

Public Document Pack



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2 August 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 10 August 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 "Nee", written over a white background.

Chief Executive

Planning Committee Membership:

M J Nee (Chairman)
D G Cronk (Vice-Chairman)
J S Back
D G Beaney
E A Biggs
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

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

To receive any declarations of interest from Members in respect of business to be

transacted on the agenda.

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 13 July 2023 (to follow).

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

5 **APPLICATION NO DOV/23/00551 - FLAT 2, 42 THE MARINA, DEAL** (Pages 11-17)

Erection of first-floor rear extension

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

6 **APPLICATION NO DOV/22/01402 - 98 NEW STREET, ASH** (Pages 18-26)

Erection of detached dwelling and double garage to serve 98 New Street

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

7 **APPLICATION NO DOV/23/00123 - LAND AT POPPLES FARM, DOVER ROAD, RINGWOULD** (Pages 27-35)

Erection of a replacement stable block to include four stables, store, weaning box and WC (existing block to be demolished), and change of use of land for the keeping of horses

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

8 **APPLICATION NO DOV/23/00039 - GARAGES AT CENTRE OF CAVELL SQUARE, DEAL** (Pages 36-44)

Erection of four dwellings (amendment to previous approval DOV/22/01275)

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

9 **APPLICATION NO DOV/23/00480 - STREET FARM HOUSE, THE STREET, WOODNESBOROUGH** (Pages 45-56)

Change of use of garage to holiday let

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

10 **APPLICATION NO DOV/22/01497 - LAND AT 52 NEW STREET, ASH** (Pages 57-96)

Outline application for the erection of up to 53 dwellings with associated parking, open space, landscaping, drainage and associated infrastructure (with all matters reserved except access) (existing buildings to be demolished)

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

11 **APPLICATION NO DOV/21/01822 - LAND ON WEST SIDE OF CROSS ROAD, DEAL** (Pages 97-123)

Outline planning application for the erection of up to 140 dwellings including affordable housing, with public open space, landscaping and vehicular access (all matters reserved except for access)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

12 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
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The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Electoral Matters Committee; (e) Governance Committee; (f) Planning Committee; (g) General Purposes Committee and (h) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

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(@doverdc)

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- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

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 Plan (2015)
Kent Minerals and Waste Local Plan 2016
Ash Neighbourhood Plan (2021)

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.



23/00551

Flat 2, 42 The Marina
Deal
CT14 6NN

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/23/00551 - Erection of first-floor rear extension - Flat 2, 42 The Marina, Deal**

Reason for report – Number of contrary views (11)

b) **Summary of Recommendation**

Planning permission be approved.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1

Local Plan (2002) Saved policies

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF.

The relevant policies are: PM1 and H6

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130

d) **Relevant Planning History**

No planning history for Flat 2

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

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

Deal Town Council – Objection. Unless issues of loss of light and the overlooking onto neighbouring properties are addressed.

Third party Representations:

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

- Out of character with block of flats
- Loss of light to basement flat and garden
- Loss of views
(Officer comment- this is not a material consideration)
- Loss of privacy
- Will create a precedent
(Officer Comment– each case is dealt with on a case by case basis)
- Impact on flora and fauna due to loss of light
- Will be too close to neighbouring window
- Lack of details provided about construction
- Loss of light to rooflight of flat below

1 representation has been received and is summarised below:

- Loss of view from bedroom window
- Party wall agreement query

- Query the construction method and how it'll impact surrounding properties

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

- 1.1 The application site relates to a four-storey property which has been divided into flats. The site is located in the middle of a row of terraced properties to the west of The Marina, within the settlement confines of Deal. The front of the terrace faces out to Deal beach. The application site is bounded by 43 The Marina to the north and 42 The Marina to the south.
- 1.2 This application seeks permission for the construction of a first-floor, flat roof, cantilever rear extension to the west elevation. The extension would project approximately 1.7 metres and be finished in dark grey, horizontal weatherboard.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - The impact on visual amenity
 - The impact on residential amenity

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 CP1 states that the location and scale of development in the district must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy(CS).
- 2.4 Policy DM1 seeks to ensure that new development is located within the urban boundaries and rural settlement confines unless ancillary to existing development or uses. As the proposals are ancillary to the residential use of the property and located within the settlement boundary of Deal, the proposals would accord with DM1.

Impact on Visual Amenity

- 2.5 The application site sits within a terrace of properties, which from the front are similarly designed with minor changes over time. The rear elevation of the terrace is varied, with some flat roof and pitched roof projections present along the terrace.
- 2.6 The design of the proposed extension would be a flat roof, with horizontal weatherboard in dark grey. The existing 6 over 6 sash window would be retained and reused within the extension.
- 2.7 The proposed extension as shown on Figure 2, would be at first floor level, and as shown on Figure 3, would project out from the main building. The size and

scale of the proposed extension would be similar to other rear projections present within the terrace. The design is considered to be acceptable and would not create an unacceptable change to the rear elevation.

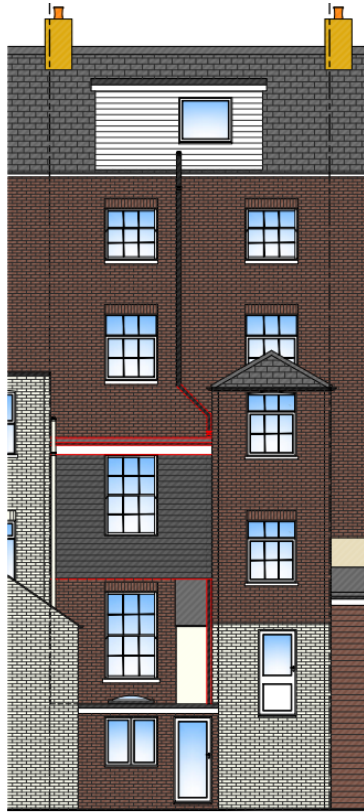


Figure 2 – Proposed rear elevation

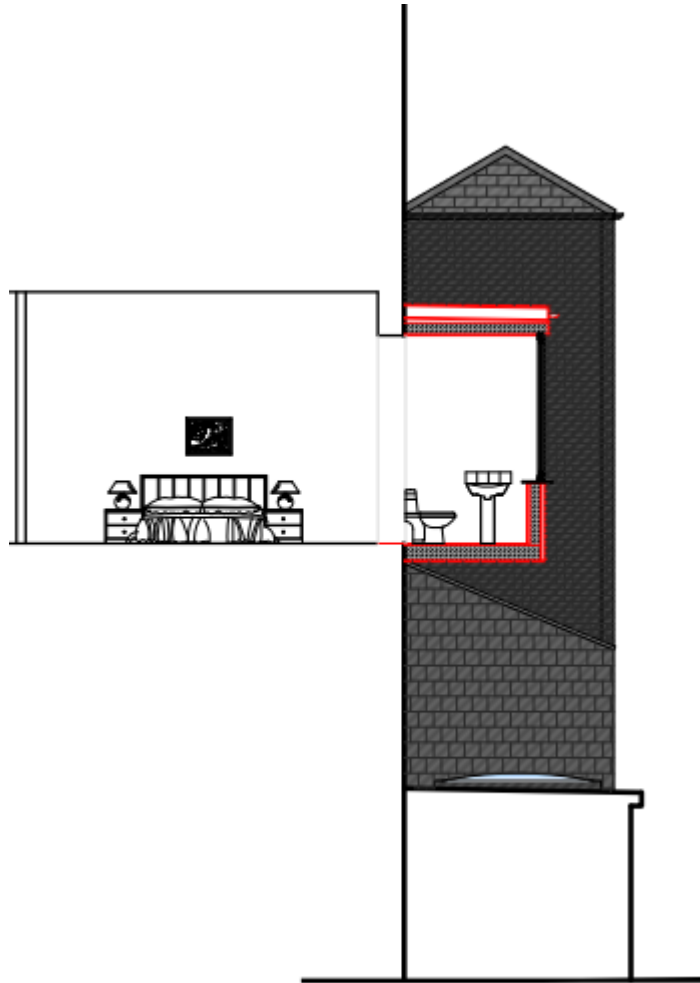


Figure 3 – Proposed Section

- 2.8 For the reasons above, the extension is considered to be acceptable, resulting in a no harm to the street scene, in accordance with Paragraph 130 of the NPPF (2021) and Policy H6 of the Draft Local Plan.

Impact on Residential Amenity

- 2.9 Concerns were raised from third parties regarding loss of light and privacy to nearby properties, and most notably the properties on Sandown Road which back on to the application site. The extension would be located on an elevation which already has first and second floor windows, which could overlook private garden areas of neighbouring properties. The rear boundary of properties on Sandown Road is at least 18 metres away. It is therefore considered that the proposals would not result in an unacceptable loss of privacy to neighbouring properties. In addition to this, the window in the extension would serve a bathroom. In this instance, it is considered that it would be reasonable to include a condition to require the window to be non-opening and fitted with obscure glazing.
- 2.10 A number of neighbour comments also stated that the extension would result in a loss of light to their kitchen and bedroom windows. Due to the location of the proposed extension, there may be some loss of light to the rooflight at basement level and ground floor window. In respect of the basement, there is a secondary window on a western elevation, which would only have sunlight throughout the

latter half of the day. In respect of the ground floor, the extension would only protrude approximately 1.7m beyond the rear elevation whilst the window is already enclosed to its sides. Due to these factors the loss of light would, on balance, not warrant refusal.

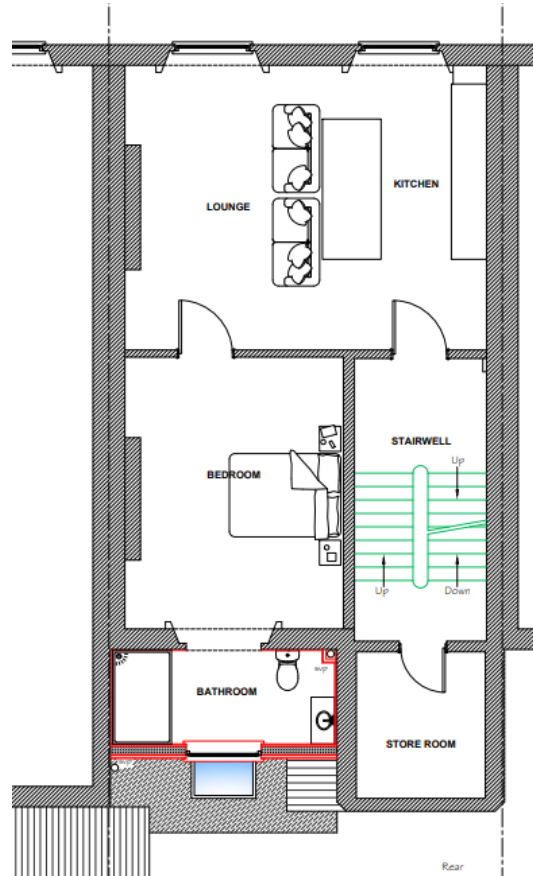


Figure 4: Proposed First Floor Plan

Other Matters

- 2.11 An objection raised concerns regarding impact on flora and fauna due to loss of light. The projection of the extension is approximately 1.7 metres. This would not materially impact upon wildlife or plants within the garden.

3. Conclusion

- 3.1 The proposed extension, due to its siting, scale and design is considered to be acceptable and would not negatively impact the character and appearance of the street scene or the terrace of properties. Furthermore, for the reasons explained above, the proposals are not considered to result in significant harm to the amenity of neighbouring properties. It is therefore recommended that permission be granted.

g) Recommendation

- I Planning Permission be Granted subject to the following conditions:

- 1) Standard time condition

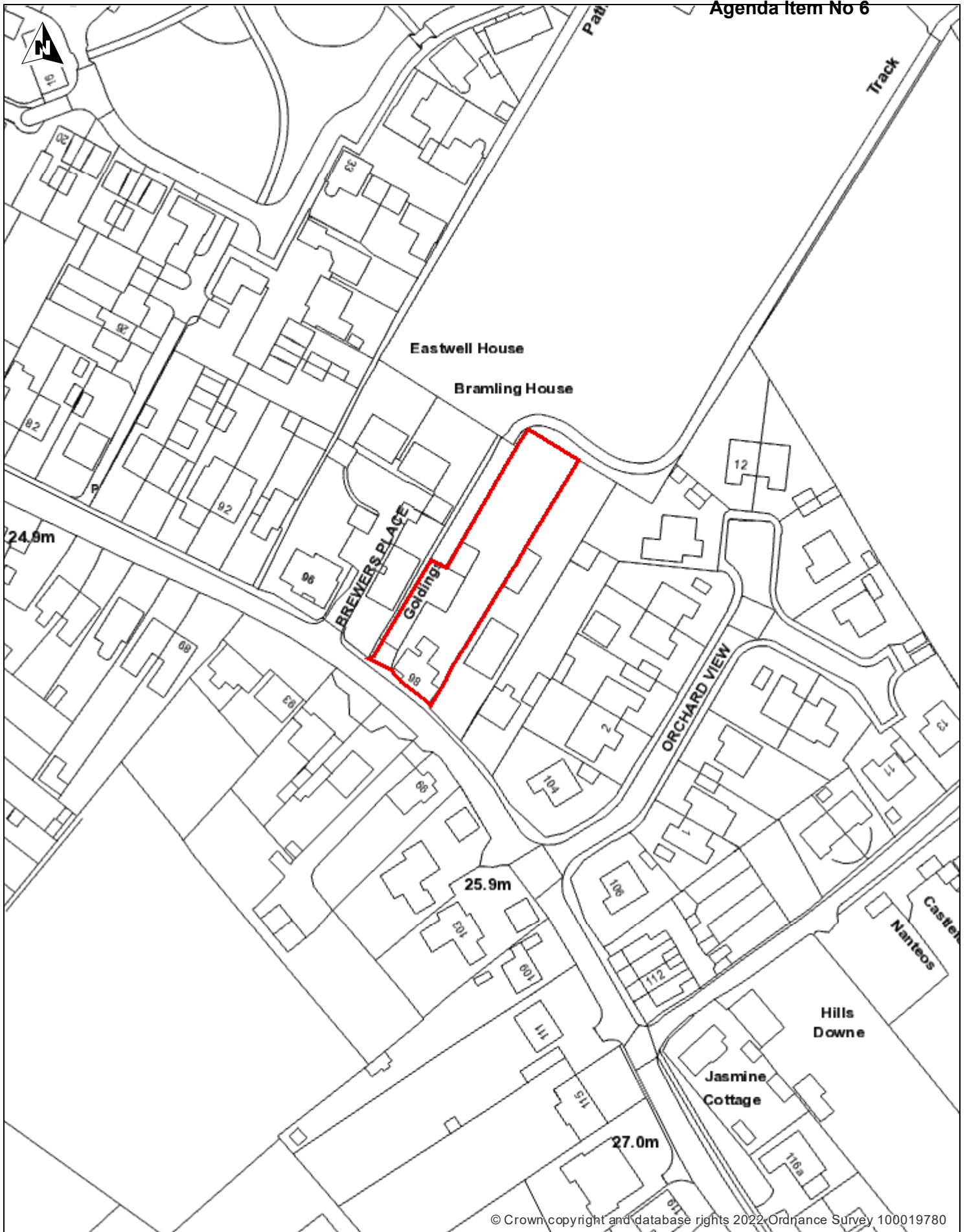
- 2) In accordance with the approved plans
- 3) Non-opening window with obscure glazing

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

Amber Tonkin

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



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22/01402
98 New Street
Ash
CT3 2BN

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/22/001402 - Erection of detached dwelling and double garage to serve 98 New Street - 98 New Street, Ash**

Reason for report – Number of contrary views (6)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM13

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP2, SP3, SP4, CC2, PM1, PM2, TI3, NE3.

Ash Neighbourhood Plan: ANP4, ANP5, ANP6, ANP13, ANP14, ANP15, ANP16

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130

d) **Relevant Planning History**

00/00378 - Residential development and alterations to vehicular access - Refused

DOV/08/00759 - Erection of two storey side extension- Granted

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 – Issues with overlooking to the neighbours and suggest obscured glazing to south facing window.

Southern Water – Information provided for the applicant

Third party Representations:

6 Representations of objection have been received and are summarised below:

- Loss of Privacy to 8 and 10 Orchard View
- Inconsistent with design of houses in the area
- Over intensification of the access to the site
- Noise and disturbance to residents in Brewers Place
- Contrary to Ash Neighbourhood plan
- Other choice of 4 bed properties in the area, this is not required
- Will negatively impact this area of Ash
- There is already development happening within Ash
- Loss of countryside views

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

- 1.1 The application site relates to land to the northeast of 98 New Street, which is a detached dwelling to the northeast of New Street, which lies within the settlement confines of Ash. The application site is bounded by the properties as shown in Figure 1 below.
- 1.2 The application site is set within a built up, residential area of Ash. New Street has properties on either side of the road, which are of varying size, scale and design. The properties in the immediate vicinity of the application site are both chalet bungalows and two storey properties. Their material finish includes red brick, white render, tile hanging and horizontal timber cladding.



Figure 1: Site location plan

- 1.3 This application seeks permission for a 4no. bedroom detached chalet bungalow and a separate garage for 98 New Street. The proposed bungalow would be orientated southwest to northeast with a large rear garden to the northeast. While no specific parking spaces have been allocated, the property would benefit from a large driveway to the southwest, with space for at least 3 cars. The double garage would be located to the northeast of 98 New Street
- 1.4 The bungalow would have side facing gables, with dormer windows set within the front and back roof slopes, as shown on the elevation drawings in Figures 2 and 3. Both the dwelling and the garage would be finished in render, with brick plinths and plain clay roof tiles. Additional details for the main property would be brick headers above the windows and doors, both of which would be uPVC.
- 1.5 The application has been amended to remove a window on the southeast elevation, following concerns over privacy raised by neighbours.

