), to achieve a new dwelling at the site.
- Objections to general changes with new development introduced throughout the village.

f) **1. The Site**

1.1 The application site lies on the northwest side of Nelson Park Road, outside of the settlement confines of St Margaret's and within the Kent Downs Area of Outstanding Natural Beauty (AONB). Until recently it was occupied by a detached property known as Sunnymede with associated parking area. It is understood that the dwelling was situated at the northern end of a row of three bungalows of differing size and design. The adjacent bungalow to the south west is known as Valley View with another dwelling known as Alcantara positioned beyond. The plot occupied by Sunnymede is noticeably wider than that of the adjoining bungalows, although of the same depth.



LOCATION PLAN - AS EXISTING



Figure 1 - Application Site





Figures 2 and 3 - Photos of the Site

The Proposal

- 1.2 Members may recall that application DOV/20/01563 was considered at the Planning Committee meeting of 11.11.2021 where it was described as:

“Erection of two storey side extension, single storey rear extension, porch canopy, first floor roof extension with 2no. dormer windows and 5no. rooflights, flue to side extension, balconies with glass balustrades to front and side elevations, alterations to doors/windows, external cladding, erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished) (amended drawings received)”

- 1.3 The proposals were found to be acceptable by Committee members and the application was approved subject to a condition stating that there no openings shall be constructed in the south western elevations of the dwelling, other than as shown on the submitted plans.
- 1.4 The current application was submitted following an enquiry to the Planning Enforcement team regarding the demolition of the bungalow known as Sunnymead. The applicants were advised that the previous application had been advertised for extensions/alterations etc to the original dwelling and that the construction of a replacement dwelling constituted fresh operational development and would require a further planning application.
- 1.5 The current application is to erect a replacement dwelling which it is stated would be identical in resulting built form to the original property, had it been enlarged with

the additions approved under DOV/20/01563. The dwelling would be sited with the front elevation along the same building line as Valley View. It would be of slightly greater depth and would have a resulting larger footprint than that of Valley View. A retaining wall is shown to the rear of the dwelling with steps leading up into the garden. A terrace and balcony are shown on the north eastern side. The application is described as part retrospective as demolition works have now taken place, at the applicants own risk.