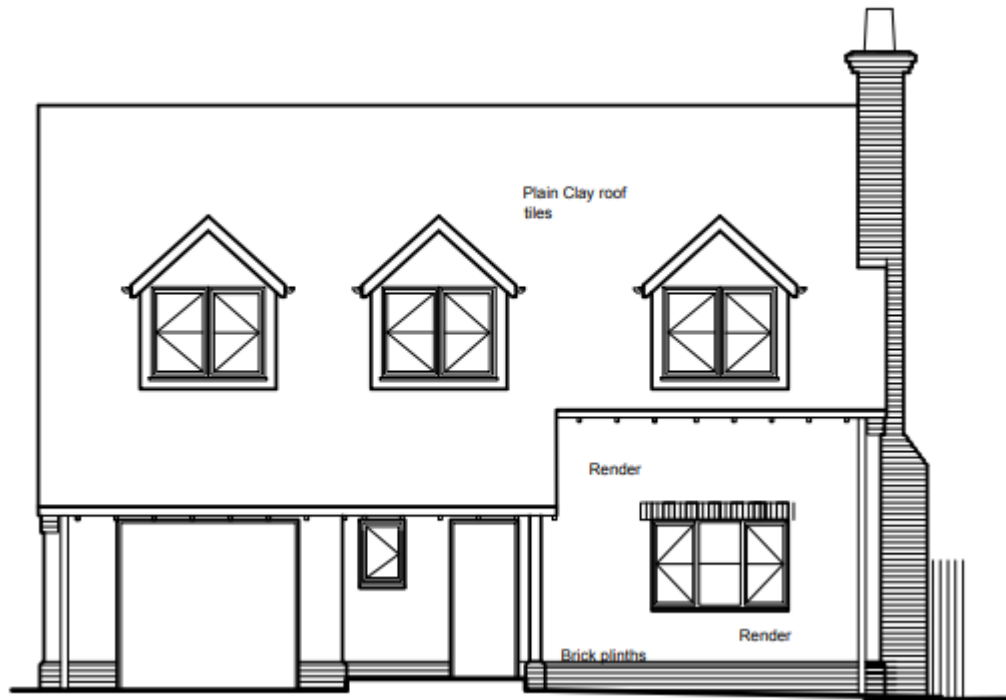


Figure 2: Proposed Front elevation

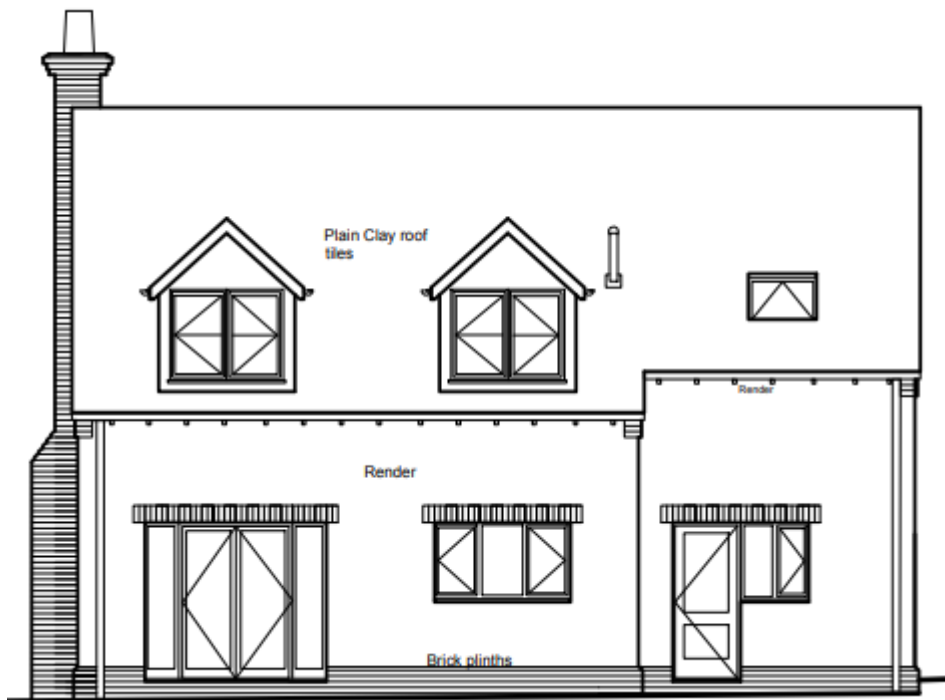


Figure 3: Proposed rear elevation

2. Main Issues

2.1 The main issues for consideration are:

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

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by other development plan policies, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and is therefore considered to be in accordance with DM1. That said, as a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.
- 2.4 The Ash Neighbourhood Plan was made September 2021 and forms part of the Development Plan for the District. There are no specific policies in the plan that relate to housing development within the village, with the plan's focus being on larger scale proposals, rather than single dwellings and infill development. Policy ANP6 is considered to be the most relevant policy for this development, which seeks a demonstration of a high standard of design which respects and reinforces the local distinctiveness of its location and respects and responds to the village setting, and development which reduces potential impact of climate change.
- 2.5 The submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies PM1, SP1, SP2, SP4, and T11 are considered most relevant to the principle of development.
- 2.6 Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Policy T11 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Given the location of the site, set within the confines of Ash, which is a tier 1 settlement, there are the full range of facilities and services required for day to day living. It is therefore considered that the proposal is in accordance with Draft Policies SP1, SP2 and T11. However, given that the plan is at examination stage then these policies can only be given moderate weight at this time.
- 2.7 Draft Policy SP4 states that infill development in Ash will be supported, subject to the proposal being of an appropriate scale, and compatible with the layout, density, fabric and appearance of the settlement. The proposed development would accord with Draft Policy SP4. Whilst policy SP4 is at examination stage given its consistency with the NPPF and there being no objections then it can be given moderate weight in the planning balance.
- 2.8 The application would therefore be in accordance with Policies CP1, and DM1 of the CS, Draft Policies SP1, SP2, SP4 and T11 of the Draft Local Plan.

Impact on Visual Amenity

- 2.9 Paragraph 130 (f) of the National Planning Policy Framework sets out that ‘planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development’ The National Planning Policy Framework 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’.
- 2.10 The properties in the immediate vicinity of the application site are both chalet bungalows and two storey properties. Their material finish includes red brick, white render, tile hanging and horizontal timber cladding, demonstrating the variety of materials present within the street scene. The use of render and clay roof tiles for this proposal would not be out of character with the surrounding area.
- 2.11 Whilst the proposal would be set behind the existing built development which fronts on to New Street, there are a number of existing properties set behind the street frontage. To the west of the application site is Brewers Place, which sits to the rear of 96 New Street and comprises two chalet bungalows. The proposed dwelling would be of a similar scale, design and position to these properties, and due to its location could be read in conjunction with this development.
- 2.12 It is therefore considered that the proposed development would be in keeping with the character and appearance of the area and would result in no harm to visual amenity in accordance with Paragraph 130 of the NPPF (2021), PM1 of the Draft Local Plan and Policy ANP6 of the ANP.

Impact on Residential Amenity

- 2.13 Paragraph 130 (f) of the National Planning Policy Framework says that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.14 The properties which are immediately adjacent to the site are Bramling House to the northwest and 10 Orchard View to the east. Due to the location of the proposed dwellinghouse, there would be no overbearing impact or overshadowing to the neighbouring properties.
- 2.15 Representations raised concerns that there would be a loss of privacy to the aforementioned properties as a result of the proposals. The orientation of the property is such that the dormer windows would face to the northeast, overlooking open fields, and to the southeast, towards 98 New Street which would be approximately 32 metres away. There is one window on the flank elevation, which would be a secondary bedroom window, and would be obscured glazing. It is therefore considered that there would be no loss of privacy as a result of the dwelling in this location. Due to the separation distance between the proposed dwelling and 98 New Street, it is not considered that a condition is required for the obscured glazing to be in place prior to occupation. The proposal would therefore be in accordance with Paragraph 130 of the NPPF (2021).
- 2.16 In respect of the amenity of the proposed occupiers, the proposed dwelling would contain four bedrooms, with a generous living space on the ground floor and a large rear garden. Although the plans do not identify a specific area for refuse/ recycling and bicycle storage, the plot is a generous size which to accommodate this. Consequently, it is considered that the development would provide a good standard of amenity to future occupants, in accordance with Paragraph 130 of the NPPF. The

development would also accord with the general principles of Policy PM2 of the emerging Local Plan, which seeks to ensure that development provides a good standard of residential accommodation.

Impact on Parking/Highways

- 2.17 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 space to park at least 3 cars, it is considered to accord with policy DM13 and ANP13 of the Ash Neighbourhood Plan.
- 2.18 To encourage and to facilitate the use of this sustainable form of transport, cycle storage provision (one space per bedroom) will be secured by planning condition to meet the requirements of Kent Design Guide, the Ash Neighbourhood Plan and the NPPF. Electric vehicle charging is now required under Building Regulations Approved Document S and details of charging facilities are not required by planning condition. In terms of EV charging and cycle storage, the proposal would accord with policies ANP5 and ANP6 of the Ash NP.

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

- 2.19 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.20 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.
- 2.21 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.
- 2.22 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the

designated site, caused by recreational activities from existing and new residents, will be effectively managed.

- 2.23 It is noted that the draft Local Plan contains a Policy requiring a financial contribution towards the erection of new dwellings within a 9km zone of influence of the SPA (Policy NE3). This is also set out within Policy ANP4, point 4.2 of the Ash Neighbourhood Plan. This application was submitted prior to the publication of the Regulation 19 plan and as such, notwithstanding the creation of a new dwelling, on this occasion, it is not considered appropriate to require a contribution under the draft policy as the application was submitted in advance of the Regulation 19 plan when the impact of development of this scale would have been mitigated by larger scale development.

Ecology and Trees

- 2.24 Policy ANP4 states that developments should provide biodiversity net gain of 10% and to 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.
- 2.25 The Environment Act which requires developments to provide a mandatory net gain of 10% will apply to small sites from April 2024. It should be noted that a 10% biodiversity gain was not sought for other sites, including large sites, within Ash due to the transition period for the legislation still be in force, and as such not seeking biodiversity net gain of no less than 10% would be consistent with the approach taken on other sites within Ash.
- 2.26 In terms of ecological enhancements, 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).
- 2.27 The application site is currently garden land belonging to 98 New Street and having had regard to Natural England's Standing Advice, is unlikely to provide suitable habitat for protected species. In line with ANP Policy ANP4, ecological enhancement will be secured by condition.
- 2.28 The site has a number of trees, with dense planting along the boundary. The trees and planting are to be retained to provide screening between the new dwelling and 98 New Street. Tree protection details will be secured by condition.

Other Matters

- 2.29 The site lies approximately 457m from Street End Conservation area. The Grade I listed Church of St Nicholas is located approximately 921m to the west of the site. The closest listed buildings are 127m to the south east (Hills Downe – Grade II listed and 168m to the south west (The Shrubbery – Grade II listed). Given the separation distance and the position of the development adjacent to existing development in this area of Ash, as well as the proposed height and massing, it is not considered that there would be any unacceptable impact on the setting of these assets. The proposal is in accordance with the NPPF (199, 200), draft Policy HE1 and Ash NP policy ANP6.

2.30 Broadband provision as required by Ash NP policy ANP14 is as of 26th December 2022 required under Building Regulations for all new dwellings, as set out in Approved Document R, Volume 1. Therefore, a condition is not required.

3. Conclusion

3.1 The development is located within the built confines, but the related policy is considered to be out of date and the emerging policy SP4 only carries moderate weight. However, the application site is within the confines of Ash which is a Tier 1 settlement. Notwithstanding this, the proposed erection of a dwelling due to its siting, scale, design and materials is considered to be sensitive to the street scene with no harm to visual amenity. Furthermore, for the reasons outlined in the report, there would be no harm to neighbours or highway safety.

3.2 There would therefore be no significant or demonstrable harm such as to withhold planning permission and the development is considered to accord with the aims and objectives of the Core Strategy, the draft Local Plan, the Ash Neighbourhood Plan and the NPPF (2021).

g) Recommendation

I PERMISSION BE GRANTED subject to conditions:

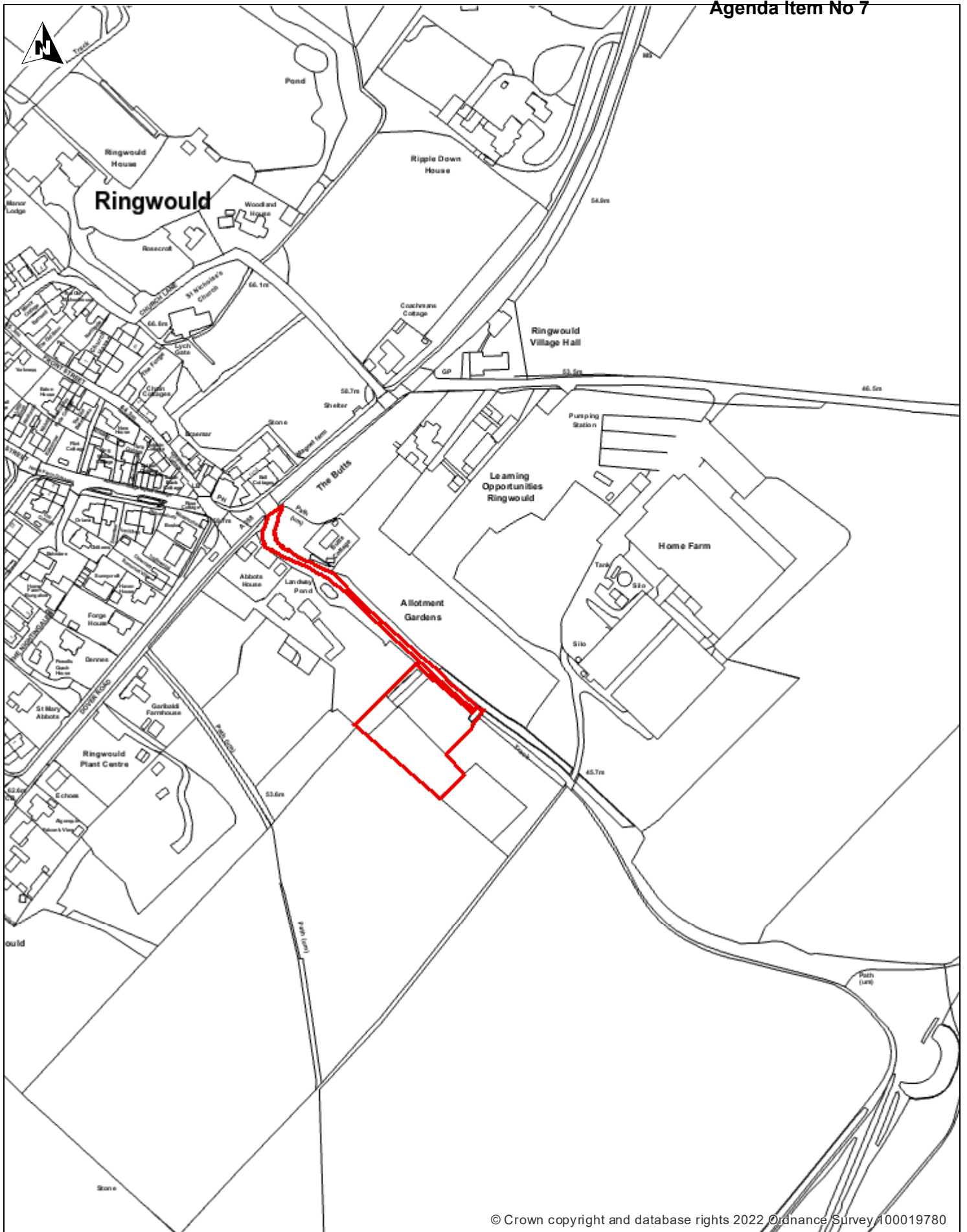
- 1) Time limit
- 2) Plans
- 3) Samples/Details of materials
- 4) Cycle storage details
- 5) Refuse storage details
- 6) Ecological Enhancements
- 7) Pre commencement tree protection and tree replacement details
- 8) Parking spaces to be provided and retained prior to occupation
- 9) PD – no additional windows in southeast or northwest 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

Amber Tonkin

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



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23/00123
Stables On The Land At Popples Farm, Dover Road
Ringwood
CT14 8HG

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/23/00123 – Erection of a replacement stable block to include four stables, store, weaning box and WC (existing block to be demolished) and change of use of land for the keeping of horses - Land at Popples Farm, Dover Road, Ringwould, Deal**

Reason for report – Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM2, DM15, DM16

Local Plan (2002) Saved policies: DD21

Draft Dover District Local Plan (March 2023)

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, NE2

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

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130, 174, 176

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/05/00749 – Change of use of land and buildings to commercial livery - Refused.

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

Representations can be found in the online planning file, a summary is provided:

Ringwould Parish Council – Object:

- Impact on highways. Access is via a public bridleway which joins to other footpaths and a bridleway – walking public and horse riders safety could be compromised.
- No application to use the field for equine use.
- Increase in size would make the stable visible from the AONB and have a visually detrimental effect to nearby properties.
- No indication of waste storage or removal.
- Overhanging hedges would be cut back but owned by Parish Council.
- Greenfield site and the current use is for agriculture with access for light agricultural machinery only.
- There is already a caravan which is parked on site which contravenes the use of the field.

DDC Environmental Health – No observations

Public Rights of Way – no objection but informatives required due to adjacent public bridleway ER18A.

Kent Downs AONB Unit – Does not raise an objection in principle to the proposed development. However, concern is raised over the materials. It is also recommended that landscape enhancement to the wider site are sought, perhaps in the form of supplementary boundary planting which would also provide biodiversity enhancements. In view of the sensitive location within the AONB, they would wish to see a condition attached to any permission controlling external lighting, to help maintain the dark night skies of the Kent Downs AONB in accordance with Principle SD8 of the Management Plan.

Archaeology – No comments

Tree Officer – No comments

Kent Highways – It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Third party Representations: 12 objections have been received and the material considerations are summarised:

- Much larger than the existing stables
- Impact on highways
- Impact on boundary foundations due to close proximity to neighbouring site
- Impact on AONB
- Impact on wildlife
- Impact on bridleway
- Windows to the rear of the block would cause overlooking.
- If approved the status of this part of Popples Farm would be changed from Agricultural (greenfield, undeveloped) to equine.
- Sets a precedent for future development of this type.
- No details provided for the septic tank or manure storage.
- Further consultations should take place.

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

1.1 The application site comprises a farm, known as Popples Farm, which lies outside the settlement boundary of Ringwoud. The site itself is flat but it is located at a higher level than Dover Road. The site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). At the point Dover Road reaches Popples Farm it is a track rather than a road which is two-way but is only wide enough for one vehicle at a time. There is no pavement on either side of the road. The road comprises of detached dwellings, both single and two-storeys.

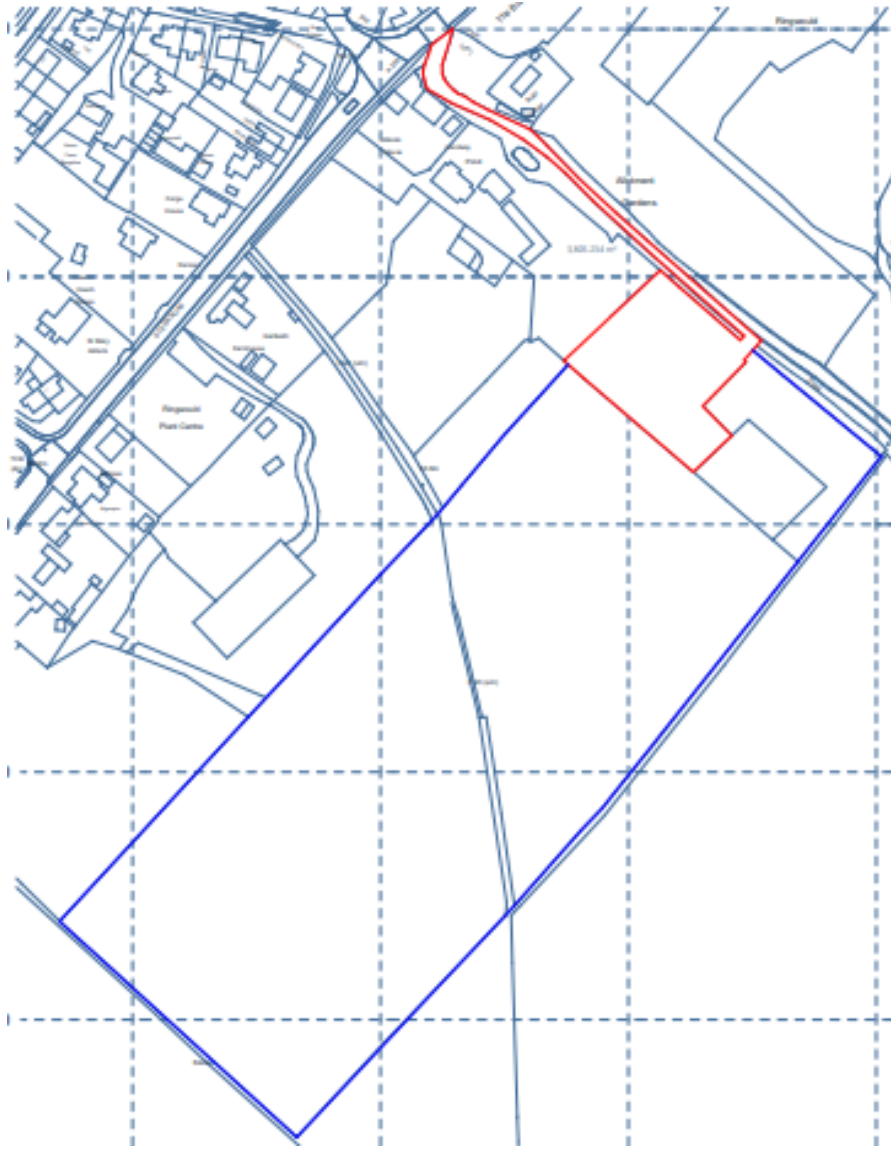


Figure 1 – Site location plan

- 1.2 The site is bounded by Landway to the northwest and open fields to the east and south.
- 1.3 The application is for the erection of a replacement stable block to include 4 stables, store, weaning box and WC (existing block demolished) and the change of use of land for the keeping of horses. The stable block would be located on the northwest side of the site along the boundary with Landway and would be in the same place as the existing block, albeit of a larger scale. The maximum depth of the stable block would be 10.4m, with a width of 26m, an eaves of 3.4m and a maximum roof height of 4.4m. The external materials will be a mixture of brick and timber cladding for the walls. Further to comments received from the AONB unit, regarding their concern on over the proposed roof materials, it was requested to the agent that the roof materials be amended to plain concrete clay tiles or crinkly tin in a dark colour. This was accepted by the agent and amended plans were received. Further to this, the AONB unit also requested landscape enhancements to the wider site area, such as supplementary boundary planting, which would also help provide biodiversity enhancements. This was also accepted by the agent.



Figure 2 – Proposed site plan

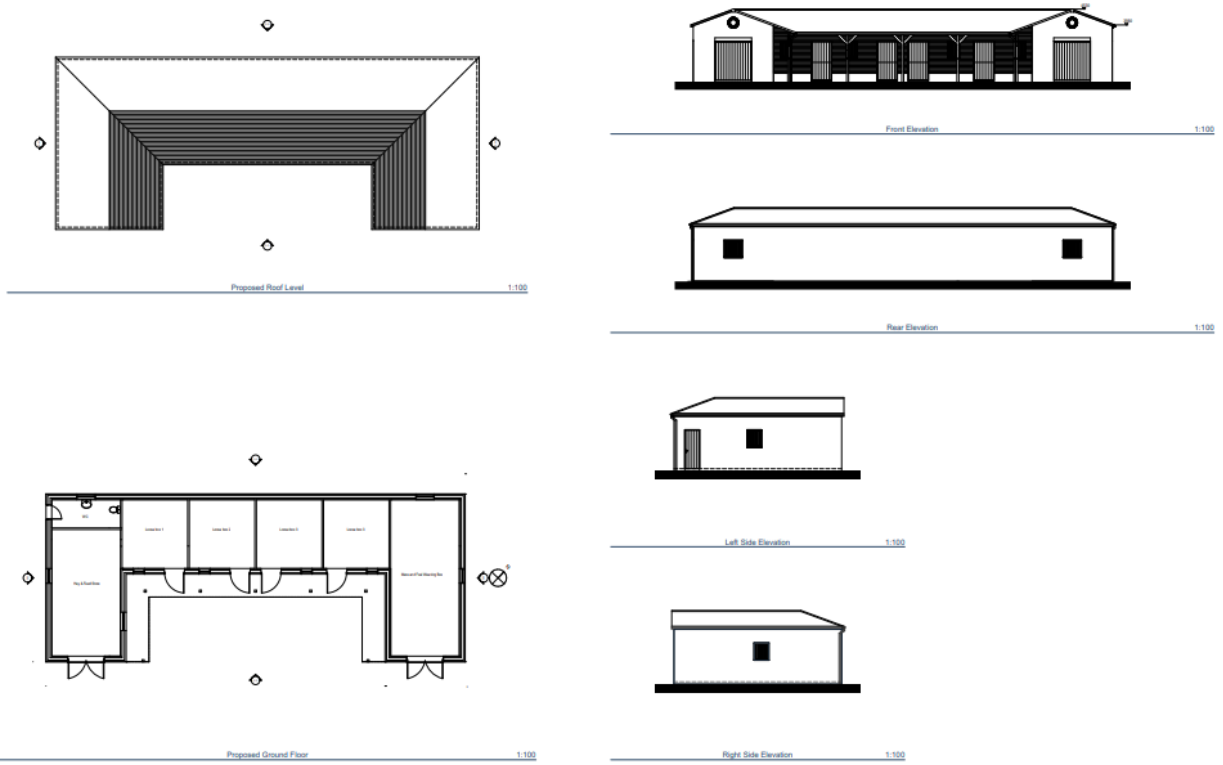


Figure 3 – Proposed plans and elevations

- 1.4 The existing stable block has 4 loose boxes, and the proposed stable also has 4 boxes. The additional accommodation is taken up with separate mare and a foal box and a slightly larger feed and tack store. The whole site (including blue land) extends to almost 4.5ha and therefore under the British Horse Society recommendations the site can comfortably accommodate 7-11 animals, although the proposed stable will accommodate far fewer than this. It is also confirmed that the stable would be for personal use only, and the British Horse Society recommendations in terms of horse welfare will be observed at all times.
- 1.5 The agent has submitted additional information in the form of a cover letter in response to some of the issues raised by neighbours. Within this cover letter it is confirmed that the details of the septic tank that will be used to collect foul sewage will be conditioned, as well as a detailed landscape design.
- 1.6 The cover letter also confirms that the caravan which is currently located on the site is to be stored here temporarily whilst the owners are out of the country, and it is planned to remove this caravan in the near future.

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Visual amenity and impact on AONB
- Impact on residential amenity
- Highways

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 building is not within settlement boundaries, however, its use would be in connection with the existing equine facilities site, as such justified by policy DM1. Accordingly, the development is acceptable in principle.
- 2.4 The site is situated outside of the settlement confines identified in Policy DM1 and is therefore considered to be in the countryside. Policies DM15 and DM16 of the Core Strategy also focus on the protection of the character or appearance of the countryside and lists the reasons for acceptable development in these areas. Further to this, the NPPF identifies that “decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside” (paragraph 174). The site is also situated within the Kent Downs AONB and the NPPF (paragraph 176) states that “Great weight should be given to conserving an enhancing the landscape and scenic beauty in...Areas of Outstanding Natural beauty, which have the highest status of protection in relation to these issues”. Moreover, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on Local Planning Authorities to ‘have regard’ for the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.
- 2.5 Due to the increase in scale of the stables it is considered that this would be visible from the wider countryside. However, it is important to note that there is an existing stable block

in this location. Due to the stables location, special attention must be paid to the design and appearance of the proposed stables. Further to the comments received by the AONB unit and the amended plans received the materials are now considered to be appropriate for the area and the landscape enhancements to the wider site would reduce in the visibility of the stables from the wider area. The materials are considered to be acceptable within the countryside and therefore the development, due to its design and appearance would preserve and conserve the landscape and scenic beauty of the AONB and countryside. Further to this, the scale of the stables is considered to be appropriate for the number of horses they would accommodate.

2.6 Saved Policy DD21 of the 2002 Local Plan concerns horse related development. The preamble sets out at paragraph 8.68, “wherever possible, privately owned horses should be kept close to the owner’s home – preferably in the garden or adjacent paddock – in order to provide maximum care and security for the animal without then need for frequent car journeys”. Furthermore, DD21 sets out that horse related development will be granted provided:

- i. it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
- ii. ease of access to suitable riding country can be demonstrated;
- iii. buildings are of a high standard of design and construction and they, together with the related equestrian activities, do not adversely affect the character and appearance of the countryside or areas of historic environment;
- iv. where possible, existing buildings should be converted for such use in preference to the erection of new buildings but where new buildings are required these should be sited to relate visually to existing buildings; and
- v. the amenities of nearby residents are not adversely affected.

2.7 Given the existing use of the land and the existing stables it is considered horsiculture is already present within the immediate surrounding area and that therefore the development does accord with saved Policy DD21 (for the reasons set out in this report).

Visual Amenity and Impact on AONB

2.8 The site is situated outside of the settlement confines identified in Policy DM1 and is therefore considered to be in the countryside. Policies DM15 & DM16 of the Core Strategy also focus on the protection of the character or appearance of the countryside and lists the reasons for acceptable development in these areas. Further to this, the NPPF identifies that “decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside” (paragraph 174). The site is also situated within the Kent Downs AONB and the NPPF (paragraph 176) states that “Great weight should be given to conserving an enhancing the landscape and scenic beauty in...Areas of Outstanding Natural beauty, which have the highest status of protection in relation to these issues.” Moreover, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on Local Planning Authorities to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.

2.9 The stables would be located to the northwest of the site and would be bounded by a dwelling to the northwest and open fields to the east and south. Due to the topography of the area, the site is at a slightly higher level than Dover Road. The boundary treatment consists of low-lying wired fencing and some areas of dense vegetation. The stables would be seen from the street but there are existing stables in situ. Although the proposed stables would be of a larger scale it would be constructed using materials similar to that of the existing. The AONB Unit confirmed that they had no objection to the principle of the

development but suggested the roof be of a different material so that it was more appropriate for its rural location. This was accepted and amended plans were received. Further to this, it was also requested to include landscape enhancements. This has also been accepted by the agent and amended plans received. The provision of landscape enhancements and change in materials would lead to a reduction in visibility of the stables from the wider landscape. It is also not uncommon for stables to be located in a rural area.

- 2.10 As such, it is considered that the development, due to its design and appearance would preserve and conserve the landscape and scenic beauty of the AONB and countryside, in accordance with Paragraphs 174 and 176 of the NPPF. For the same reasons, it is considered that the proposal would be unlikely to adversely affect the character or appearance of the countryside and wider landscape area, in accordance with Policies DM15 and DM16. In respect of the AONB Management Plan 2021 – 2026, section 3.1.4 states that “The cumulative impact of careful enhancements made through individual agri-environment schemes, conservation projects and carefully judged development can cumulatively conserve and enhance the landscape”. It is considered that for the reasons described above the stables would not have a detrimental impact to the AONB in which it is situated. The stables are not considered to detract from the character and appearance of the surrounding area and is therefore considered compliant with the aims and objectives of the NPPF.

Impact on Residential Amenity

- 2.11 The only residential property in close proximity to the host site is Landway, which is located to the northwest of the site. The proposed stables would run part-way along the boundary with this neighbour. Due to the topography of the land the proposed stables would be located at a lower level than Landway, whilst their scale and location would result in no significant increase in overshadowing.
- 2.12 One of the objections is about overlooking from the proposed windows in the rear elevation of the stables. One of these windows would serve a bathroom and would therefore likely be obscured, albeit it is not considered that it would be necessary to secure this by condition. The other window would serve a mare and foal weaning box. Due to the site being lower than the neighbouring garden it is considered that these windows (whether obscured or not) would not lead to an increase in overlooking to an undue degree.
- 2.13 The proposed replacement stables would be unlikely to impact on neighbouring amenities to an undue degree. Due to the siting and scale of the proposals, the stables would be unlikely to result in significant harm to residential amenities of other nearby properties and the development would accord with the aims of Paragraph 130 of the NPPF.

Highways

- 2.14 As the number of horses to be kept on site would not increase or change and that the site would remain in private use, KCC Highways have confirmed that the development proposal does not meet the criteria to warrant their involvement.
- 2.15 It has been raised in the objecting comments that there is a concern over the safety of users of the bridleway and adjacent Public Right of Way. In comments received by KCC Public Rights of Way it has been confirmed that they have no objection, although informatives have been recommended. Due to the existing stables on the site, it is considered that the proposed stables would not increase the risk to walkers or riders of this path.

Other Matters

- 2.16 It is considered that it will be necessary to control any external lighting to ensure that the development does not harm the character of the area at night.
- 2.17 Collected manure and the sewerage from the site have the potential to cause pollution to the ground if they are not located and designed appropriately. To protect against such harm, conditions are recommended to require details of these elements.

3. Conclusion

- 3.1 The proposed stables, due to their siting and scale, would be unlikely to negatively impact the wider landscape. Due to the size and nature of the site and the fact that there is an existing stable block the impact on the countryside and surrounding AONB is likely to be minimal and therefore the application is considered to be acceptable in this case. Furthermore, for the reasons outlined above, the stables are considered unlikely to result in undue harm to the residential amenities of surrounding occupants. Consequently, the proposals accord with the aims and objectives of the NPPF and policy DD21 of the saved policy from the 2002 Local Plan.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

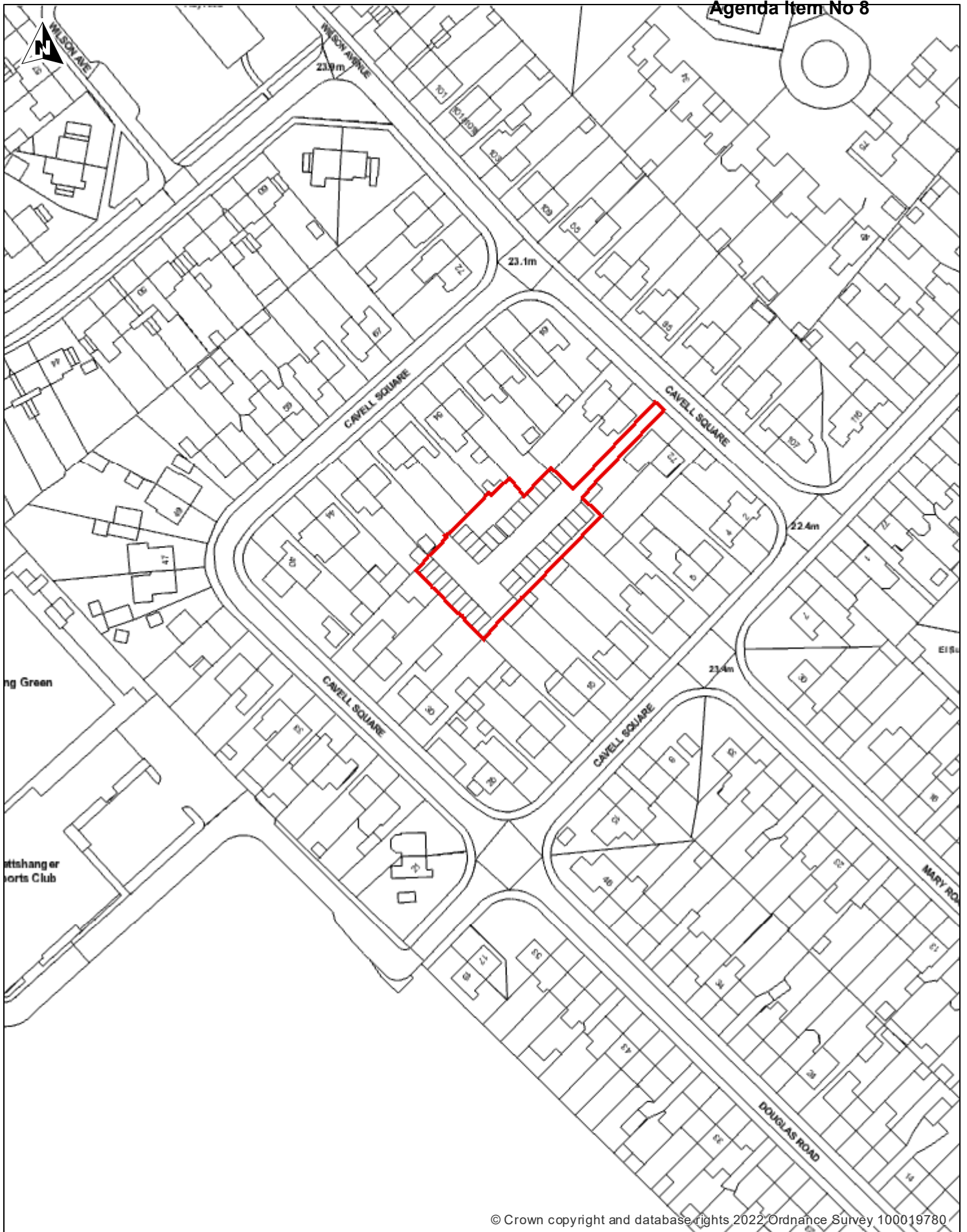
1. Time Limit
2. Approved plans
3. External materials
4. Controlled external lighting
5. Personal use only (no livery)
6. Location of manure heap
7. Septic tank details
8. Landscaping details

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

Alice Pitts

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



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23/00039
Garages To Centre Of Cavell Square
Deal
CT14 9HP

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/23/00039 – Erection of four dwellings (amendment to previous approval DOV/22/01275) - Garages at centre of Cavell Square, Deal

Reason for report – Cllr call-in

b) Summary of Recommendation

Planning permission be granted

c) Planning Policy and Guidance

Core Strategy Policies (2010): CP1, DM1, DM11

Land Allocations Local Plan (2015): n/a

Local Plan (2002) Saved policies: n/a

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. The relevant policies are: SP1, SP2, SP3, SP4, CC1, CC2, CC6, CC8, PM1, PM2, H1, TI1, TI3, NE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130,

National Design Guide & National Model Design Code (2021)

National Planning Practice Guidance & Kent Design Guide

SPG4 Kent Vehicle Parking Standards

d) Planning History

DOV/22/01275 Erection of 3no. detached dwellings with associated parking (existing garages to be demolished) GTD

DOV/21/01834 Erection of 27no. single storey garages (existing 33no. single storey garages to be demolished) GTD

DOV/92/00144 Demolition of garages and erection of 4 x three bed dwellings with parking (utilising existing garage access to NE). REF

e) Consultee and Third-Party Representations

Representations can be found in the online planning file, a summary is provided below:

Deal Town Council – Object due to lack of information in terms of materials that will be used on roofing and walls, also concerns on lack of green space on plans.

Kent Fire and Rescue – no objections

Southern Water – no objections

Third party Representations: 3 objections have been received and are summarised below:

- No footway and narrow access to dwellings
- Limited turning for vehicles and concern over delivery/emergency vehicle access
- Driveway and drains may collapse
- No room for bin storage
- Loss of garages, no trees proposed, no open space
- Noise and air pollution
- Worse than extant scheme as additional dwelling

Officer comment: the single garage was given approval under application 22/01481; the scheme no longer proposes to alter the roof to a pitched one; plans are to scale.

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

- 1.1 The application site falls within the urban area of Deal and contains 33 garages serving the surrounding properties. Access is taken from the north-east side of Cavell Square between property no.s 68 &70. The access is approximately 3m wide and aligned by a combination of brick wall, close board fencing, post and rail fencing and managed hedgerow. The remainder of the site is bounded by residential curtilages of which a number contain outbuildings that back on to the site.
- 1.2 Planning permission is sought for the demolition of the garage blocks and the erection of 4 single storey two bedroom bungalows arranged as semi-detached properties. A total of 5 parking spaces are shown to serve the properties and the drawings also show provision of cycle and refuse storage. The bungalows are approximately 8m wide x 10m deep.
- 1.3 The proposal remains in most part as per the extant permission for 3 detached bungalows on the site. The main difference being one additional dwelling and less parking within the site.



Figure 1. Site Location Plan

2. **Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on amenity arising from the amended scheme

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. The principle of the development was established with the grant of planning permission under application 22/01275 and remains acceptable.

Impact on Character and Appearance

2.3 The bulk and form of the dwellings remain largely as per the extant permission. The key visible change is that rather than 3 x detached bungalows, the layout will comprise 2 x pairs of semi-detached bungalows; the footprint of each bungalow will be as per the extant permission, however one parking space will be lost between the plots in order to allow for the additional residential unit.

2.4 The site is well contained and will have limited impact on the street scene due to its backland nature and single storey mass. It may be possible to gain a glimpse

of roof space from Cavell Square across rear gardens. However, seen within the context of a number of single storey outbuildings at the bottom of gardens, it is not considered any harm would arise to visual amenity from the proposal.

- 2.5 It is not considered that visually the additional until will have any greater impact on the character and appearance of the area than implementing the extant permission would have.

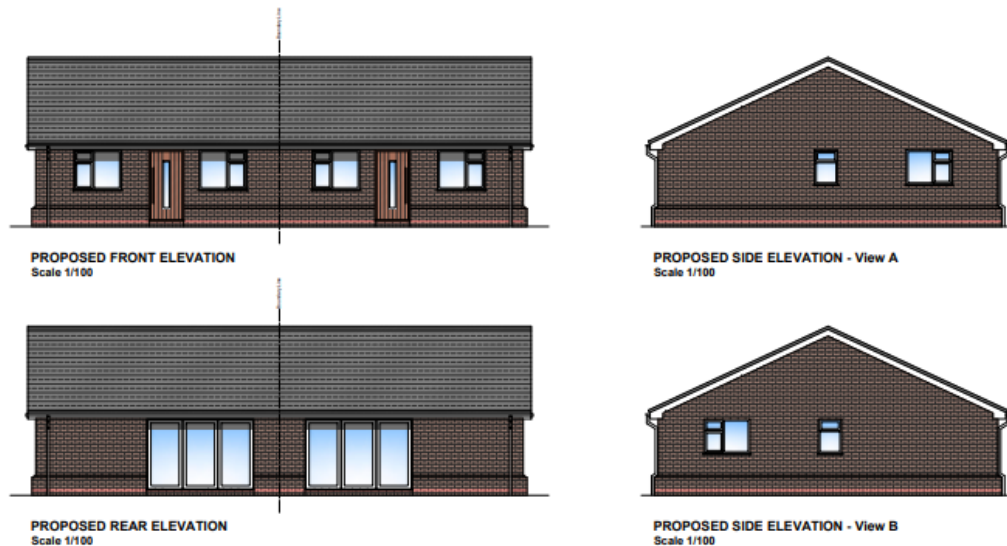


Figure 2. Elevations

Impact on Residential Amenity

- 2.6 There will be a slight intensification from the revised proposal in the sense that one additional home will be provided when considered against the extant permission. Whilst this means the potential for greater vehicle movements to the site, any increase would be limited. There would also loss of one parking space, which may reduce movements.
- 2.7 The rear elevations of the four dwellings back onto the rear gardens of no.s 54 - 46 Cavell Square; three of these properties have outbuildings against the boundary with the application site. The dwellings are two storey semi-detached with garden depths varying between 17-20 metres. The rear gardens shown for the proposed bungalows are approximately 7m thereby providing ample separation distance (the same distance as per the extant proposal).
- 2.8 Due to the central nature of the application site within Cavell Square, there is also substantial separation from the front and side of the proposed dwellings to those properties on the southern side of the site. Again, a number of the existing dwellings have rear garden outbuildings on the boundary. The distances between existing and proposed dwellings together with the single storey height of the proposed dwellings provides an acceptable impact with regard to residential amenity.