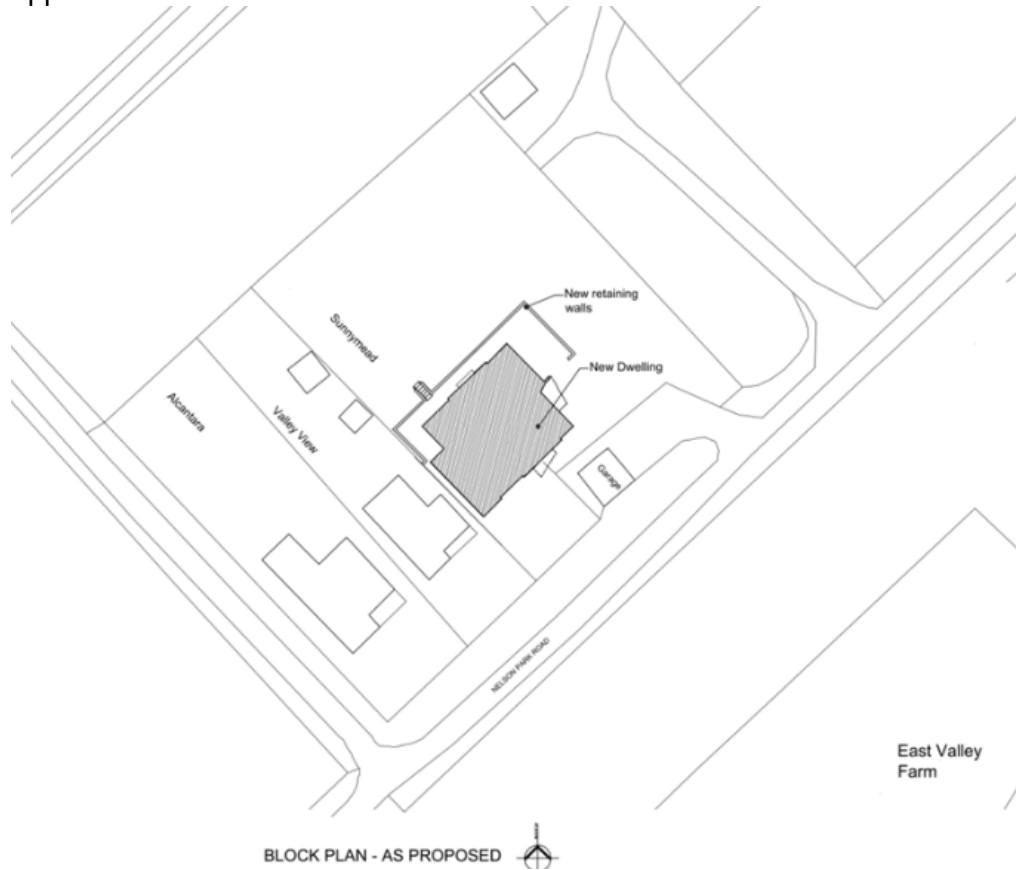


Figure 3 - Block Plan As Proposed



SITE SECTION A-A / REAR ELEVATION - AS PROPOSED



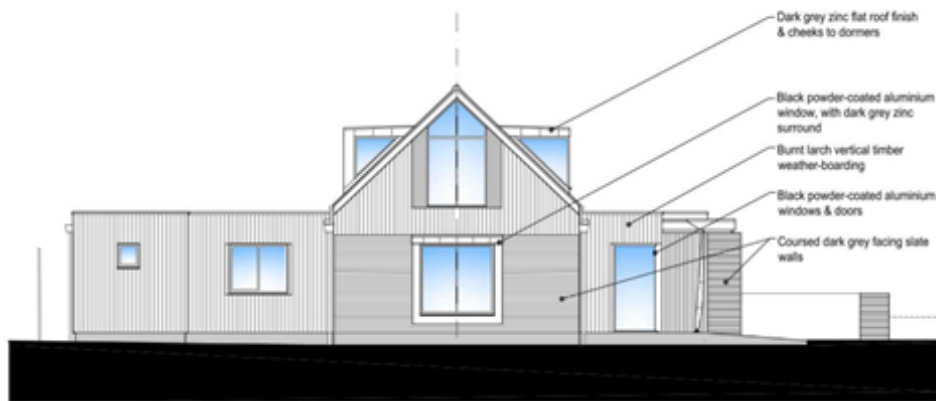
REVISIONS

PLANNING ISSUE

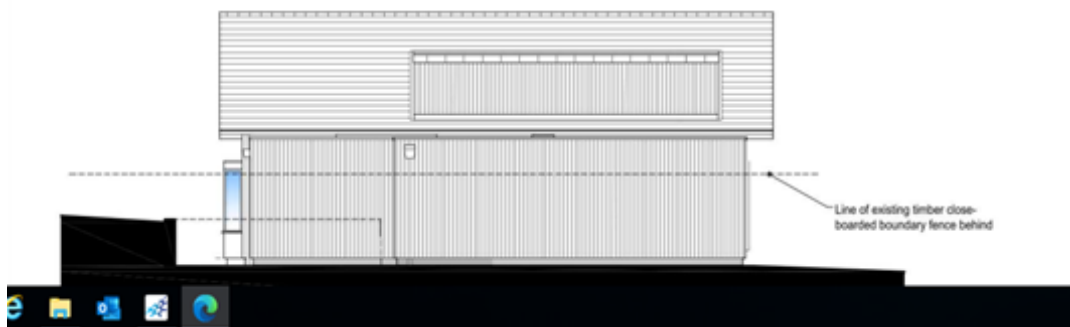
TILBY DESIGN LTD.
 Architectural + Design Services
 52 KINGSDOWN ROAD, WALMER,
 SEAL, KENT, CT14 7JN
 TEL: 01524 37388 MOBILE: 07910 38968
 E.MAIL: tilbydesign@btinternet.co.uk WEBSITE: tilbydesign-td.com

Client
MR & MRS L CRAWFORD

Project
 PROPOSED NEW DWELLING -
 SUNNYWOOD, NELSON PARK ROAD, ST. MARGARETS-AT-CLIFF,
 DOVER, KENT, CT11 5HD.