- 2.9 Provision has been made within the site for the four dwellings to store their refuse bins. Clearly on collection day, the bins will need to be taken to the back edge of the public footpath in order to be emptied. Whilst objections have been received regarding the issue of bins on the footpath, this is a very common situation that occurs throughout the district on collection day.
- 2.10 The site already provides parking potentially for 33 cars or use by 33 householders to access their garages on a frequent, uncontrolled basis for storage and it is not therefore considered that an increase of 1 residential unit above the extant permission would have a detrimental impact on residential amenity.

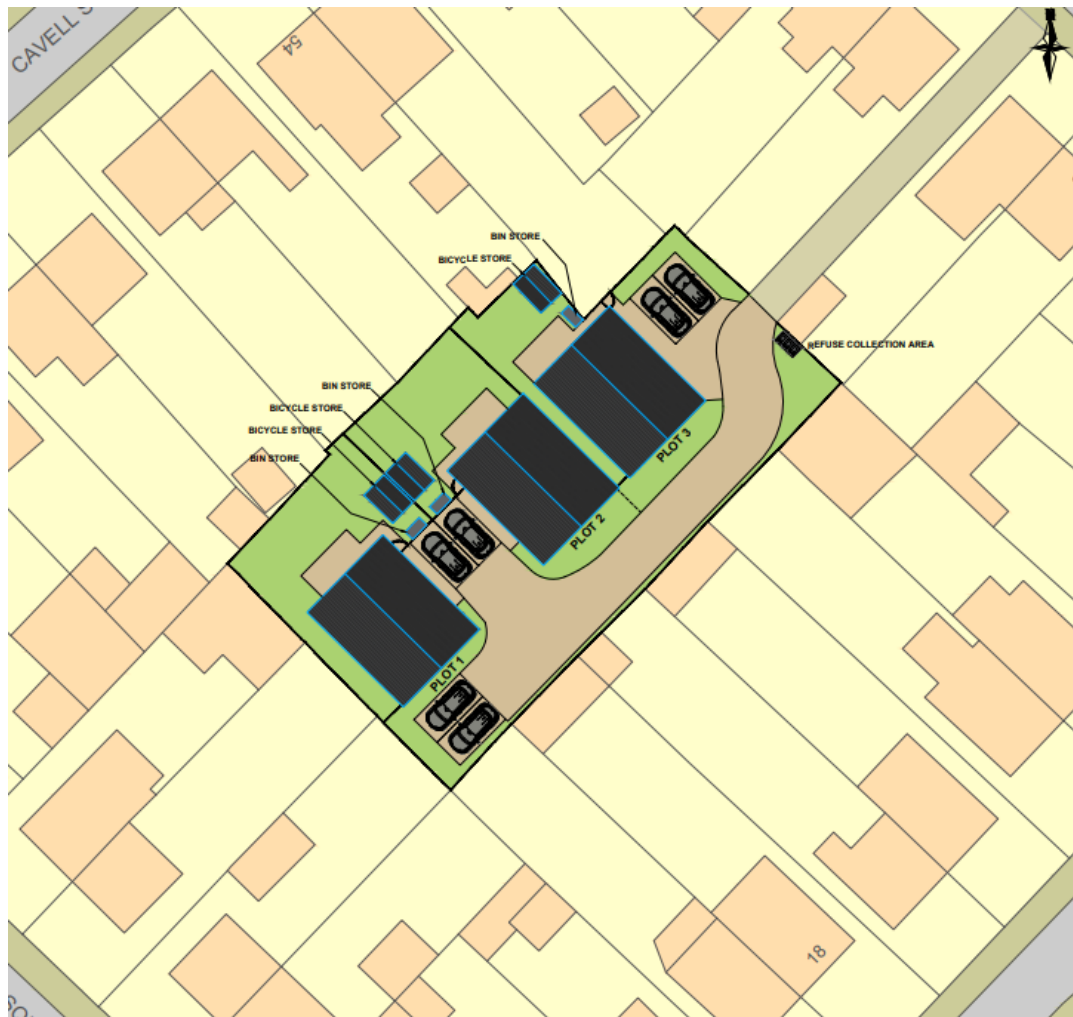


Figure 3. Approved block plan 22/01275



Figure 4. Proposed block plan 23/00039

Highways and Parking

- 2.11 The site is served by a narrow vehicular access to 33 garages. Whilst the garages appear in a poor condition, there is the potential for 33 cars to be accessing these on a daily basis. Balancing the existing use against the proposed use to serve four 2 bed bungalows, it is considered that the proposal would be a less intensive use of the site and a betterment for the two dwellings either side of the access.
- 2.12 The main difference between the extant permission and the proposed is the loss of one parking space within the site. The previous scheme allowed for 2 spaces per dwelling. However, when considering that the dwellings are 2 bed in size, the requirement is for 1 space per dwelling plus visitor parking where possible. The proposed parking arrangements, visibility splays and access from the public highways are considered only to be a minor variation to the approved scheme and therefore no objection is raised.
- 2.13 The planning history is noted from 1992 and a refusal for four, 3 bed dwellings in part on highway grounds. However, the current proposal has been assessed against up-to-date planning policy and guidance.
- 2.14 The proposal would result in the loss of off-street parking spaces, however it is apparent from a site visit that the garages are under-used for parking and that there is uncontrolled on- street parking in the locality. It is not considered that the

proposal would give rise to severe harm to highway safety and therefore no objection is raised to loss of parking.

Ecology

- 2.15 Under planning application 22/01275 the draft local plan was not at such an advanced stage and policy NE3 carried no weight; accordingly no contribution was sought with respect to the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. However, having had regard to draft Policy NE3 and the stage that the local plan is now at, a contribution towards the protection of the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy is now sought for each single dwelling within a 9km radius. In this instance if planning permission is granted the applicant would be required to enter into a S106 legal agreement to provide the following:

	Bedroom tariff	Monitoring fee	Legal fee	total
Two bed dwelling	£537 x 4	£236	£250	£2634

3. Conclusion

- 3.1 There is minimal material difference between the layout of application 22/01275 and the current application. The scheme for 4 bungalows would not give rise to a greater impact on residential amenity, visual amenity or result in severe harm to the highway network.
- 3.2 The NPPF indicates that, where adopted policies are out of date, 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. The proposed scheme seeks to maximise the use of the land by increasing the number of proposed units by one. As assessed in this report the proposal does create any adverse impacts such that planning permission should be refused.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

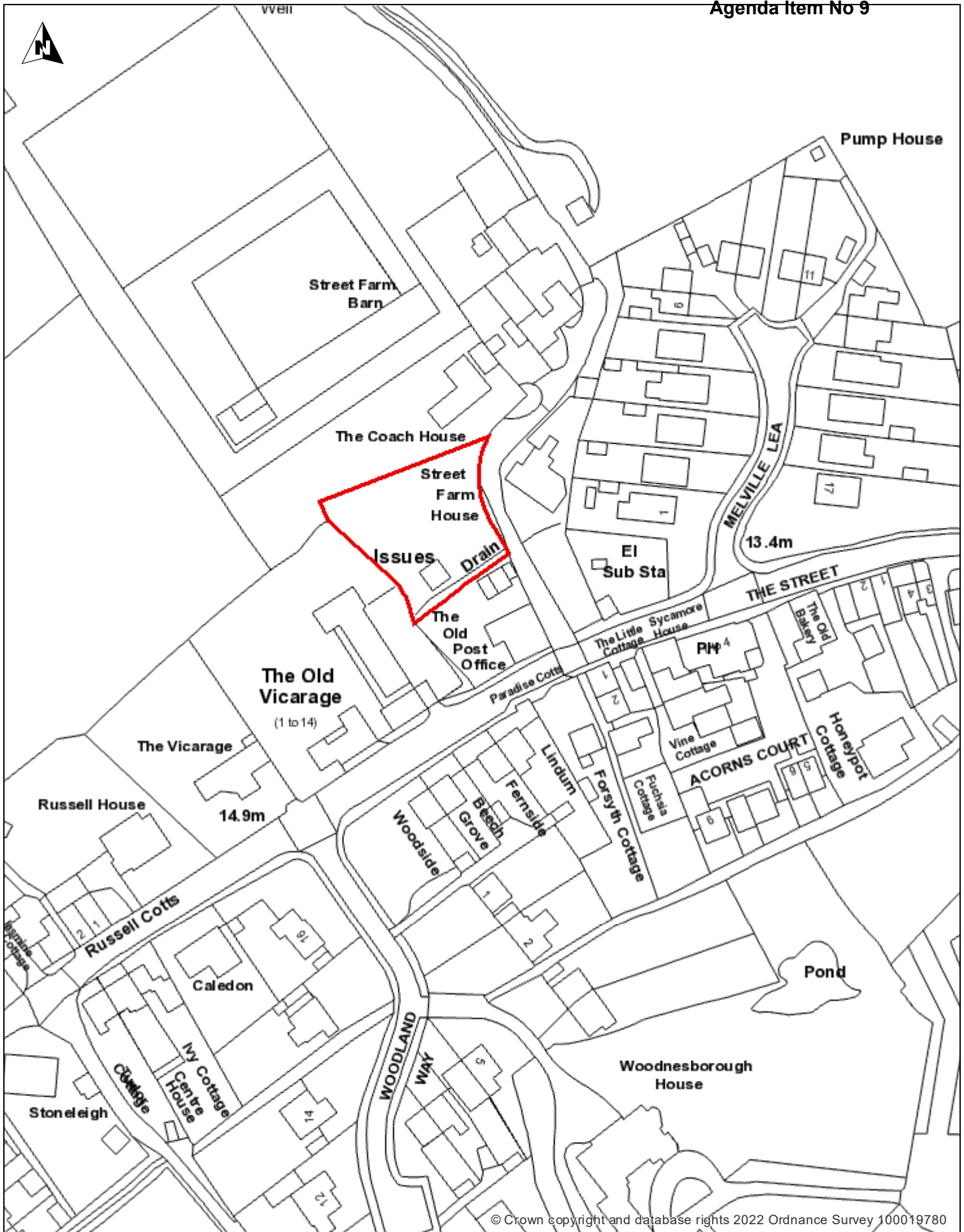
- (1) time condition
- (2) list of approved plans
- (3) samples of materials
- (4) boundary treatments
- (5) landscaping within communal area
- (6) removal of permitted development rights for Schedule 2, Part 1, Classes A, B and C
- (7) implementation of cycle storage/refuse storage

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

Amanda Marks

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



23/00480

Street Farmhouse, The Street
Woodnesborough
CT13 0NF

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/23/00480 – Change of use of garage to holiday let - Street Farm House, The Street, Woodnesborough**

Reason for report – Number of contrary views (35)

b) **Summary of Recommendation**

Planning permission be granted subject to a unilateral undertaking and conditions.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM4, DM11, DM15, DM16, T11

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, SP1, SP2, SP6, E4, CC6, NE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 84, 130, 199, 201, 202.

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

d) **Planning History**

DOV/18/01271 - Erection of a detached double garage, 1.8m boundary wall, hardstanding and formation of vehicle access – Granted

DOV/18/01272 - Insert door opening to existing partition wall. Upgrade existing wall linings and erect new partition wall to form 2nd floor shower room. Construction of new brick wall to rear of house boundary – Listed building consent – Granted.

DOV11/00323 - Change of use land for the keeping of horses, erection of stables and formation of hardstanding (amended siting of stables) – Granted

DOV/06/01276 - Replacement of dormer windows with softwood frames – Granted

DOV/06/01491 - Replacement dormer windows, alterations to existing sash windows and internal alterations – Listed building consent – Granted.

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

Representations can be found in the online planning file, a summary is provided below:

Woodnesborough Parish Council – Objections (summarised) Inappropriate location for a holiday let within the ground of a grade II listed building. Noise and disturbance created by holidaymakers. Shared access could cause access problems during construction. Lack of parking spaces. Concerned about the lack of sewage/foul water drainage. Covenant sets out the land should not be used for any other purpose than

that of a dwelling. The information provided is misleading as the documents are for the original garage.

Public Rights of Way Officer – no comments.

Kent Fire and Rescue - 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. I draw your attention to the access driveway which should be a minimum of 3.7 metres in width. Where there is a pinch point due to gates etc the width may be reduced to a minimum of 3.1 metres. The driveway is required to allow a fire engine to reach a location, a maximum of 45 metres from the furthest point within in the dwelling. The distance of 45 metres may be extended up to 90 metres for a house with no floor more than 4.5m above ground level or 75m for houses and flats having one floor more than 4.5m above ground level, on the provision of a domestic fire suppression system installed to the appropriate standard.

Kent Highway Services – No objection (summarised) No loss of parking provision. The one bedroomed dwelling would not create significant increase in movement. The proposed access to the site is approximately 30 metres from The Street whereby intervisibility of a maximum of 40 metres would be considered appropriate. The access forms part of the PROW but no objection or comments have been received from PROW colleagues. The hedge on the eastern side of the access is cut back to improve visibility and secured by condition.

Third party Representations: 35 objections have been received and are summarised below:

- Impact on neighbours
- Noise and disturbance
- Traffic/parking/highways safety
- Limited visibility
- Danger to pedestrians
- Foul waste/surface water drainage
- Lack of parking
- Ecology
- Lack of infrastructure
- Lack of details, inaccuracies.
- Site area.

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

- Dwelling for elderly relatives.
- Support use for holiday let.
- Great accommodation in the area to support local businesses.
- Visual upgrade.
- Not a new building or dwelling, a change of use.

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

1.1 The application relates to the garage and amenity space serving Street Farm House. Street Farm House is a Grade II listed 3-storey dwelling located along a shared private access to the north of The Street in Woodnesborough, the gardens to the east of the shared access land and are within the confines, whilst the application site to the west of the property are outside of the confines.

- 1.2 There are a number of nearby dwellings including the Old Vicarage (to the west of the application site), The Old Post Office (to the south), The Old Coach House (to the north east), the amenity space serving this property backs onto the application site, Street Farm Barn is to the north of the host dwelling and Melville Lea to the east of the host dwelling. The shared access is registered as a public right of way known as EE216 (as shown in figure 1).



Figure 1 – Public Rights of Way map

- 1.3 The garage is a detached wooden clad garage with tiled roofed over, the garage benefits from rooflights and a lean to on the north western elevation. Car parking is afforded directly in front of the garage.
- 1.4 The proposed development would utilise the existing wooden garage with the only external change being a single window within the gable of the north western elevation. Three of the four of the existing garage doors would be fixed shut to allow for the stud partition directly in front of them to be installed. During the course of the application, the amount of amenity space has been significantly reduced and this is shown in figure 2. One of the existing parking spaces will be utilised for the visitors to the proposed holiday let.
- 1.5 It should be noted that a further document was received on the 28th July 2023 and context plans. These documents were not considered to advance any planning arguments and as such it was considered necessary to re-consult statutory consultees and local residents.

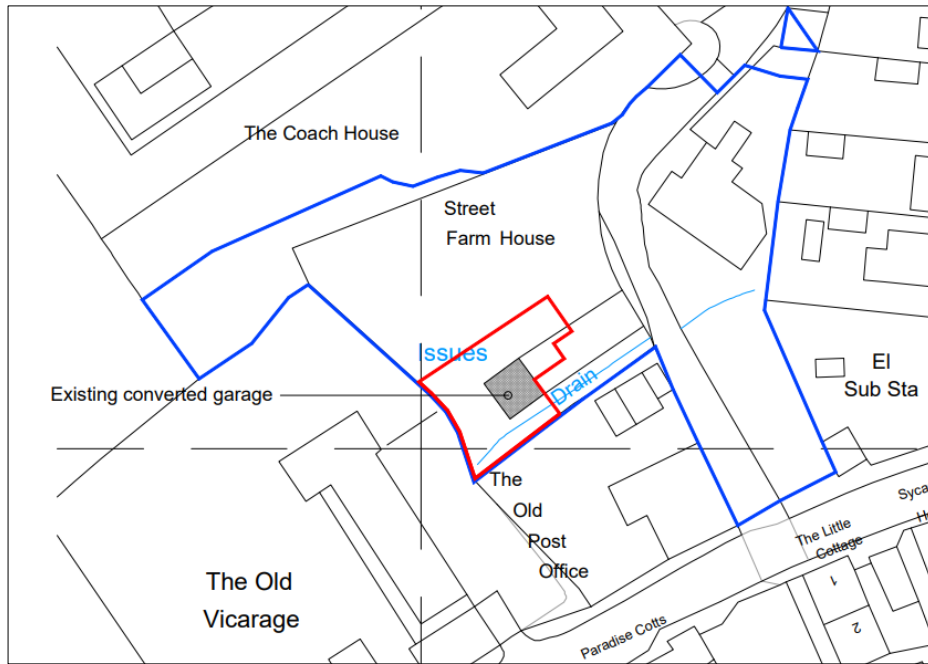


Figure 2 – Site location plan

- 1.6 The proposed layout incorporates a bedroom, bathroom, kitchen/diner and lounge all on the ground floor, as shown in figure 3.

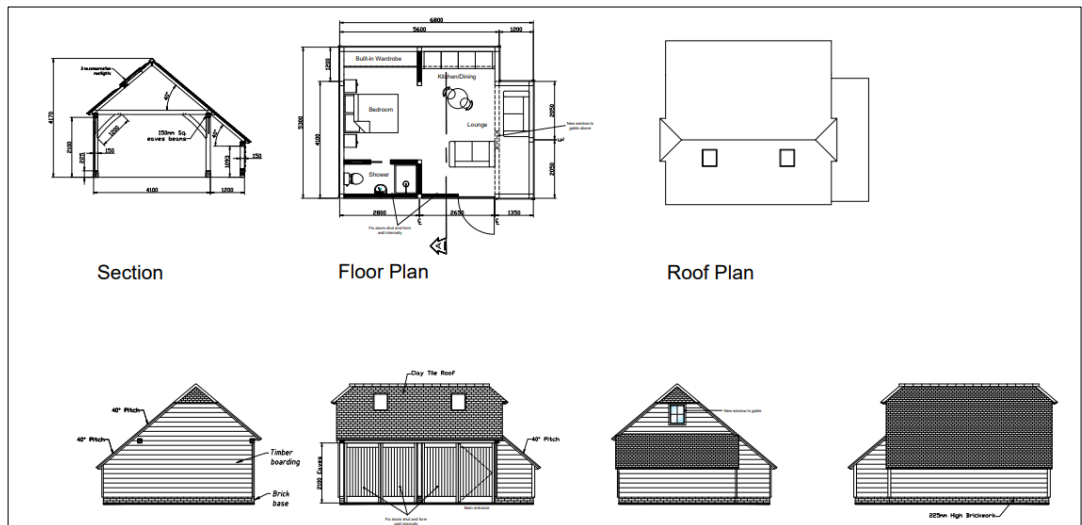


Figure 3 – Proposed layout and elevations

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Heritage
- Impact on residential amenity
- Highway Safety
- Flooding
- SAMMS

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 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by other development plan policies, functionally requires a rural location or is ancillary to existing development or uses. The application site is located just outside of any settlement confines, but adjacent to the confines. That said, the proposed holiday accommodation is not supported by other policies, does not functionally require this location (albeit its location could be argued to be desirable to meet the needs of a sector of the holiday market) and is not ancillary to existing development or uses. As such, the development would be contrary to Policy DM1 (although it is acknowledged that this policy holds reduced weight in the planning balance)
- 2.4 Policy DM4 sets out in amongst other things that permission will be given for the conversion of structurally sound, permanent buildings within villages for private residential use in buildings that are adjacent to the confines, subject to being of a suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects. This is largely in line with the aims and objectives with the national planning policy framework, in particular paragraph 84.
- 2.5 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. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard to the proximity of the site with Eastry/Sandwich and public transport namely bus services, it is considered the proposal would not significantly increase travel demand and therefore comply with the aims and objectives of policy DM11.
- 2.6 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines, but excluding land within the curtilage of buildings) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174).
- 2.7 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the development plan

and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced.

- 2.8 Turning to the objectives of the NPPF regarding rural tourism. Paragraph 84 states that in supporting a prosperous rural economy, decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 highlights that it should be recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 2.9 The submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies PM1, SP1, SP2, SP6, E4, and TI1 are considered most relevant to the principle of development.
- 2.10 Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and Policy SP2 seeks to ensure new development is well served by facilities and services and creates opportunities for active travel. Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. The location of the site is within the countryside, however, having regard to the proximity of the site directly adjacent to confines, the surrounding network, access to public transport (namely bus stops), it is considered the proposal accords with Draft Policies SP1, SP2 and TI1. However, given that the plan is at examination stage, these policies can only be given moderate weight at this time.
- 2.11 Draft Policy SP6 supports tourism development that would extend or upgrade the range of tourist facilities, particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season in accordance with draft policy E4. This Policy supports proposals for self-catering tourism accommodation across the District subject to a series of criteria. This includes: the scale and design of the proposal is to be compatible with the character, layout density and appearance of the existing settlement; the level and type of activity the proposal generates and the functional and visual relationship with adjoining uses does not result in harm to the character and appearance of the area, including the character and quality of the countryside; the scale and design of the proposal being compatible with its surroundings; where it would not have an adverse impact on the living conditions of existing adjoining residents; where traffic generated from the development can be safely accommodated on the local road network, and where the development will not generate a type or amount of traffic that would be inappropriate to the road network. Proposals should also seek to improve provision of sustainable travel options to the site, wherever possible.
- 2.12 Regard must also be had for whether the tilted balance is engaged, as set out in Paragraph 11 of the NPPF. The majority of the most important policies for determining the application are considered to be out of date to varying degrees, with DM1, which is particularly crucial in assessing the principle of the

development, being particularly so. Having considered the Development Plan in the round, it is considered that the 'tilted' balance should be engaged and as such the application should be assessed in the context of granting planning permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for reusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

An assessment of ii) will be made at the end of this report.

Impact on Character and Appearance

- 2.13 Paragraph 130 (f) of the National Planning Policy Framework sets out that 'planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' The National Planning Policy Framework 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
- 2.14 The site is located outside of the settlement confines and as discussed, is within the countryside and is therefore subject to Policies DM15 and DM16.
- 2.15 The proposed development would result in a conversion of an existing wooden double garage, with very minor alterations to the building. The extent of the proposed external changes to the garage is an insertion of a single window at first floor within the northwest gable end. Given the limited alterations to the development, the proposal would ensure the landscape character remains altered and the objectives of the paragraph 130 and 174 of the NPPF. The development would therefore accord with policies DM4, DM15 and DM16 of the Core Strategy, criteria i) and iv) of policy E4 and policy PM1 of the emerging local plan.

Heritage Assessment

- 2.16 Paragraph 194 of the National Planning Policy Framework states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understanding the potential impact on the proposal on their significance".
- 2.17 Paragraph 199 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The most important the asset, the greater the weight should be. Where development would lead to serious harm the consideration has to be given to the criteria set out in paragraphs 202 and 203 of the National Planning Policy Framework.

- 2.18 The proposed works are considered to be minor in that the majority of the changes are internal, with the exception of the window within the northwestern gable. As such, it is considered that there would be no harm caused to the historic significance of the setting of the listed building.

Residential Amenity

- 2.19 Paragraph 130 (f) of the National Planning Policy Framework says that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.20 Concerns have been raised by a local resident in respect of overlooking occurring from the holiday let. The additional window would be at first floor within the end gable. Given the limited size of the holiday let, the proposed layout at ground floor level and separation distance dividing the development and the adjacent amenity serving the adjacent property, I am satisfied the proposal would not give rise to any potential overlooking.
- 2.21 Concerns have been raised regarding activity, noise and disturbance associated with the use of the holiday let. A holiday accommodation use would be different to a permanent residential dwelling. In turn, whilst there might be some noise from vehicle movements and activity, given the limited facilities, the proposal is likely to only be used by couples. Furthermore, any noise resulting from the application site is not considered to be any different to the noise resulting from the other residential properties in the vicinity. In the event of planning permission being granted, a condition is recommended to control the occupation to holiday accommodation only, to ensure that the building is not occupied as someone's main or sole place of residence.

Highways

- 2.22 Local residents have raised concerns over the highway safety and pressures on parking locally. Policy DM13 of the Dover District Core Strategy sets out that provision for parking should be a design led process based upon characteristics of the site, the locality, the nature of the proposed development and its design objectives. In this instance, the existing off street parking arrangement to serve Street Farm House is that of approximately four parking spaces. The applicant is proposing to use one of these car parking spaces solely for use of those staying within the holiday let. Having consulted Kent Highway Services they are satisfied with the allocated parking provision, furthermore, they have noted that garages do not count towards parking provisions in any cases and as such, there is no loss in parking provisions associated with this change of use.
- 2.23 Paragraph 111 of the National Planning Policy Framework sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, it is considered the addition of a one-bedroom holiday let would not create a significant increase of movements at an existing access serving 4 dwellings, as visitors are likely to utilise one vehicle. That said, an informative should be put on any permission to advise the applicant to inform guests of the nature of the access.
- 2.24 Concerns have been raised in respect of vehicle crashes along this stretch of road and Kent Highway Services have provided the following response in respect of this matter; '*Within 200m of the access track, 5 years Personal Injury Collision*

(PIC) data has been evaluated and although one serious incident has been recorded in 2019 this is not associated with a vehicle entering or exiting this access. Plans indicate the access measures approximately 6 metres at the junction with The Street, although it is acknowledged that this is significantly reduced due to the neighbouring The Old Post Office and the hedge. The proposed access to the site is approximately 30 metres from The Street whereby intervisibility of a maximum of 40 metres would be considered appropriate'. However, to improve visibility from the access from Street Farm House to the junction with The street, a condition is requested that the hedge on the eastern side of the access track is cut back. In the event of planning permission being granted, a condition could be imposed in this respect.

- 2.25 For these reasons set out above, the proposed development is considered to accord with policies DM11, DM13 of the Core Strategy and draft local plan policies TI3 and criteria vii) and viii) of policy E4 of the emerging local plan.

Flooding

- 2.26 Local residents have raised concerns over the risk of flooding, surface water drainage and foul sewage. It is acknowledged the application site is located within an area at risk of flooding from surface water (1 in 1000 yrs), however, the proposal does not propose any increase in additional hardstanding or expanse of the building and as such it is not considered the proposed development would result in any additional surface water in this location.
- 2.27 In respect of concerns raised about the foul water system, this application would create a small holiday let, suitable for a maximum of two people. Under section 106 of the Water Industry Act 1991, the owner would have the right to connect to the local sewerage network for a fee. Whilst the development may place some additional pressure on the local network, given the scale of the application, this impact would not be significant enough to warrant the refusal of the application.

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

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

2.29 Consideration needs to be given to policies NE3 and policy E4 in the emerging plan. With regards to policy E4 point X sets out 'that development which are located within the 9km zone of influence of the Thanet Coast and Sandwich Bay SPA will be accessed on a case-by-case basis under the Habitats Regulations and maybe required to make a full or partial contributions towards the SAMM of application and in line with the requirements of NE3. 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 of the S106 is completed. Subject to the provision of this mitigation, the development would not have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

3. Conclusion

- 3.1 Significant weight is applied to the requirements of the Development Plan and NPPF policies. It is also acknowledged that the 'tilted balance' approach under paragraph 11 of the NPPF should be applied.
- 3.2 There is support in the NPPF for sustainable rural tourism but an acknowledgement that such uses might need to be found beyond existing settlements. In turn, whilst the development is contrary to policy DM1 of the Core Strategy, this policy is out of date and therefore the 'tilted balance' is thus engaged. In turn, the development would comply with the criteria within policy E4 of the emerging Local Plan but at this time this policy can only be given moderate weight. It has been stated that the changes are considered to be limited and are sympathetic to the local character of the surrounding area, and there would be limited harm to the intrinsic character and beauty of the countryside or the significance of the heritage asset. There would be no harm to highway safety, nature conservation or residential amenity.
- 3.3 Set against the requirements of the 'tilted balance', it is not considered that the proposal would undermine any key aspects of policy in the NPPF, and any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework and taken as a whole. In the circumstances of this case, it is considered that planning permission should be granted subject to the conditions specified below.

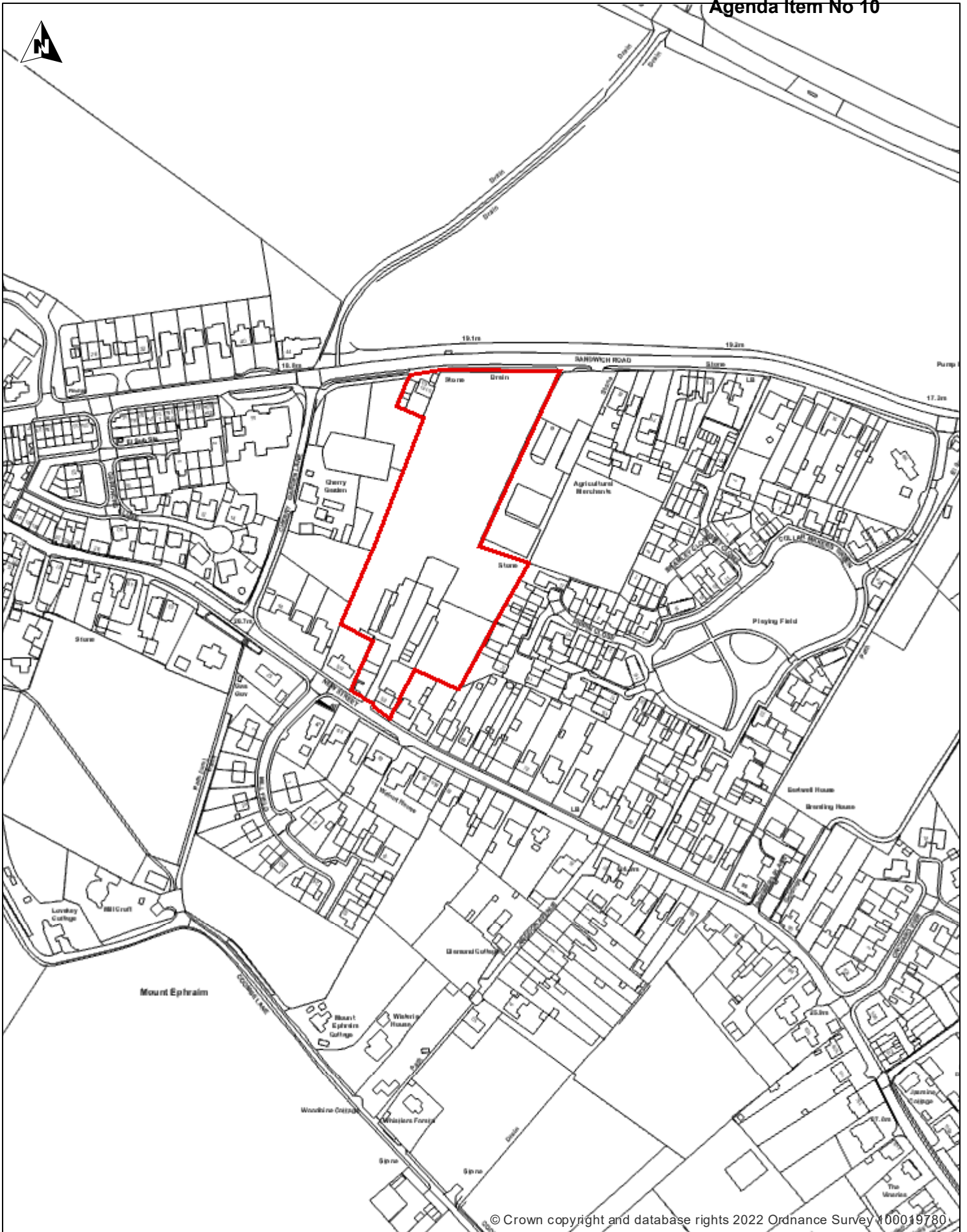
g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to a S106 Agreement to secure a habitat mitigation payment and conditions to include:
1. Time Limit
 2. Approved plans
 3. Use as holiday accommodation.
 4. Visibility splays
- 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

Karen Evans

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



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22/01497
Land at 52 New Street
Ash
CT3 2BN

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/22/01497 - Outline application for the erection of up to 53 dwellings with associated parking, open space, landscaping, drainage and associated infrastructure (with all matters reserved except access) (existing buildings to be demolished) - Land at 52 New Street, Ash**

Reason for report – Number of contrary views (19)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Ash Neighbourhood Plan: ANP3, ANP4, ANP5, ANP6, ANP7A, ANP9, ANP13, ANP14, ANP15 and ANP16

Core Strategy Policies (2010): CP1, CP4, CP5, CP6, CP7, DM1, DM2, DM5, DM11, DM13, DM15, DM16

Land Allocations Local Plan (2015): LA 21 – Land to the South of Sandwich Road, Ash, DM27

Local Plan (2002) Saved policies: Policy 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, SP2, SP3, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, E2, TI1, TI2, TI3, NE1, NE2, NE3, HE1 and HE3 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 12, 47, 48, 60, 78, 92, 93, 104, 110, 111, 112, 113, 119, 120, 124, 130, 131, 132, 133, 134, 152, 154, 157, 174, 180, 183, 184, 194, 195, 199

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

Neighbouring sites, part of the site allocation LA21/ ANP7a

DOV/22/01120 - Erection of 3 detached dwellings, 6 semi-detached dwellings, realignment of part of highway, new access and roadway, associated parking and landscaping – Refused

DOV/21/01545 | Erection of 3 no. detached dwellings, 6 no. attached dwellings, realignment of part of highway, new access and roadway, associated parking and landscaping – Refused

20/00284 – 63 Sandwich Road - Hybrid application: (Phase 1) Full application for erection of 20no. dwellings and 4no. flats, access, parking, associated infrastructure and landscaping; (Phase 2) Outline application for a building comprising 10no. flats and 5no. dwellings (with all matters reserved except access and layout) – Resolution

to grant, subject to completion of S106 Agreement in relation to Development Contributions as set out in the report above, subject to the submission and approval of a bat survey and mitigation as necessary, and subject to conditions

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 –

Comments were raised relating to:

- Lack of Buffer Zone would impact biodiversity.
- New entrance to Sandwich Road would impact road safety.
- Proposals will create a rat run with concerns over pedestrian safety due to proposed shared surface.
- Speed limit on Sandwich Road should be reduced
- Development of a traffic management plan
- New street access visibility splay is not considered adequate
- Impact on Bus Stops on Sandwich Road

KCC Economic development - Have made comments requesting the following contributions:

- Primary Education £4,642.00 per dwelling, Total £241,384.00 Towards the expansion of local primary schools in the Ash and Wingham planning group
- Secondary Education £4,540.00 per dwelling, total £236,080.00 Towards the expansion of secondary schools in the Deal and Sandwich non-selective and Dover District selective planning groups
- Community Learning £16.42 per dwelling, total £853.84 Towards additional equipment, resources, and classes to be delivered locally and at Deal Adult Education Centre
- Youth Service £65.50 per dwelling, total £3,406.00 Towards additional equipment, resources, and services for the Dover Youth Service
- Library Service £55.45 per dwelling, total £2,883.40 Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at Ash Library
- Social Care £146.88 per dwelling, total £7,637.76 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District
- All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)
- Waste £54.47 per dwelling, total £2,832.44 Towards works at Dover HWRC to increase capacity
- Broadband Condition

KCC Highways–

Initial comments were made that the two site accesses are within close proximity on Sandwich Road serving the wider site would seem a piecemeal approach and that 3 points of access (including New Street) requires justification. Also made comments that the current approach of providing a second point of access onto Sandwich Road would undermine the existing access to the west, and that consideration should be

given to providing a more holistic approach. However appreciates that the wider site is under separate ownerships.

Made initial comments relating to the two options that were initially proposed, visibility splays, pedestrian crossing, bus stop relocation, refuse freighter tracking, access width and relocation of the existing 30/60mph speed limit on Sandwich Road. Made comments in relation to downgrading New Street access to emergency access only. Made comments in relation to the Road safety audit, Parking provision, Construction Traffic and Trip Generation.

KCC Highways requested additional Information be provided.

Following the submission of further information, a subsequent consultation response was received.

Raises concerns that the application may preclude the neighbouring site, and discussions with the neighbouring landowners to create a site utilising a single access would have been beneficial. Made comments about Saunders Lane which is located approximately 400 metres east of the proposed site and provides a link between A257/ Ash to Woodnesbrough/ Eastrypa. An increase in vehicles on Sandwich Road is likely to have an impact on this route. Made suggestion that the applicant assesses whether there is any scope for mitigation in this location. While this application in isolation is unlikely to have a detrimental impact on the local highway network, the site is clearly part of a wider phased development of 100 dwellings where the trip assessment has not been assessed. Across the 3 sites, it may be considered appropriate to request a contribution towards improvements to the A257/A256 and the A258/A256 junctions. I am not minded to accept the current site in isolation without due consideration of the cumulative impact.

It was noted that Access Option 1 is being pursued as the most suitable, immediately west of the existing bus stop. The bus stop is proposed to be moved 30 metres to the west to remove conflicts between vehicles utilising the site access and a waiting bus. An uncontrolled pedestrian crossing with dropped kerbs and tactile paving is proposed. As Stage 1 Safety Audit is required in respect of the crossing and the relocated bus stop. Having consulted with KCC Public Transport Team, It is preferred that the works are progressed by the developer as opposed to via Section 106 contributions. Consultation with all affected properties will required, and this should be secured by way of an appropriate condition. Alternatively, demonstrating effective engagement with affected residents will be required. Dropped kerbs and tactile paving is proposed at the Cherry Garden Lane / Sandwich Road junction, with footway widening of the footway between Cherry Garden Lane and the site access. The proposed relocation of the speed limit to the east of Collar Makers Green will require a separate Traffic Regulation Order (TRO). As this requires a separate consultation exercise, I suggest this is conditioned by way of best endeavours. Red surfacing and dragons teeth road marking would represent a maintenance liability and would be an unnecessary addition for a gateway feature. Tracking has been submitted to illustrate a bus in the new location does not obstruct vehicles entering or exiting the site.

The New Street access has been downgraded to an emergency access, where retractable bollards are proposed to the north of the parking space for Plot 2, while serving as a pedestrian and cycle route. The access is 4.8 metres in width at the initial crossover and narrows to 3.7 metres. The implementation of yellow lines are required at the emergency access, to ensure that visibility and access is maintained at all times. As with the relocation of the speed limit signage, this requires a separate consultation exercise (TRO), I suggest this is conditioned by way of best endeavours. Whilst any

TROs are being progressed, I suggest a Temporary Traffic Regulation Order (TTRO) is applied for while any permanent TRO is being progressed.

Further information was submitted comprising additional details in relation to trip distribution, which had been requested due to the cumulative impact of the wider site. The cumulative impact of the wider site has been established, assessing the impact on the A257/A256 and A256/A258 junctions. KCC Highways are minded to accept the impact on these junctions not having a severe impact on the highway network.

The off-site works can be secured by Condition and will require an updated RSA as part of the S278 submission. The Agreement should be sought prior to works commencing to ensure that the agreement is in place in sufficient time.

A separate Traffic Regulation Order (TRO) is required for the relocation of the speed limit; whereby updated speed surveys will be required. The dragons teeth and red surfacing are currently present, whereby it is acknowledged that replacing the features would be acceptable to provide a relocated speed limit gateway. Again, this will be secured via the TRO process. Double yellow lines at the emergency access at New Street will be secured by a TRO.

Suggested conditions include:

- Construction management plan
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on drawing H01-P4 with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Submission and approval of details of an uncontrolled crossing on Sandwich Road and relocation of the bus stop as outlined on drawing H01-P4, which shall be secured by Section 278 Agreement prior to the site commencing.
- Submission of a Traffic Regulation Order secured by best endeavours for double yellow lines at New Street emergency access and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing) prior to first occupation.

KCC PROW- No comments

KCC Minerals and Waste- No comments

National Highways- No objection

NHS- Have asked for financial contributions of **£44,928** towards refurbishment, reconfiguration and/or extension of Ash Surgery and/or Sandwich Medical Practice

and/or Aylesham Medical Practice and/or Canterbury Medical Practice and/or towards new general practice premises development in the area.

DDC Ecology – Has made comments relation to the submitted Biodiversity Metric and assessment of biodiversity net gain. Made comments in relation to the need for further bat surveys and breeding bird survey. Has requested conditions in relation to biodiversity method statement, lighting design (to reduce impact on bats), ecological design strategy, and habitat management and monitoring plan.

DDC Tree officer- Initial response: The applicant has already submitted a tree survey that identifies 9 category B and 25 category C individual trees, the proposed site plan shows the loss of at least 19 trees including 5 category B. Before providing full comments, a full pre-development tree survey/report BS5837:2012 Trees in relation to design, demolition and construction - Recommendations should be submitted, to provide the following information: A Tree Constraints Plan, An Arboricultural impact assessment, An Arboricultural method statement and A Tree protection plan.