SITE SECTION D-D / FRONT ELEVATION -
AS PROPOSED



Figures 4 and 5 - Elevations

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on AONB and visual amenity of the area
- Impact on residential amenity
- Highway issues

Assessment

Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 The site is located outside of the settlement confines of St Margaret's and for the purposes of planning lies within the countryside. Policy DM8 concerning replacement dwellings is now relevant. This policy outlines various considerations and states that replacement dwellings will only be permitted if the existing dwelling is a permanent structure in lawful residential use, capable of continued residential use and of no architectural or historic value. The replacement structure should be:
- a) acceptable in terms of flood risk,
 - b) appropriate in scale, siting and site coverage compared to the original
 - c) appropriate in style, form and use of materials and
 - d) would not harm the character of the countryside.
- 2.4 The application relates to a site where until recently there was a legal permanent dwelling with planning permission for extensions and various alterations that was capable of continued residential use. There are no implications in terms of flood risk for this site. The other aspects of policy DM8 are considered below.

Impact on the Character and Appearance of the AONB and Visual Amenity of the Area

- 2.5 It is important that the statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 is fully recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB. The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). The NPPF (para 174) requires that planning decisions should contribute to and enhance the natural a local environment by (inter alia) protecting and enhancing valued landscapes. In this case the application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB), which the NPPF (para 176) identifies as having the highest status of protection with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty of these areas.
- 2.6 Under application DOV/20/01563 it was recognised that:
- "This part of St Margaret's comprises a mix of grazing fields and undeveloped countryside with scattered residential properties. Nearby is East Valley Farm located to the southwest of the site which consists of a variety of building finishes, including flint and dark grey slate with dark window frames. Further to the southwest, but visible from the application site, is a development of contemporary design, with white rendered walls and dark grey slate and grey cladding. There is little architectural uniformity within the immediate context of the three bungalows."
- 2.7 The assessment of DOV/20/01563 noted that the proposed dwelling would have a front gable reflecting a similar feature at Alcantara and would have a comparable ridge height. The flat roofed sections were considered to be a more challenging introduction but it was noted that they helped to limit the overall mass of the dwelling and limiting the visual impact on Valley View and the character of the area generally. It was noted that there are two other dwellings of contemporary design which include flat and mono pitched roofs. Under the previous application it was concluded on

balance that the use of flat roofed elements was not unacceptable in the wider landscape context.

- 2.8 It was recognised that the proportions of the windows in the row of properties also varied. The application for the extensions sought to provide generous glazing which typically has tall or perpendicular proportions to assist in breaking up the elevations and respond to the more traditional proportions of Valley View. The most notable change was the use of dark materials, with facing slate and charred larch elevations and a slate roof. This would contrast with the lighter brickwork of its immediate neighbours which are finished in different bricks. Whilst different materials would be used it was concluded that the darker colours would serve to reduce the visual prominence of the building when viewed against the backdrop of the rising land levels and vegetation.
- 2.9 The drawings submitted with the current application show the replacement dwelling being the same in all respects (resulting footprint, location, design and height) as the scheme for extensions approved under the previous application DOV/20/01563. The proposed dwelling would again comprise a pitched roof section in the centre with flat roofed dormers either side finished in dark grey zinc to the roof and cheeks. The single storey side extensions would be finished with burnt larch vertical timber weather boarding and coursed dark grey facing slate walls. The windows and doors would be finished with black powder coated aluminium windows and doors. All materials shown are the same as those approved under application DOV/20/1563.
- 2.10 For the above reasons, the current development is considered to be acceptable in this location and is not visually inappropriate to its context. It has been recognised that it would have limited impact on the visual amenity of the area and is in accordance with paragraph 130 of the NPPF. In reaching this conclusion, regard has been had to the purpose of conserving or enhancing the natural beauty of the AONB, which has been afforded great weight, whilst regard has also been had for the Section 85 of the Countryside and Rights of Way Act 2000.

Impact on Residential Amenity

- 2.11 Paragraph 130 (f) of the National Planning Policy Framework sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.12 The nearest property to the application site is Valley View, located to the southwest of the site. This property sits at a similar ground level to the application site. The proposed development would be of the same form as the approved extension, where it was recognised that the development would not result in any overshadowing to the neighbouring property due to the direction of the sun path. The proposed southwestern side elevation adjacent to Valley View, would not contain any windows and would therefore not result in any loss of privacy. A condition can again be added to prevent any additional openings in the southwest elevation.
- 2.13 The ridge height of the original property was approximately 0.8 metres below Valley View and the proposed ridge height would sit at 1.23 metres above Valley View. This slight increase in ridge height would not have an overbearing impact on the living environment within and the residential amenities of Valley View that would be sufficient such as to justify a reason for refusal. The balcony and terrace areas are again shown on the north eastern side of the dwelling so would not result in loss of amenity to the properties on the south western side of the plot.