Second response: The Preliminary Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated 30th March 2023 states that a total of 36 individual trees (including nine of B category), four tree groups and one hedge requires removal to facilitate the proposed development, equalling a total of 2,000m² of canopy cover. In addition, sectional removal of one group and one hedge is necessary. As the application is outline, and as such no details of site levels, ground works, drainage etc is not yet available, it is assumed that extensive ground works across the site will require the removal of all internal trees. Only the front boundary 'hedge' H1 and G6 are to remain, and details of how they will be protected have been provided, but sections of these will be removed to allow for access and private amenity space. Although it is stated that mitigation planting (45 trees) will be undertaken, it is not believed that this will compensate for the complete removal of the existing established tree cover.

Trees and sections of hedgerows within the site were removed in the summer of 2022 and it is recognised that the removal of existing vegetation and boundary hedgerows is contrary to the Adopted Ash Neighbourhood Plan and the DDC Local Plan, therefore it is proposed to make a blanket tree preservation order over the site to prevent any further felling until such times as a decision is made.

DDC Planning Policy Team-

Open Space to meet the needs of the development should be provided on-site as per the quantum set out in PM3 of the Reg19 Local Plan. Minimum recommended sizes for new Open Space to be provided on site are also included within PM3. If on-site provision is not achievable and Part d of PM3 is engaged, then contributions to off-site provision will be required. If this off-site provision is progressed, reference to projects identified in the local area/settlement set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule should be referred to.

As made clear in Policy PM4, the Sports Facilities calculations below are taken from the Sports England Calculators and are a starting point for the assessment of Sports Provision to meet the needs of the development, and include Playing pitches, indoor Bowls, Sports Halls and Swimming as recommended by the current evidence base.

Playing Pitches:

- Natural Grass Pitches = Capital Cost **£13,333**, Lifecycle cost (per annum) **£2,777**

- Artificial Grass Pitches = Capital Cost **£5,542**, Lifecycle cost (per annum) **£182**

Sports Facilities:

- Swimming Pools **£28,040**

As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule the projects that are recommended that these contributions go towards would be:

- District wide swimming need - Tides Leisure Centre Project
- Playing pitches (natural) - Pitch quality enhancements at Ash Recreation Ground
- Playing pitches (artificial) - District wide AGP new provision

Kent Police- A series of recommendations have been made for how the developer could achieve Secure by Design.

Southern Water- Southern Water can facilitate foul sewerage disposal to service the proposed development.

Discharging surface water to the public sewer would increase the risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points, unless this is a brownfield redevelopment and surface water flow no greater than existing levels. Should permission be granted, Southern Water request a condition relating to surface water drainage. An informative is also recommended.

Environment Agency- No comments

Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

RSPB- Objects due to lack of mitigation for Turtle Doves.

RSIDB- Have requested a condition is attached to any permission granted to ensure that a detailed drainage strategy is submitted and that any such strategy establishes the off-site implications for the proposed discharge to the 'Sandwich Brook'. It must be ensured that this feature forms part of a contiguous network and is not a 'blind' feature with no onward connectivity.

If it can be demonstrated that water can be effectively conveyed from the point of discharge to our wider receiving network, the applicant will need Land Drainage Consent from Kent County Council for any works that have the potential to affect flow in any ditch or watercourse on the site, and we would look to work with them and your Authority to apply our Byelaw 3, specifically with regard to seeking a Surface Water Development Contribution for any increase in rates/volumes of discharge that may be directed into our District. Any such contribution will be a one-off payment, and will serve

to facilitate the management of the increased flows resulting from the development into our District.

KCC Lead Local Flood Authority- No objection, subject to conditions being imposed.

Third party Representations:

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

- 51-53 Sandwich Road is outside village confines
- Loss of bungalow and large building at 51- 53 Sandwich Road
- Proposal would harm the rural character and appearance of the area and is badly designed
- Removal of hedgerow
- Provision of two accesses is contrary to the Approved Land Allocation Plan and would cause disruption
- Highways safety issues, potential rat-running and congestion with increased traffic
- Poor visibility at Sandwich Road/A257 (bypass) junction and New Street/Sandwich Road junction
- Vehicle parking on Sandwich Road would obstruct vision with a new junction
- On Sandwich Road any speed limit would be ignored without enforcement.
- Ash has a disproportionate amount of the district's housing target
- Additional infrastructure is needed
- Water usage should be reduced in new developments
- Need for open space, including allotments, and concern regarding maintenance of open space
- Impact on listed building (50 New Street).
- Construction works would impact neighbouring properties
- Impacts on neighbours (overlooking, bouse and disturbance etc.)
- Asbestos roofing on existing buildings
- No biodiversity net gain, harm to habitats, inadequate ecological surveys and inadequate mitigation
- Development should be on "Brownfield" part of site only
- Increase in air pollution
- There are level differences

1 representation in support have been received and are summarised below:

- Provision of housing

Other comments raised neither in support or objection, were in relation to:

- Asbestos roofs on the existing buildings on site, safety precautions for removal and disposal and liaison with neighbours.

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

1.1 The site is located on the eastern side of Ash. Sandwich Road is to the North and New Street to the South of the site, as shown in figure 1 below. The majority of the site is located within the Ash village confines as shown in the Ash Neighbourhood Plan. A small portion of the site is not allocated and consists of the bungalow at 51-53 Sandwich Road.

- 1.2 The site (apart from 51-53 Sandwich Road) forms part of a wider housing allocation for an estimated 95 homes, in the Ash Neighbourhood Plan 2021 and Dover District Land Allocations Local Plan 2015, as shown below in figure 2.
- 1.3 The site comprises former orchard land, which was cleared in summer 2022. There is hedgerow and tree planting along the north, west and east boundaries and some of southern boundaries. There are existing buildings on the site including 2 no. two storey buildings adjacent to New Street, single storey former commercial buildings within the site at the southern end and a single storey residential property at 51-53 Sandwich Road.
- 1.4 The north boundary of the site adjoins Sandwich Road, the southern boundary adjoins New Street and the west boundary adjoins a residential property and paddock land at Cherry Gardens. The site also abuts residential development at 48-56 New Street.
- 1.5 The east boundary of the site abuts land at 63 Sandwich Road (Agri site) which is used for storage and distribution. There is a music school within one of the buildings on this site. The application site also abuts residential development at Pippin Close (Collar Makers Green) the south-east.
- 1.6 At the southern end of the site are a collection of buildings associated with the former use of the site, and two buildings fronting onto New Street, an early twentieth century doubled fronted villa and a later twentieth century house. Both are two storeys in brickwork.
- 1.7 The southern end of the site is higher, with the ground levels falling towards the northern end.

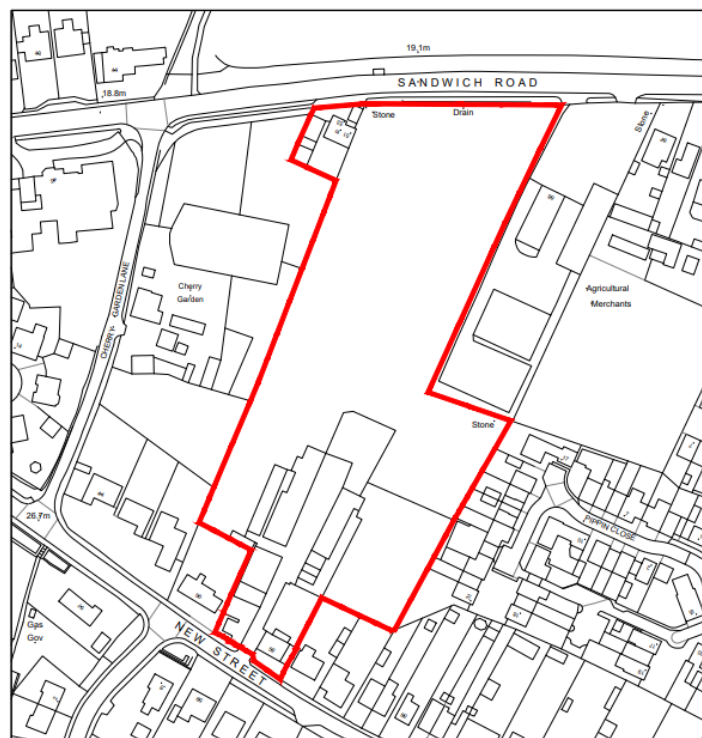


Figure 1: Site location plan (not to scale)

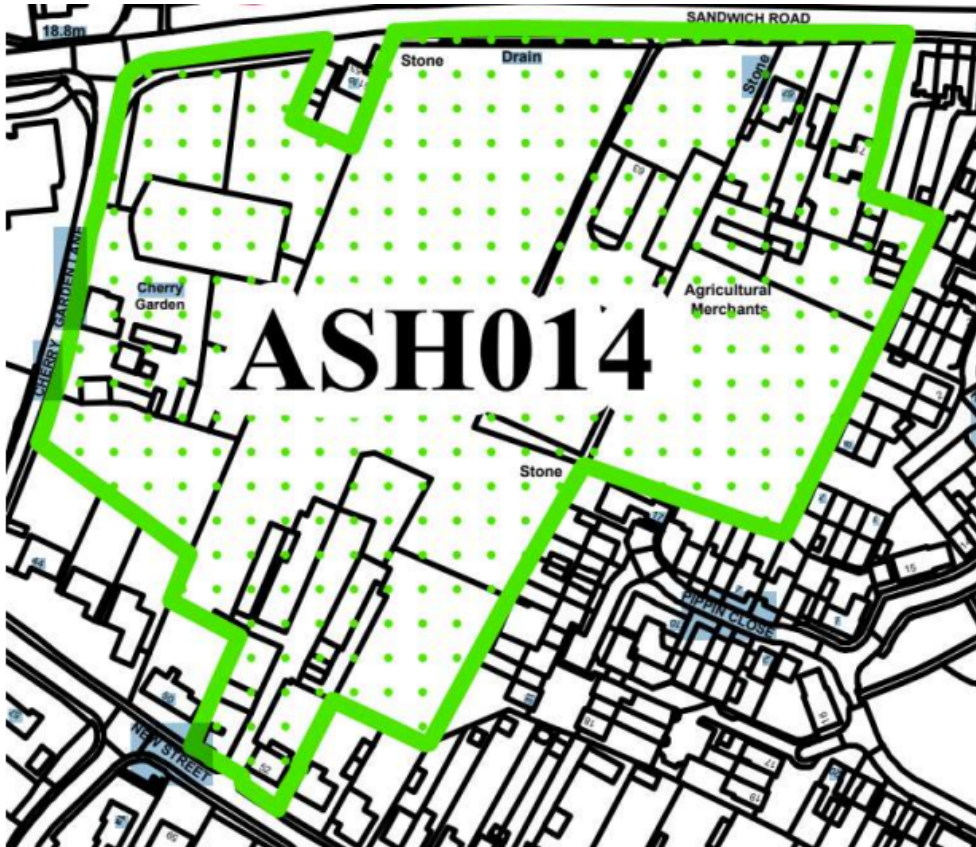


Figure 2: Wider site allocation ANP7a/ LA21 (not to scale)



Figure 3: Aerial Photograph of site

1. 8 The proposal is for outline permission for the erection of up to 53 no. dwellings with associated parking, open space, landscaping, drainage and associated infrastructure, with all matters reserved except access, and existing buildings to be demolished.

1. 9 The application proposes a new vehicle access onto Sandwich Road on the northern boundary of the site. A second emergency/ cycle/ pedestrian access is proposed onto New Street on the southern boundary of the site.
1. 10 A sitewide masterplan (figure 8) has been submitted which illustrates how development of this portion of the wider site allocation could allow for a comprehensive approach to development of the wider site and would not prejudice the implantation of the wider site.



Figure 4: View showing the Sandwich Road side of the site, looking east along Sandwich Road



Figure 5: View showing the New Street Entrance to the site



Figure 6: View from within the site looking south



Figure 7: View from within the site looking south



Figure 8: Illustrative masterplan for wider site allocation with application site outlined in red (not to scale)

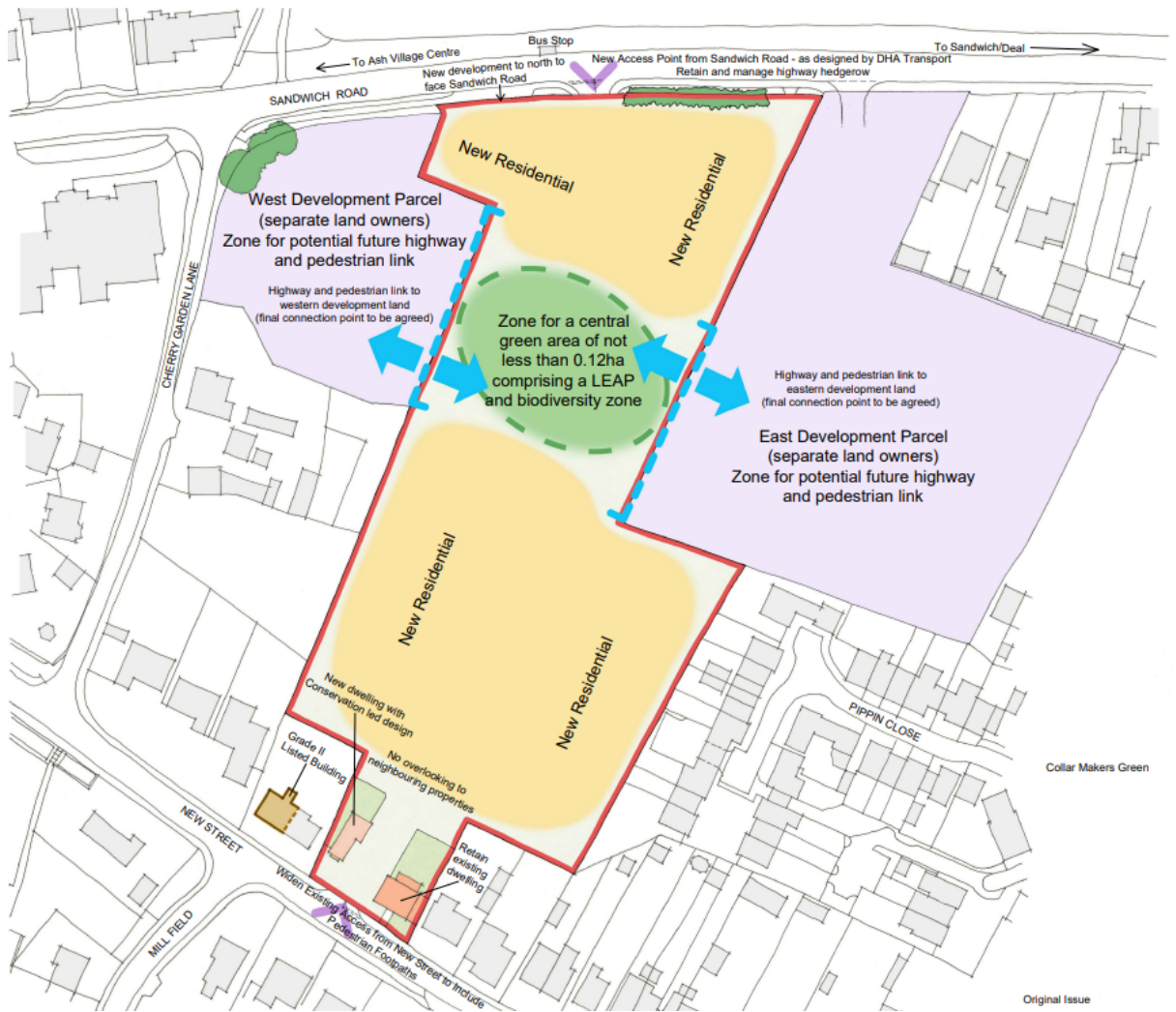


Figure 9: Land use parameter plan (not to scale)

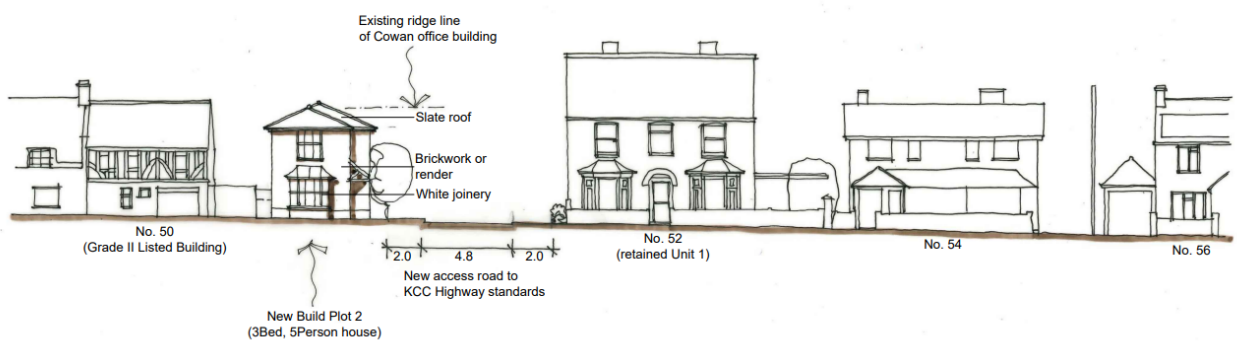


Figure 10: Illustrative proposed street elevation on New Street (not to scale)

2. Main Issues

2. 1 The main issues for consideration are:

- The principle of development
- Design
- Heritage Impact
- Landscape Impact
- Impact on living conditions
- Housing mix and affordable housing
- Highway issues
- Ecology and trees
- Flood risk and drainage
- Archaeology
- Contamination
- Infrastructure and Developer contributions

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 forms part of a wider site allocated for housing development in the adopted Ash Parish Council Neighbourhood Development Plan (2021) and the Land Allocations Local Plan (2015). Therefore, policies ANP7a and LA21, which relate to the allocation in the respective plans, are considered the most relevant in determination of this application.
2. 4 Policies CP1, DM1, DM2 and DM11 of the adopted core strategy (2010), 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, DM2 seeks to protect land or buildings last in use for employment purposes, and DM11 seeks to manage travel demand.
2. 5 Draft policies SP1, SP2 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 SP2 seeks to ensure new development creates opportunities for active travel, including provision of safe walking and cycling routes. It also seeks to ensure new developments are designed to be safe and accessible and seeks to ensure access to greenspaces and spaces for play and recreation, as well as local services and facilities. Draft policy TI1 requires that development be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout.
2. 6 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. 7 At the present time the council has a demonstrable 5-year housing land supply 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 LA21 and ANP7a are up-to-date given that they relate to site allocations and as such the 'tilted balance' (paragraph 11, NPPF) would not be engaged. As such the principle of development is assessed against policies ANP7a and LA21.
2. 8 Policy ANP7a) of the Ash Neighbourhood Plan and Policy LA 21 of the Land Allocations Plan both allocate the site for an estimated capacity of 95 homes. Both policies require that any planning application is preceded by and is consistent with a development brief that has been agreed by Dover District Council, and that there is a comprehensive approach to development of the whole site but if the site is developed incrementally, each phase must demonstrate that it will not prejudice the implementation of the whole development. The policies also require that the impact of development on the setting of the village and wider landscape is minimised and that the existing boundary hedgerows are retained and enhanced as part of the development. The policies require vehicle access is taken from Sandwich Road with an emergency access from New Street, and that there is no vehicular access to the site from Cherry Garden Lane. Policy ANP7a) states that "*Proposals which meet the following criteria will be supported: 7a.1 Any application for development is preceded by and is consistent with a development brief that has been agreed by Dover District Council*". A development brief has not been produced and agreed to by DDC prior to submission of any applications for the wider site. Planning applications for the neighbouring sites at 63 Sandwich Road and Cherry Garden Lane were not supported by a Development Brief as part of the applications. This application is also not supported by a development brief, contrary to the Ash NDP.
2. 9 The application is however supported by an illustrative masterplan drawing for the wider site allocation (figure 8). The masterplan indicates two accesses to the wider application site from Sandwich Road and one emergency access from New Street. Vehicle, cycle and pedestrian access is provided between the three separate parcels. The layout is considered to indicate connectivity between the three sites and a cohesive layout and arrangement of built form and open space.
2. 10 It is considered that the masterplan represents a coordinated and comprehensive proposal. Therefore, the applicant has demonstrated that the current application accords with an agreed comprehensive approach to development of the wider site and that the development of this site will not prejudice the implementation of the whole site allocation for ANP7a / LA21.
2. 11 In addition to this, there are specific requirements of the site allocation policies. The application proposes a new vehicle access from Sandwich Road with emergency access from New Street. The planning application relating to the adjacent site to the east at the former Agri site, shows the retention of the existing

access into this site. Therefore, there would be two accesses onto Sandwich road. Neither policy ANP7a nor LA21 specify the number of vehicle accesses for the wider site. The provision of two vehicle accesses is therefore considered acceptable in principle, subject to satisfactory highway safety, as well as landscape, visual, arboricultural and ecological impact.

2. 12 Part of the existing boundary hedgerow along Sandwich Road would be removed to facilitate the vehicle access and visibility splays. The relevant policies require that the boundary hedgerows are retained and enhanced as part of the development. Technically the removal would not be in accordance with this part of the policy. However, provision for replacement and enhancement of the hedgerow would be made.
2. 13 It is considered that the impact of the development on the setting of the village and wider landscape has been minimised in accordance with both policies, through the proposed initiative layout, scale and landscaping. This would be further assessed at reserved matters stage.
2. 14 Financial contributions are sought via s106 to mitigate impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site, in accordance with LA21. In addition, some open space is being provided within the site.
2. 15 There is a live planning application to the east of this site which relates to the remainder of the wider site allocation for policy LA 21. Application DOV/20/00284 is a hybrid application for (Phase 1) a full application for erection of 18 dwellings and 4 flats, access, parking, associated infrastructure and landscaping; and (Phase 2) an outline application for a building comprising 10 flats and 5 dwellings (with all matters reserved except access and layout). Planning committee resolved to grant this application on 13th July 2023.
2. 16 Two applications have been submitted for the site to the west at Cherry Garden, DOV/21/01545 and DOV/22/01120, both have been refused as they were considered to be contrary to the requirements of policy LA21 of the Land Allocations Plan and policy ANP7a of the Ash Neighbourhood Plan.

Design

2. 17 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. ANP6 also states that 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. 18 Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. Applications for qualifying new built development must be supported by a climate change statement. This is echoed in draft policy CC2 which provides details of Sustainable Design and Construction including life cycle and adaption of buildings and minimisation of waste. All applications for new buildings should be accompanied by a

Sustainable Design and Construction Statement demonstrating how the requirements of this Policy have been met.

2. 19 Mitigation is sought through the use of low carbon design approaches to reduce energy consumption in buildings, the use of sustainable construction techniques and optimisation of resource efficiency, incorporation of renewable and low carbon technologies, provision of opportunities for decentralised energy and heating, maximisation of green infrastructure and reduction of the need to travel and maximisation of opportunities for 'smarter' sustainable transport options. Adaptation is sought by designing to provide resilience to the impacts arising from a changing climate, incorporating multi-functional green infrastructure to enhance biodiversity, manage flood risk, address overheating and promote local food production, improving water efficiency, and ensuring that development does not increase flood risk.
2. 20 Draft policy SP2 seeks to ensure the creation of healthy, inclusive and safe communities by ensuring that new development is well served by services and facilities, creating opportunities for active travel, including provision for safe cycle and pedestrian routes, ensuring that new developments are designed to be safe and accessible, to minimise the threat of crime, promoting social interaction and inclusion, and the provision of new green infrastructure, and spaces for play, recreation and sports.
2. 21 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. Further to this, PM1 requires new development to be designed to give priority to people over cars and prioritise sustainable transport choices.
2. 22 The provisions sought in the above policies are intertwined and contribute to the overall sustainability of proposals.
2. 23 The application site is approximately 800m (Approx. 10 minute walk) from the centre of Ash, and a range of services and facilities to meet day to day needs are accessible by foot or bicycle. The development proposes cycling and pedestrian access to Sandwich Road and New Street, close by to bus stop locations and access onto the PROW network. The application is for outline permission; however an illustrative layout has been submitted which indicates a permeable and well connected layout that has designed with footways through and shared surfaced areas. The layout utilises the principles of designing out crime and would include good levels of natural surveillance of open space, parking and footpaths. A centrally located area of open space would provide an equipped play area and a biodiversity area. Trees and planting are provided throughout, the details of which will be secured at reserved matters stage and should comprise native and biodiverse planting, with trees located to provide shading. The proposed gross density is approximately 36 dph which is considered to represent efficient use of land and appropriate for the surrounding context. The density accords with draft policy PM1 which requires a density of between 30-50 dph.
2. 24 An energy statement and a sustainability statement have been submitted with the application. The sustainability statement sets out how choice of materials,

water and energy efficiency and on-site energy generation would contribute towards reducing carbon emissions. The illustrative layout indicates that there are opportunities to use landscaping and orientation to provide shading from trees and the design of the buildings including external features such as shading to windows, which would be secured at reserved matters stage. An indicative energy strategy has been prepared, using the energy hierarchy and a fabric first approach. The strategy sets out that the development will aim to achieve the Future Homes standard, as required by draft policy CC1. The strategy recommends air source heat pumps and roof mounted photovoltaic panels to provide onsite energy generation.

2. 25 A proposed access plan and an illustrative site plan has been submitted with the application. The proposal includes the formation of a new access onto Sandwich Road, with removal of a significant portion of the hedgerow. Emergency, cycle and pedestrian access is proposed from New Street.
2. 26 The loss of a portion of the hedgerow on Sandwich Road would involve some change to existing character of the immediate area, however there would be replacement planting which would be secured at reserved matters stage and through condition. The removal of the hedge is discussed in more detail in further sections of the report.
2. 27 An illustrative site plan has been submitted which shows how 53 dwellings, including 15 apartments, could be accommodated within the development. A land use parameter plan has also been submitted which indicates 0.12ha of centrally located open space to be provided on the site, including a biodiversity area and a locally equipped play area.
2. 28 The illustrative site plan shows a central spine road running through the development, with a turning head towards the southern end of the site. A private drive would provide access from new street for plots 1 and 2 only, and would provide the emergency and cycle/ pedestrian access from New Street.
2. 29 The illustrative plan shows that some plots would be directly accessed off the spine road by driveways, there would also be shared drives and provision of mews streets off the spine road. The illustrative plans shows how pedestrian, cycle and vehicle access could be provided to the remainder of the wider site allocation.
2. 30 Historically the prevailing historic character of this area of Ash was linear development fronting on to Sandwich Road and New Street. Over the last two decades, residential development at Gardeners Close on the former Brewery site to the west of Cherry Garden Lane, and residential development at Collar Maker's Green to the east of the site, has been built. This has led to the infilling of land between Sandwich Road and New Street.
2. 31 The illustrative site plan shows frontage onto Sandwich Road and New Street, which would be in keeping with the existing pattern of development. The layout also shows development set back behind the street frontage, this is also considered in keeping with the character of the area.
2. 32 The buildings are shown as two storey/ two and a half storey which is considered acceptable in this location. The submitted Design and Access Statement (DAS) indicates that the dwellings will be designed in a traditional architectural style using materials including brickwork, tile hanging and timber weatherboarding.

However, both scale and appearance would be considered at reserved matters stage. Details of landscaping including native plant species would be secured at reserved matters stage.

2. 33 The illustrative site plan indicates that the principles of crime prevention, such as active frontages and natural surveillance opportunities could be provided. Kent Police have requested a condition for the development to be designed in accordance with the principles of designing out crime. Opportunities for designing out crime would be secured at reserved matters stage.
2. 34 Draft policy PM2 states that on schemes of 20 or more dwellings, the Council will require 5% of the development to be built in compliance with building regulation M4(3) (wheelchair accessible homes), with the remaining development to be built in compliance with building regulation part M4(2). Kent county council have asked for all dwellings to meet M2(4) standards. It is considered a condition should be added requiring accordance with M2(4) standards.
2. 35 To conclude, it is considered that the development proposed would form a compatible and suitable expansion of the village, provided the detailed design and landscaping is sensitively considered. Officers are of the view that the design overall is acceptable and complies with adopted and draft local policy and the aims of the NPPF.

Impact on Heritage Assets

2. 36 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. 37 The NPPF outlines at paragraphs 199 and 200, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also requires the local planning authority, when assessing an application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2. 38 Adjacent to the southern end of the site is the Grade II 50 New Street. The illustrative site layout indicates that the existing dwelling at 52 New Street would be retained as residential accommodation. The former Cowan office building between 50 and 52 New Street would be demolished and a new dwelling proposed in its place. Illustrative drawings have been submitted which indicate how a new dwelling could be accommodated in this location, with a height, form and appearance which would conserve or enhance the setting of the grade II listed 50 New Street.

2. 39 The site lies approximately 150m from Street End Conservation area. The Grade I listed Church of St Nicholas is located approximately 600m to the west of the site. Given the separation distance to the conservation area and Grade I church and the position of the development adjacent to existing development in this area of Ash, as well as the proposed height and massing, it is not considered that there would be any unacceptable impact on the setting of these assets.

Landscape and Visual Impact

2. 40 Paragraph 174 of the NPPF states that development should contribute to and enhance natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside.
2. 41 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. 42 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. 43 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020.
2. 44 A tree protection order was made on 23rd March 2023 on the hedgerow on the northern boundary of the site along Sandwich Road, TPO/22/00016, which covers a group of trees comprising of Hawthorn, Sycamore, Blackthorn and Malus. The reasons for making the order are stated as *“the row of trees is highly prominent in the street scene and is considered to contribute to the local landscape. Felling of trees within the adjoining orchard has recently been undertaken and as such a TPO has been served on the trees to secure their conservation and ecological value, and the rural character of the area”*.
2. 45 A further provisional TPO, TPO/23/00014, was made which covers the entire application site, except for the area covered by 51-53 Sandwich Road. The description is given as relating to *“trees of whatever species including Silver Birch, Oak, Hawthorn, Walnut, Spruce, Ash and Sycamore”*.
2. 46 Reasons for the Tree Preservation Order were given as: *“An outline planning application is currently under consideration for development at the site (22101497). Trees have already been removed prior to any consent being in place. As such a Tree preservation Order has been served to secure the retention of the remaining trees until such times as any planning permission is in*

place and to protect any trees identified for retention in such development scheme both during and post development”.

2. 47 The levels across the Site falls from south to north. The submitted LVA states that the southern part of the Site is situated around 25 metres Above Ordnance Datum (AOD) and the northern part of the Site at around 20m AOD.
2. 48 Beyond Sandwich Road to the north of the site are agricultural fields and running through the fields is a public bridleway EE466, which extends between Sandwich Road and the A257. Public footpaths EE106 and EE53A also run though the agricultural fields to the northwest of the site. The site is visible from PROWs EE466, EE106 and EE53A as well as from the A257 itself and Hills Court Road to the north of the A257.



Figure 11- View towards the site, looking south from Bridleway EE466.

- 2.49 The development would increase the built form on the site and within this area of Ash, and remove a section of existing hedgerow along Sandwich Road, as such it would have potential to increase the visual prominence of development contained within the site.
- 2.50 The site is within the local character area D2: Ash Settled Horticultural Belt, as identified in the Dover Landscape Character Assessment 2020. Key characteristics are identified as landform gradually sloping from the Ash Ridge, St. Nicholas church on the Ash ridgetop as a landmark feature, linear development along roads, a dense network of PROWs that connect settlements and roads and provide public access to the agricultural land, and a built-up edge of settlements and/or scattered farmsteads generally evident in views.

- 2.51 Landscape and development management guidance includes improving boundary treatments with the use of native hedgerows to help filter views of urban fringe uses, protecting the valued recreation use of the landscape, seeking opportunities to further enhance opportunities for access and seeking to create a well-structured landscape framework to define edges and integrate settlement within the wider landscape.
- 2.52 The ANP identifies key views towards and away from the village. The site is within the field of view of some of these including KV1, KV4 and KV6. From all three of these viewpoints, it is considered that the proposed development would be read the context of existing development within the village envelope, due to the siting of the development, the proposed height of the development and the retention of some and enhancement of the existing hedgerow to Sandwich Road.
- 2.53 A Landscape and Visual Appraisal (LVA) has been undertaken and submitted. The LVA considered that the vacant buildings adjacent to New Street and the ruderal vegetation across the Site result in a low condition and scenic quality. The LVA acknowledges that there is a scenic and functional value to the vegetation along the Site's northern edge, adjacent to Sandwich Road, which forms part of the wider vegetation structure along Sandwich Road. However, the LVA makes an assessment that the vegetation along the Site's northern boundary is not prominent in views due to its height and form.
- 2.54 The LVIA assesses that the site is perceived as part of the settlement pattern, bound by residential and transport land uses and the rural character is due to the fields to the north of the Site. It assesses the landscape value of the site as low.
- 2.55 The LVA seeks to assess the landscape and visual impacts of the development at one year and 15 years after completion of the development. Fifteen landscape receptors were identified, including some of the local character areas listed in the Ash Neighbourhood Development Plan Character Assessment October 2018. The LVIA states that at year 15 there would be a minor beneficial effect on the New Street Character area, negligible adverse on Sandwich Road and the "North Rural Strip" character areas, and a minor adverse on the site itself. For all other landscape receptors there would be a neutral impact identified.
- 2.56 Thirteen visual receptors were identified. The LVIA states that at year 15 there would be a moderate adverse impact to pedestrians/ cyclists/ motorists on Sandwich Road and users of public bridleway EE466 to the north of the site. There would be minor adverse impact to residents of Collar Maker's Green and Cherry Garden Lane, negligible adverse impact to residents of Sandwich Road to the east of the site, residents of New Street, users of New Street and users of the A257. Neutral impact is identified to all other receptors.
- 2.57 To conclude, it is considered that the proposed development would have some visual impact on views from the surrounding area, and some landscape impacts on the landscape receptors identified in the LVA, however it is considered that this would not be an unacceptable amount and could be adequately mitigated.
- 2.58 The provision of enhancement hedgerow planting to the northern boundary can be secured through details of landscaping required at reserved matters stage.
- 2.59 Further to this it is considered the outline illustrative site plan and parameter plan indicate that layout, landscape and design would be able to minimise impacts on

the setting of the village and surrounding area, and that appropriate scale, form and materials could be secured which would conserve the character of the surrounding landscape.

Impact on Residential Amenity and Future Living Conditions

- 2.60 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. 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. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.
- 2.61 Although at outline stage, given the separation distances retained to existing surrounding properties as shown on the indicative site plan, it is considered that at reserved matters stage a layout and design could be secured which would result in no significant adverse loss of neighbour amenity.
- 2.62 A Residential Noise Assessment has been submitted. The report is directed mainly at road (Traffic) noise sources and recommends a sound reduction for glazing to habitable rooms and that they are fitted with acoustic trickle vents. DDC EP therefore request condition which requires all window glazing used for habitable rooms shall achieve a sound reduction value of 30 dB Rw + Ctr, and that all such windows shall be fitted with acoustically treated trickle vents.

Housing Mix and Affordable Housing

- 2.63 Core Strategy Policy DM5 and draft Local Plan Policy SP5 require 30% affordable housing for schemes of this size. Draft policy SP5 states that affordable housing shall be provided with a tenure split of 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products.
- 2.64 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council's latest evidence of housing need and market demand. This latest evidence is the Council's Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 ("the SHMA").
- 2.65 The outline scheme proposes the following mix for the market homes, 0 no. 1 bedroom (0%), 9 no. 2 bedroom (24%), 15 no. 3 bedroom (41%) and 13 no. (35%) 4+ bedroom homes. It is considered that the this mix generally reflects the need and market demand identified in the SHMA.
- 2.66 Fifteen affordable homes are proposed. These are proposed as 1 no. 1 bedroom apartment, 11 no. two bedroom apartments and 3 no. two bedroom houses. The exact tenure and mix of the affordable homes would be sought through the provision of an affordable housing scheme through the s106 agreement.

Impact on Parking/Highways

- 2.67 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.
- 2.68 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.69 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.
- 2.70 A Transport Statement has been submitted as part of the application, and additional assessments carried out, with two additional technical notes submitted.
- 2.71 The proposals when first submitted included two options for access. Option 1 is now being progressed. The proposal has been amended during the course of the application to take into account consultee and neighbour comments.
- 2.72 The scheme now proposes a new vehicle access onto Sandwich Road. Emergency, cycle and pedestrian access is proposed from New Street to the majority of the site. Vehicle access from new street is provided for units 1 and 2 only.

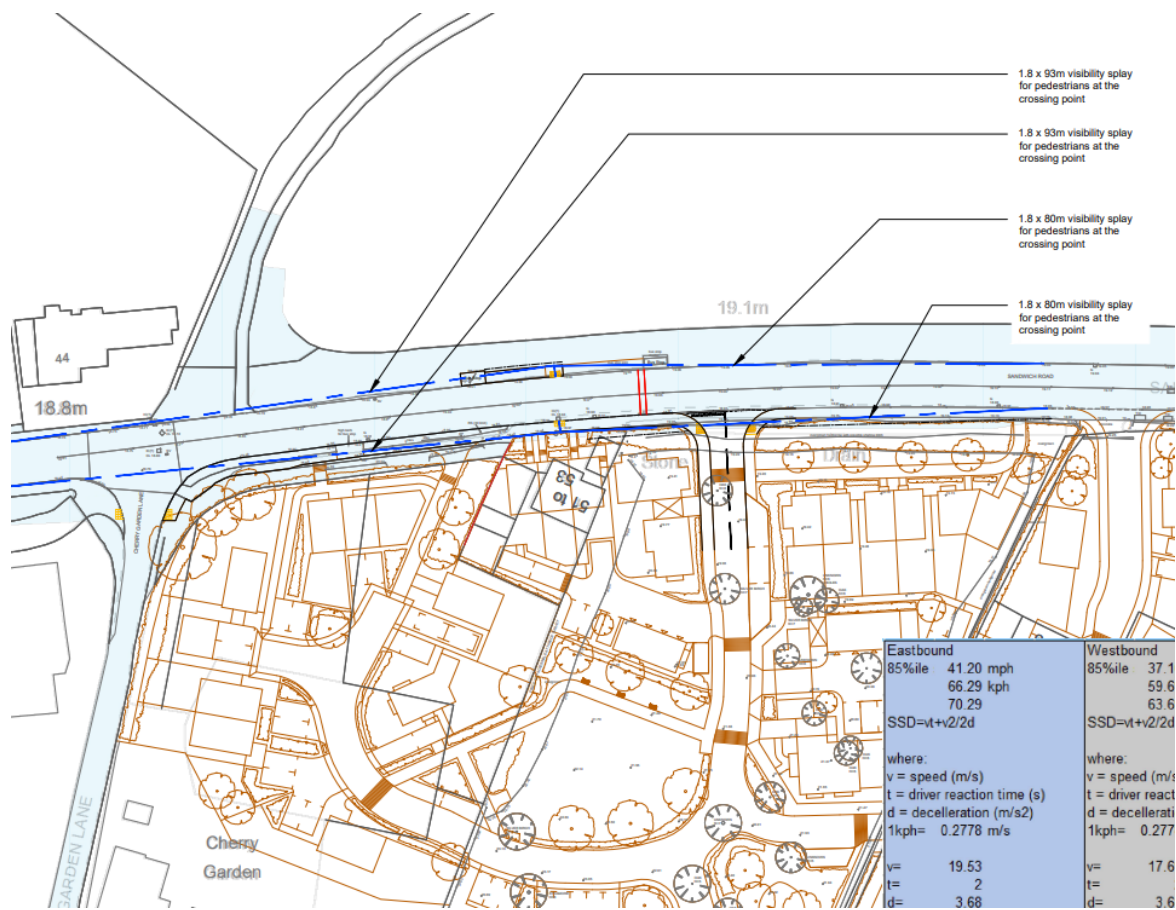


Figure 12: Access from Sandwich Road (not to scale)

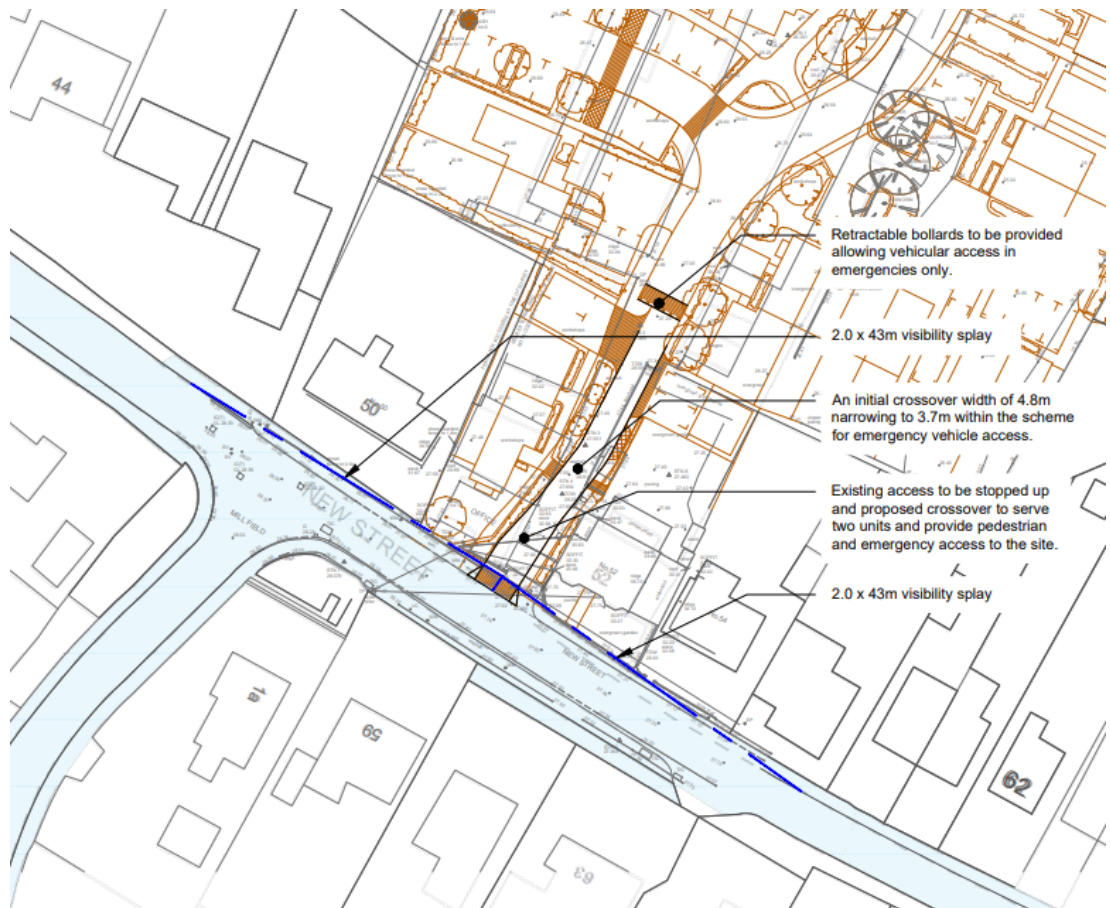


Figure 13: Access from New Street (not to scale)

- 2.73 The new access onto Sandwich Road is proposed, as shown in figure 12. This would be designed as a priority junction. An automated traffic count was carried out. Vehicular visibility splays of 2.4m x 80m eastbound and 2.4 x 93m westbound are proposed. The access would have an initial carriageway width of 5.5m, and then narrow to 4.8m
- 2.74 The New Street access (figure 13) has been downgraded to an emergency access, retractable bollards are proposed to the north of the parking space for Plot 2, while serving as a pedestrian and cycle route. The access is 4.8 metres in width at the initial crossover and narrows to 3.7 metres. KCC Highways have requested the implementation of yellow lines are required at the emergency access, to ensure that visibility and access is maintained at all times.
- 2.75 The level of vehicle parking proposed on the illustrative site plan is considered acceptable for the number and size of properties in this location. Cycle parking has been proposed within garages and garden sheds, and this will be secured by a condition.
- 2.76 Tracking has been submitted to illustrate turning for a 11.4m long refuse freighter and a fire tender.