Highway Issues

- 2.14 The application site and other dwellings adjacent are reached via an unmade road. The submitted drawing shows the covered parking structure at the front of the site as being retained in line with the previous application. The vehicle access to the site and parking manoeuvring areas are shown as being retained. The proposal does not raise any particular highway issues, given that it relates to the replacement of a dwelling.

Ecology

- 2.15 The application relates to a previously developed residential plot. The location of the proposed dwelling would be in line with the previous dwelling and as a result protected species are not likely to be present at the site.

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.16 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.17 Given that this proposal relates to a replacement dwelling it is considered that a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required.

Other Matters

- 2.18 The comments of the neighbours and Parish Council about the impact of the proposal and the process followed by the applicant have been given careful consideration. The use of the property as a holiday home would be a private concern. The drainage and cess pit tank issues raised by Southern Water can be covered by an Informative.
- 2.19 In many cases with applications for replacement dwellings the existing house is not demolished until after such time as planning permission has been granted for a suitable replacement. In this instance the original property has recently been demolished and the applicants were advised as soon as it was brought to the attention of the department, that an application to erect a replacement dwelling would be required.
- 2.20 The applicants agent has commented on the recent planning history for the site and whether the approved application was for enlargement or a new building. He states that the submitted plans for DOV/20/01563 showed that only the left hand flank wall was to be retained, although the description of the development on the application form was clearly for extensions and alterations. It is not possible to comment on the applicants intention and the application has therefore been considered having regard to the recent and relevant planning history.

3. Conclusion

- 3.1 The replacement dwelling would be of the same footprint, proportions and design of the original dwelling had it been enlarged in accordance with the approved additions/alterations shown under application DOV/20/01563. As there have been

no material changes in the circumstances at the site (with the exception of the demolition of Sunnymeade) it is concluded that the replacement dwelling would have no adverse impact on visual amenity and would not detract from the character or appearance of the surrounding countryside and AONB.

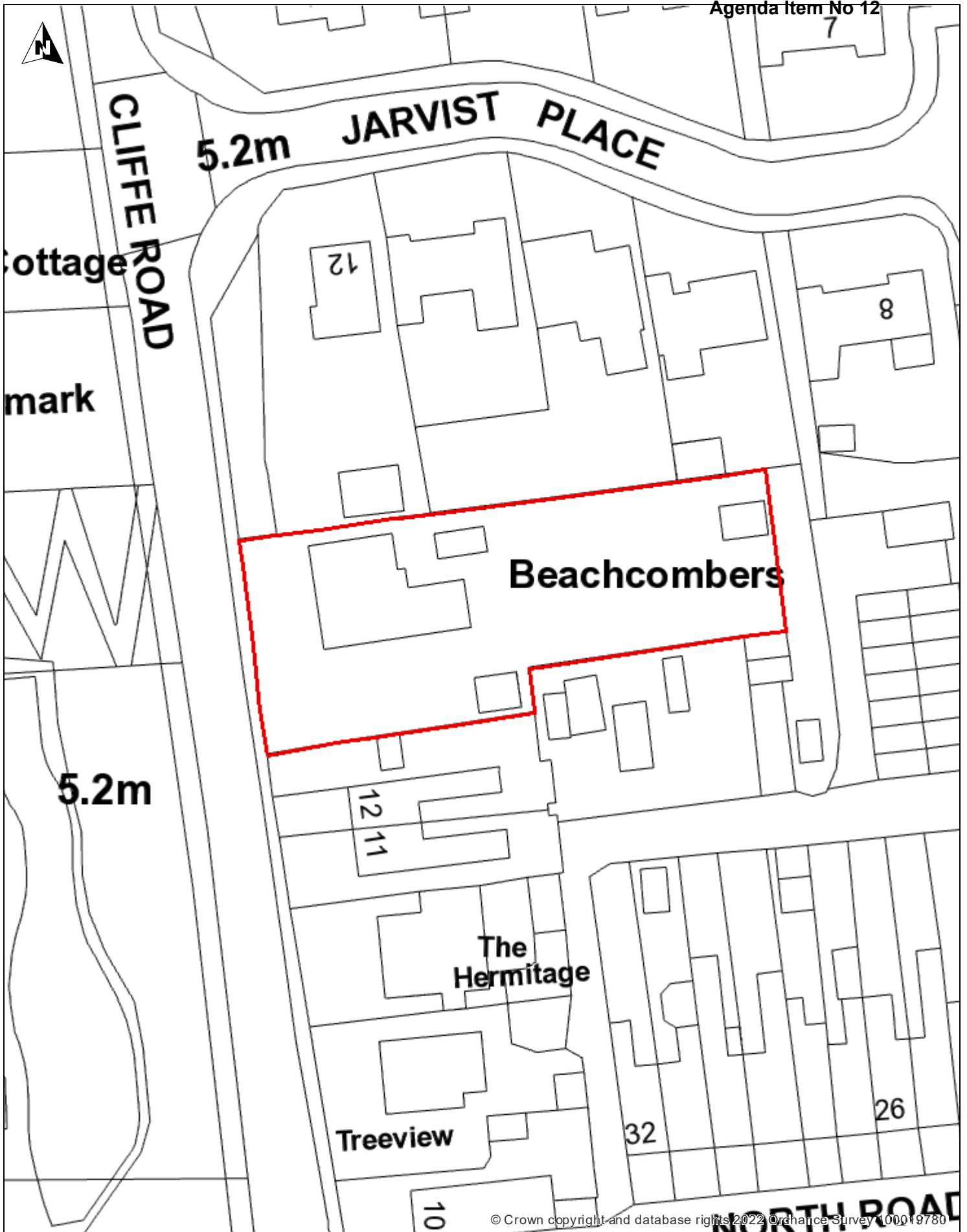
- 3.2 The proposed replacement dwelling would therefore be in accordance with the requirements of policy DM8 concerning replacement dwellings in the countryside and the aims of policies DM15 and DM16 (protection of the countryside and landscape character). Consequently, the proposals would not conflict with the overarching aims and objectives of the development plan or the NPPF and it is recommended that planning permission should be approved.

g) Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:
- 1) Standard time limit
 - 2) Plans
 - 3) Slab level details
 - 4) Samples of materials
 - 5) Removal of PD (no openings shall be constructed in the southwest elevations)
- 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 recommendation and as resolved by the Planning Committee.

Case Officer

Hilary Johnson



22/00962

Beachcombers
Cliffe Road, Kingsdown
CT14 8AJ

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/22/00962 – Erection of single storey side and rear extensions, front porch, 2 rear dormer windows, one with Juliette balcony/railings; 5 rooflights, alterations to windows/doors, front first-floor balcony with railings, flue to side elevation, double garage with linked roof, solar panels, front garden wall/gate, 1.8-metre fence/gate, shed, garden room, raised rear platform with railings, 6-metre flagpole, bin storage, steps, patio/hardstanding, extension to vehicle access and driveway (existing porch, single storey rear extension, 2 dormer windows and 2 outbuildings to be demolished) - Beachcombers, Cliffe Road, Kingsdown**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Addendum to Committee Report of 19th January 2022**

Introduction

- 1.1 This application was presented to planning committee on 19th January 2022 when it was recommended by officers that planning permission (DOV/22/00962) be granted.
- 1.2 At the meeting, members resolved to defer determination of the application to allow officers to negotiate the front wall which formed part of the proposals. The submitted information was for a wall that was 2.1 metres tall with brick pillars that were 2.3 metres tall. Members were of the view that the wall height should be reduced to 1 metre in height. A copy of the January Committee Report, which addresses all the relevant material considerations, is attached at Appendix 1.
- 1.3 This addendum will provide an update regarding the negotiations and subsequent information submitted.

Summary of changes to proposals

- 1.4 The initial discussions were to reduce the wall in height from 2.1 metres to 1 metre. A wall of 1 metre in height could be completed under permitted development rights, and not require the benefit of planning permission. Furthermore, due to the size of the application property, it is considered that a wall of 1 metre in height would be disproportionate to the dwelling behind it.
- 1.5 Amended plans have been submitted, with an amended wall height of 1.25 metres, rising to brick pillars of 1.35 metres. Gates to access the front of the property have been included, which would be set 1.5 metres back from the pedestrian footpath and sit at approximately 1.5 metres tall. This is the tallest part of the wall fronting the main road. As the wall curves round towards the dwellinghouse, and proposed garage, there are two brick pillars sitting at 2.1 metre, with a wall height of 2 metres. This is set back from the main road and is therefore considered acceptable.

Conclusions

- 1.6 The amended plans, whilst not reducing the wall to a height of 1m, are considered to respond to the concerns raised by committee members, significantly reducing the wall that fronts onto the highway. It is considered that the reduced height of the wall would be acceptable in terms of its impact on the character and appearance

of the area and would be acceptable in all other material respects, having regard for the conclusions reached in the committee report attached at Appendix 1.

d) **Recommendation**

I PERMISSION BE GRANTED subject to conditions to include:

1. Time limit
2. Approved Plans
3. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
4. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
5. Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

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 recommendation and as resolved by Planning Committee.

Case Officer

Amber Tonkin

- a) **DOV/22/00962**– Erection of single storey side and rear extensions, front porch, 2no. rear dormer windows, one with Juliette balcony/railings, 5no. rooflights, alterations to windows/doors, front first floor balcony with railings, flue to side elevation, double garage with linked roof, solar panels, front garden wall/gate, 1.8m fence/gate, shed, garden room, raised rear platform with railings, 6m flagpole, bin storage, steps, patio/hardstanding, extension to vehicle access and driveway (existing porch, single storey rear extension, 2no. dormer windows and 2no. outbuildings to be demolished)

Beachcombers, Cliffe Road, Kingsdown, CT14 8AJ

Reason for report – Number of contrary views (8).

- b) **Summary of Recommendation**

Grant planning permission subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

CP1/DM1 – Settlement Confines

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 130

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

The most relevant Draft Local Plan policies for this application are:

PM1: Achieving High Quality Design

PM2: Quality of Residential Accommodation

The Kent Design Guide (KDG)

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

- d) **Relevant Planning History** – No relevant Planning history.

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

Kent Highways - No objections subject to conditions

Ringwould Parish Council – object. Overdevelopment of the site, close to neighbour boundary and negative impact on adjacent conservation area.

Third Party Representations:

8 objections have been received as summarised below.

- Property is on boundary of Conservation Area and would be incongruous and overbearing
- Concerns regarding size of proposed front wall
- Precedent of overdevelopment in this area
- Wall will block view of property from the street
- Impact on neighbouring property from proposed garage

1 representation received:

- The alterations to design of existing dormer windows is welcomed
- Improvements to the property are a positive contribution to the area

1. Site

- 1.1 The application site is a detached property set within a large, flat plot of land, located to the northeast of Cliffe Road as shown in Figure 1 below. The property is set within the settlement confines of Kingsdown and adjacent to the Kingsdown Conservation Area. The application site is bounded by 9-12 Jarvist Place to the north and 12 Cliffe Road to the south.



Figure 1: Site Location Plan

Proposal

- 1.2 The application is for the erection of single storey side and rear extensions, front porch, 2no. rear dormer windows, one with Juliette balcony/railings, 5no. rooflights, alterations to windows/doors, front first floor balcony with railings, flue to side elevation, double garage with linked roof, solar panels, front garden wall/gate, 1.8m fence/gate, shed, garden room, raised

rear platform with railings, 6m flagpole, bin storage, steps, patio/hardstanding, extension to vehicle access and driveway (existing porch, single storey rear extension, 2no. dormer windows and 2no. outbuildings to be demolished)

- 1.3 Figure 2 shows the existing and proposed block plans, demonstrating the extent of the expansion of the site, including the summerhouse and garage.



**Figure 2:
Existing
and
Proposed
Elevations**

EXISTING BLOCK PLAN
Scale 1:500 © A3



- 1.4 Figures 3 and 4 shows the existing and proposed front elevation, with Figure 4 including the proposed front boundary wall.



Figure 3: Existing Front Elevation



Figure 4: Proposed Front Elevation

2. ASSESSMENT

2.1 Main considerations

1. Principle
2. Design and visual impact
3. Residential amenity
4. Highway safety and parking

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the settlement boundaries of Kingsdown. Policy CP1 seeks to direct the location and scale of development in compliance with the settlement hierarchy. Policy DM1 permits development within the settlement boundaries. The development is therefore considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

Design and visual amenity

- 2.6 Paragraph 130 of the NPPF sets out that 'planning decisions should ensure that developments function well and add quality to 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'.
- 2.7 Cliffe Road is set within the village of Kingsdown, adjacent to the Conservation Area, and benefits from a varied street scene, with each property differing in architectural design and material finish. Each property is set back from the road, with a front garden or parking area set in front of the property. The application property was previously a café/ restaurant and included characteristics of a commercial property, which in turn lead to a cluttered rear elevation with extensions which were of poor design and didn't relate to the design of the main dwellinghouse.
- 2.8 The proposals reinstate a domestic character to the building, allowing the property to sit comfortably within the street scene. The material finish will match the existing, with the addition of tile hanging within the gable end on the front and side elevations. The materials are present within the street scene and will not result in a visually dominant addition to Cliffe Road.
- 2.8 The proposed alterations to the property are largely considered to result in a positive contribution to the street scene, with the property currently in a poor state of repair. While the proposals would result in additional massing and bulk to the property, the design of the scheme unifies the site, replacing poor designed additions to the commercial properties.

- 2.9 Concerns have been raised regarding the addition of a 2.1 metre wall to the front of the property. The properties in the immediate area are varied in their boundary treatment and the finish to the front of their properties. Beachcombers stands alone within a large plot, with a finished ground floor level which is higher than adjacent properties. The wall, when viewed in context of the property would not look out of context and would relate well to reinstating the domestic appearance of the property
- 2.8 The proposals are therefore considered to accord with emerging Policy PM1 of the Draft Dover District Local Plan and the National Planning Policy Framework (2021).

Residential amenity

- 2.9 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users of residential dwellings. The application site is adjacent to a number of residential properties as shown on Figure 5. below.



Figure 5: Site location plan

- 2.10 The application site has existing windows on the north and east elevations at second floor level. These windows currently allow for some overlooking to the rear gardens of 10, 11 and 12 Jarvist Place. The proposal would include removal of one window on the north elevation, and the enlargement of the two existing windows on the east elevation. It is not considered that the enlargement of the windows would result in any additional loss of privacy to the neighbouring properties.
- 2.11 Due to the generous size of the application site, and the size of the proposed extensions and additions within the garden, such as the summer house and garage, there would be no

overbearing impact or overshadowing to neighbouring properties or their private garden space.

- 2.12 Therefore, the proposals would preserve the existing level of residential amenity experienced by neighbouring properties and would be in accordance with Paragraph 130 of the NPPF (2021).

Highway safety

- 2.13 The proposals would result in a 5no. bedroom dwellinghouse. Policy DM13 sets out that dwellings of this size, in this location should provide 2 independently accessible off-street parking space. As this proposal includes two off road parking spaces, it is considered to accord with Policy DM13 and the National Planning Policy Framework.

3 Conclusion

- 3.1 The application is not considered to conflict with the relevant policies of the current and emerging Development Plan and the National Planning Policy Framework and is acceptable in principle. The proposal would have limited impact upon the character and appearance of the area. The development is not considered to result in unacceptable impacts to the residential amenities of surrounding neighbours. The development is considered to be in accordance with the Local Plan Policies and the NPPF (2021), and it is recommended that planning permission is granted.

f) Recommendation

- I. Approve planning permission, subject to the following conditions:
6. Time limit
 7. Approved Plans
 8. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 9. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 10. Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- II. Powers to be delegated to the Head of Planning 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: Amber Tonkin

Appeals and Informal Hearings

20/00541 - Land adjacent to The Patch, Station Road, St Margaret's at Cliffe, Kent (Appeal Ref: APP/X2220/W/21/3278274)

The development proposed is erection of four detached dwellings with the creation of a new access from Station Road.

Determined by Planning Committee (in accordance with the officer's recommendation).

Appeal Allowed: The main issues were the impact on character, appearance and scenic beauty of area (within AONB), effect on setting of heritage assets, whether there are any material considerations which indicate a decision should be contrary to the development plan. The inspector considered that the 'moderate' harm to the landscape would be reduced to 'limited' when landscaping matures; that there would be no harm to the Conservation Area and less than substantial harm to setting of Listed Church' and that the dwellings would be in keeping with character of area and street scene. The development was considered acceptable in terms of highways impact. There would be a public benefit by virtue of providing four dwellings. The tilted balance did not apply due to harm to AONB. The Inspector considered social and economic benefits outweighed harms identified.

21/01259 - 69 Folkestone Road, Dover CT17 9RZ (Appeal Ref: APP/X2220/W/22/3292029)

The development proposed is for a three-storey rear extension.

Determined under delegated authority.

Appeal Dismissed: The main issues were the impact on the character and appearance of the area and whether there would be a satisfactory standard of accommodation for future occupants (internal space standards and private outdoor areas). The Inspector concluded that scale of the extension would be too large, projecting beyond side elevation and deep into garden. It would be out of keeping with existing pattern of development, resulting in partial infilling of existing break between properties (forming discordant feature, not a subservient addition contrary to p.130 NPPF) and would create three additional 1 bed dwellings which would be very small, feeling cramped and oppressive to occupants. No provision made for private/communal amenity space.

21/01212 - Land south of White Mill, Ash Road, Sandwich CT13 9JB (Appeal Ref: APP/X2220/W/21/3285435)

Removal of condition 3 (DOV/19/01178) which required submission within 6 months of details demonstrating how the existing vehicle access would be permanently closed (including schedule and timetable for works)

Determined under delegated authority.

Appeal Allowed and Award of Costs Allowed: The main issues were whether the condition was necessary and reasonable in the interests of character and appearance of landscape (including loss of countryside) and ecology. The holiday park is currently accessed via private road off Woodnesborough Road. Removing the condition would allow continued use of the existing access, in addition to approved access from Ash Road. The LPA considered that the

closure of existing access would form public benefit which would outweigh the harm to countryside of the new access. The Inspector considered that the condition would not provide a benefit to the character or appearance of the area and whilst the closure of the existing access would provide a benefit by reducing large vehicle movements through the town, the provision of the new access would provide such a benefit. In respect of ecology, the permission included a separate condition for ecological mitigation/enhancement/compensation and there was no evidence that the retention of the existing access would harm ecology. The LPA has not demonstrated with any clear evidence how the proposal would harm the character and appearance of the area or ecology and has therefore acted unreasonably.

21/00274 - Land at Archers Low Farm, Sandown Road, Sandwich, Kent CT13 9NU (Appeal Ref: APP/X2220/W/22/3303230)

The development proposed is for the erection of 44 no. dwellings with associated access, parking, open space, landscaping, drainage and infrastructure. (Amended plans and details).

Determined by Planning Committee (contrary to the officer's recommendation).

Appeal Dismissed: The main issue was the proposals impact on the character and appearance of the area, with particular regard to the loss of trees. The site was proposed to be allocated for 40 dwellings (Reg. 18 plan), but is now proposed to be allocated for 35 dwellings (Reg. 19 plan) under policy SAP 22. The Inspector concluded that the development would be largely screened from public views from St Georges Road whilst views from more distant views along Sandown Road and other public rights of way would be negligible. The main visual impacts therefore were from Sandown Road adjacent to the site. The Inspector disagreed with the appellant's conclusion that the site is perceived as within the settlement fringe, instead concluding that the site is an integral part of the unspoilt countryside that wraps around this part of Sandwich. Therefore, the visual harm is greater than that suggested by the appellant. A significant number of trees would be removed, including loss associated with the proposed access. Views through the access would reveal housing close to tree belt and road, with little scope for additional planting. Whilst there would be some benefits to the management of retained areas of trees it would increase visual porosity and the efficacy of the tree belt. The protection and management of retained trees would provide safeguards against further loss of trees, albeit there would remain some residual pressure for works to trees during construction and during the occupation phase. The scheme was considered to be well designed and would provide additional housing including 14 affordable dwellings which attracted significant weight, whilst the inspector cited significant economic benefits to the scheme. The sustainable location, biodiversity net gain, proactive tree management, planting of a new woodland and ecological enhancement were considered to be neutral (absence of harm), rather than positive benefits, which any new development would be expected to achieve. Applying the tilted balance, the Inspector concluded that whilst the development would provide quite significant social and economic benefits, they would be significantly and demonstrably outweighed by the substantial harm identified and consequently the appeal should be dismissed.