Off-Site Highway Works

- 2.77 Proposed off-site highways works include the relocation of the existing eastbound bus stop on Sandwich Road. The bus stop is proposed to be moved 30 metres to the west to remove conflicts between vehicles utilising the site access and a waiting bus. An uncontrolled pedestrian crossing with dropped kerbs and tactile paving is also proposed across Sandwich Road. Dropped kerbs and tactile paving is proposed at the Cherry Garden Lane / Sandwich Road junction, with footway widening of the footway between Cherry Garden Lane and the site access. The relocation of the speed limit change from 60 mph to 30 mph on Sandwich Road, is proposed near to the east of the access to Collar Makers Green.
- 2.78 KCC Highways and transportation have stated it is preferred that the offsite works are progressed by the developer (through a S278 application) as opposed to via Section 106 contributions. KCC Highways and transportation have stated that consultation with all affected properties will required, and this should be secured by way of an appropriate condition. Alternatively, demonstrating effective engagement with affected residents will be required.
- 2.79 The proposed relocation of the speed limit to the east of Collar Makers Green will require a separate Traffic Regulation Order (TRO). As this requires a separate consultation exercise, KCC Highways and transportation suggest this is conditioned by way of best endeavours.
- 2.80 The New Street access has been downgraded to an emergency access with retractable bollards. The implementation of yellow lines is required at the emergency access, to ensure that visibility and access is maintained at all times. As with the relocation of the speed limit signage, this requires a separate consultation exercise (TRO), KCC Highways and transportation also suggest this is conditioned by way of best endeavours. Whilst any TROs are being progressed, KCC suggest a Temporary Traffic Regulation Order (TTRO) is applied for while any permanent TRO is being progressed.

Trip Distribution and Junction Assessment

- 2.81 An assessment has been submitted, which assess the impact of the proposed development, in combination with that of the wider site allocation, at the A257/A256 and A258/A256 junctions. An assessment of the potential increase in use of Saunders Lane has also been submitted.
- 2.82 The submitted traffic flow diagrams show that the majority of the vehicles (97%) leaving both the application site and the wider allocation would turn right and head east along Sandwich Road away from the centre of Ash.
- 2.83 The assessment states that no vehicles would turn right into Saunders Lane and that all vehicles would continue east to the Sandwich Road/A257 junction. The assessment finds there is no incentive for any vehicles to use Saunders Lane as a short cut to Woodnesborough, Sandwich or to join the A256 to the south or east of Eastry.
- 2.84 An assessment of impact on junctions has been submitted which shows flows across the weekday AM and PM peak periods for a number of junctions in proximity to the site and specifically the A257/A256 and A258/A256 junctions.

Junction	AM Flows	PM Flows
Application Site	22	22
Sandwich Rd/A257	21	21
A257/A256	10	9
A256/A258	4	4

Table 1: Development flows through local junctions

Figure 14: Table indicating number of vehicle movements from application site (53 dwellings only)

Junction	AM Flows	PM Flows
Application Site	46	44
Sandwich Rd/A257	43	41
A257/A256	19	19
A256/A258	8	8

Table 2: Development flows through local junctions

Figure 15: Table indicating number of vehicle movements from wider site allocation (approximately 100 dwellings)

- 2.85 For the application site only there would be a small number of vehicle movements travelling through the junctions, which is assessed to have a negligible effect on their operation. For the development of the wider site allocation, it is assessed that vehicles would readily disperse across the network, resulting in an immaterial impact in each case. It is noted in this regard that these assessments have been based on pre-Covid assumptions around vehicular trip generation and assignment during the traditional network peak periods.
- 2.86 The assessment notes that the wider site has been included as part of the Dover District Council Regulation 19 Transport Modelling Forecasting Report (October 2022), which has been submitted as part of the evidence base for the Submission Local Plan. The above Modelling Report demonstrates that both the A257/A256 junction and A256/A258 junction currently operate well within their design capacity. Whilst they are forecast to approach theoretical capacity in 2040 with the Local Plan and committed developments in place, no mitigation is identified.
- 2.87 The assessment concludes that the proposed development in combination with the wider site allocation would not have a significant or 'severe' adverse impact on the operation of the A257/A256 or A256/A258 junctions and that this is evidenced by the assessments undertaken in support of the Submission Local Plan. It is also concluded that the trip distribution exercise presented does not identify Saunders Lane as a route that would be materially used by future site residents.
- 2.88 KCC Highways and transportation raise no objection to the proposals, subject to a number of conditions being imposed, including provision of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway, use of a bound surface for the first 5 metres of the access from the edge of the highway, completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing, provision

and maintenance of the visibility splays, details of highway works, submission and approval of details of an uncontrolled crossing on Sandwich Road and relocation of the bus stop, submission of a Traffic Regulation Order secured by best endeavours for double yellow lines at New Street emergency access and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing) prior to first occupation.

- 2.89 Given all of the above, it is considered that the proposals meet the requirements of policy DM13, draft policies TI1 and TI3, and the aims and objectives of the NPPF.

Impact on Ecology and Trees

- 2.90 Policy ANP4 states that developments should provide biodiversity net gain of 10% 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).
- 2.91 The Environment Act which requires developments to provide a mandatory net gain of 10% will apply from November 2023 only to applications submitted after Biodiversity Net Gain takes effect (November 2023).
- 2.92 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.
- 2.93 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.
- 2.94 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.
- 2.95 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 SAMM.
- 2.96 Paragraph 99 of ODPM circular 06/2005 states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the

proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

- 2.97 An approximately 4m high native hedgerow, predominantly hawthorn, runs along the north boundary and part of the east and west boundaries. A number of trees are also present within the site including silver birch, walnut, and oak.
- 2.98 A tree protection order was made on 23rd March 2023 on the hedgerow on the northern boundary of the site along Sandwich Road, TPO/22/00016, which covers a group of trees comprising of Hawthorn, Sycamore, Blackthorn and Malus. The reasons for making the order are stated as “the row of trees is highly prominent in the street scene and is considered to contribute to the local landscape. Felling of trees within the adjoining orchard has recently been undertaken and as such a TPO has been served on the trees to secure their conservation and ecological value, and the rural character of the area”.
- 2.99 A further provisional TPO, TPO/23/00014, was made which covers the entire application site, except for the area covered by 52-53 Sandwich Road. The description is given as relating to “trees of whatever species including Silver Birch, Oak, Hawthorn, Walnut, Spruce, Ash and Sycamore”. Reasons for the Tree Preservation Order were given as: “An outline planning application is currently under consideration for development at the site (22101497). Trees have already been removed prior to any consent being in place. As such a Tree Preservation Order has been served to secure the retention of the remaining trees until such times as any planning permission is in place and to protect any trees identified for retention in such development scheme both during and post development”.
- 2.100A preliminary arboricultural impact assessment has been submitted with the application, including a tree survey, method statement and tree protection plan. The arboricultural impact assessment states that a total of 36 individual trees (including nine of B category), four tree groups and one hedge would require removal to facilitate the proposed development. In addition, sectional removal of one group and one hedge is necessary.
- 2.101It is however considered that there would be opportunities to retain a greater number of trees and boundary hedges than currently proposed at this stage. It is considered that a condition requiring a full arboricultural impact assessment should be imposed so that a greater number of trees can be retained once the final proposed layout is known. This would also be assessed as part of the reserved matters submission covering detailed layout and landscape proposals.
- 2.102Habitats and features are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in assessing the planning application. The application is supported by a preliminary ecological appraisal (PEA) to assess the ecological potential of the site.
- 2.103The PEA identified the need for further surveys for reptiles and bats. The PEA did not identify further need for breeding bird surveys. However, given the history of the site as a known breeding site for turtle doves and some remaining hedgerows/ trees on site with some limited habitat opportunities, a breeding bird survey was also requested.

- 2.104A reptile survey was carried out to confirm the presence / likely absence of reptile species within suitable terrestrial habitat. Seven visits were made to the site in total. No reptiles were found.
- 2.105A presence/absence bat survey was carried out with one nighttime visit. No bats were seen emerging from or returning into any of the buildings. A low number of common pipistrelle, soprano pipistrelle, noctule and Myotis sp. bats were seen and heard commuting and foraging.
- 2.106The buildings are thus not considered likely to be used as a bat roost. However, as the survey were carried out outside the recommended timing of May to August, updated surveys will be necessary to confirm the absence of roosting bats. Lighting can be detrimental to roosting, foraging and commuting bats. Three of the four species detected, the common pipistrelle, soprano pipistrelle and noctule bats, are species which are not negatively impacted by streetlights. But Myotis sp. bats can be adversely affected by lighting.
- 2.107A breeding bird survey was carried out and an interim report submitted. Two visits took place. No turtle Doves were recorded on the site, but one was noted singing approx. 350m WSW of the site by Coombe Lane. It is considered that the full breeding bird survey should be submitted and approved, with details of any mitigation required, before planning permission is granted.
- 2.108Species considered to be of conservation importance are those included in Schedule One of the Wildlife and Countryside Act (WCA), and the Birds of Conservation Concern (BOCC) Red and Amber lists. No Schedule One species has been recorded but the table shows the presence of within the site of three species which are included in the Birds of Conservation Concern Red List (Starling, House Sparrow and Linnet) and five species which are Amber-listed (Woodpigeon, Whitethroat, Wren, Song Thrush and Dunnock).
- 2.109The PEA makes recommendations for ecological enhancements including hedgehog nesting boxes, 13 x 13 cm holes being cut into the base of the fences to allow greater permeability across the site to benefit hedgehogs and other ground-based terrestrial animals), bird boxes, integrated 'swift bricks' in new buildings, integrated bat boxes on new buildings or bat boxes on retained mature trees, tree / shrub/ hedgerow planting (native species to be used only), planting of hedges with dormouse friendly species (using native species), climbing plants on walls and other vertical structures, wildflower plug/bulb planting in amenity grassland and private gardens, consideration of using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf, Fruit Espaliers and Wildflower-rich Grassland Creation.
- 2.110The proposal includes native hedgerow and tree planting, and creation of habitat areas and features. A net biodiversity gain assessment has been submitted with the application. Although the proposal seeks to make biodiversity gains and enhancements across the site, it would not meet policy ANP4 which requires a net biodiversity gain of 10%.
- 2.111It should be noted that a 10% biodiversity gain was not sought as part of planning application 20/00284 for the neighbouring site at 63 Sandwich Road, and therefore the requirement under ANP4 was not met for this site either. As such

the provision of a biodiversity net gain of less than 10% would be consistent with the approach taken on the neighbouring site.

- 2.112 However, the proposal would accord with the aims of the national planning policy framework in this respect, which does not currently set a target percentage for biodiversity net gain.

Flood Risk and Drainage

- 2.113 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. NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 2.114 The site is located within flood zone 1. The site is more than one hectare in size and as such, a Flood Risk Assessment (FRA) is required to support a planning application. A drainage statement has been submitted which outlines the surface water drainage strategy for the site.

- 2.115 The FRA states that the highest level is approximately 27.68 metres Above Ordnance Datum (AOD) in the southern part of the site, falling to approximately 18.80 m AOD in the north-eastern corner of the site.

- 2.116 The FRA identifies a ditch running along the northern boundary, which is not considered to connect to further watercourses. The FRA identifies that the Sandwich Brook is located approximately 50 m to the north-west of the site and flows in a north-easterly direction into the Goshall Stream approximately 450 m to the north-east of the site. It identifies that the Sandwich Brook has a small catchment of less than 0.5 km² at the nearest location to the site.

- 2.117 Goshall Stream is located approximately 290 m to the east of the site and flows in a northerly direction into the River Stour, approximately 2.6 km to the northeast of the site. The Goshall Stream flows into the River Stour Internal Drainage Board (IDB) Administration Area approximately 1.4 km to the north-east of the site.

- 2.118 The River Stour Internal Drainage Board have made a representation and have stated that “Whilst this site lies outside of our IDB Drainage District, the surface water strategy submitted with this application states that the surface water from this development will not be able to be disposed of via infiltration; it further states that it will be discharged ultimately to a watercourse (the ‘Sandwich Brook’) on the north side of Sandwich Road. This watercourse forms part of a drainage network that discharges directly into our Drainage District. We would therefore request that a Condition is attached to any permission granted to ensure that a detailed drainage strategy is submitted and that any such strategy establishes the off-site implications for the proposed discharge to the ‘Sandwich Brook’. It must be ensured that this feature forms part of a contiguous network and is not a ‘blind’ feature with no onward connectivity. If it can be demonstrated that water can be effectively conveyed from the point of discharge to our wider receiving network, the applicant will need Land Drainage Consent from Kent County Council for any works that have the potential to affect flow in any ditch or watercourse on the site, and we would look to work with them and your Authority to apply our Byelaw 3, specifically with regard to seeking a Surface Water Development Contribution for any increase in rates/volumes of discharge that may be directed into our District.”

2.119 Byelaw 3 states:

“Control of Introduction of Water and Increase in Flow or Volume of Water No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board).” Any such contribution will be a one-off payment, and will serve to facilitate the management of the increased flows resulting from the development into our District.”

2.120 The drainage statement states that the proposed access point along the northern boundary may be subject to an ordinary watercourse consent if it affects the ditch along the northern boundary identified on OS mapping.

2.121 The drainage statement sets out that Sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water generated by the development. The drainage statement states that if the results of infiltration testing and site investigation prove favourable, the proposed drainage strategy will utilise infiltration techniques. It states that as infiltration techniques have not been confirmed to be feasible at this stage, an attenuation-based strategy has also been provided, which proposes discharge into Sandwich Brook to the north-west. A discharge to this watercourse could be achieved via a connection into a surface water sewer along Sandwich Road.

2.122 The drainage strategy identifies a number of SUDs measures which may be feasible. This could include an attenuation basin, bio-retention areas, rain gardens and tree pits which will provide source control features, water quality treatment, encourage evaporation and transpiration.

2.123 It identifies that it is necessary to also include below ground storage to achieve the volume of attenuation needed, as a result of space constraints, in addition to above ground storage. The attenuation volume needed could be provided in the form of geo-cellular storage throughout the site, which could be overlain with a granular sub-base or permeable paving to provide water quality treatment. Whilst the precise method of surface water drainage is not known, it is considered that there is confidence that the site could be suitably drained.

2.124 The scheme proposes to connect to the public sewer for foul drainage. Details of both surface and foul drainage will be secured by condition.

Archaeology

2.125 Draft policy HE3 relates to archaeology. Part of the site lies within an area of archaeological potential. The application is accompanied by an Archaeological desk-based assessment.

2.126 The desk-based assessment identifies that the Site is considered to have a high potential for below-ground archaeological remains. It is likely that such remains

would relate to the Roman, Post Medieval and Modern periods, deposits from the Prehistoric period could also be encountered.

- 2.127 The Canterbury to Richborough Roman Road runs east-west along the northern boundary of the Site, and the Dover to Richborough Roman road runs just south of the Site.
- 2.128 The Protected Military Remains of a Supermarine Spitfire I is recorded c.200m south-west of the Site. These points are often inaccurate and therefore there is a potential for remains associated with the crash to survive within the site.
- 2.129 The archaeological potentials and importance have been assessed. The submitted assessment identifies that a phased approach to archaeological mitigation is likely to be required at the site, initially in the form of trial trenching to determine the presence or absence of archaeological remains, their character, date, extent, depth, state of preservation and significance. The results of trenching will determine if any further archaeological work is needed and what the scope of that work would be.
- 2.130 It is possible therefore that the proposed development will impact buried archaeological remains.
- 2.131 KCC Archaeology have not responded to the consultation request. However, based on the likelihood and significance of remains, it is considered by officers that provision be made in any forthcoming planning consent for a programme of archaeological works. It is considered that this can be secured by a pre-commencement condition.

Contamination

- 2.132 The NPPF states (Paragraph 93) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 2.133 A phase 1 desk top assessment has been submitted, which recommends intrusive site investigation is carried out to assess underlying shallow ground conditions, presence of made ground, and potential contamination levels across the site.
- 2.134 DDC Environmental Protection have been consulted and have requested conditions are imposed which relate to further investigation, potential remediation and verification report, and discovery of previously unidentified contamination.

Infrastructure and Developer Contributions

- 2.135 Policy CP6 of the Core Strategy emphasises that development that generates 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 it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district.
- 2.136 KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver primary and secondary

school places, community learning, youth service, library services, social care and waste services. They have demonstrated that there is currently insufficient capacity to meet the needs generated by the development and that the contributions requested would allow for the infrastructure upon which the development would rely to be provided.

2.137 Draft policy PM4 requires that sports facilities are provided. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The contribution would amount to £28,040 in total based on 53 dwellings being delivered. As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule and Indoor Sport Strategy 2023 a district wide strategic swimming need has been identified. These contributions will go towards the Tides Project which will be meeting this need. There are no projects currently identified for bowls or Sports Halls in this area of the district, and therefore these contributions will not be sought at this time.

2.138 As set out in the IDS and supporting Open Space and Sport Topic Paper, there is an identified need to improve pitch quality of natural grass pitches at Ash Recreation Ground. Contributions are not sought towards changing facilities as money is already held for this project. The District has an identified strategic need for AGPs through the Local Football Facility Plan and therefore these contributions will be sought. As set out in the policy, maintenance contributions will also be sought towards these facilities.

2.139 Draft policy PM3 requires that residential development of ten or more dwellings will be required to provide or contribute towards the provision of open space that meets the needs of that development, in addition to appropriate maintenance costs. A play area upgrade has recently been carried out at Ash Recreation ground, and there are no further identified projects relating to play, allotments/community gardens or accessible greenspace in the Ash area. Furthermore, the proposed development includes 0.12 ha of open space on site, including a locally equipped play area and amenity greenspace. Therefore, it is agreed these contributions will not be sought.

2.140 As set out previously in the report, the development would deliver a policy compliant amount of affordable housing.

2.141 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement if planning permission was to be granted.

Matter	Contribution
Primary Education	£4,642.00 per dwelling, total £241,384.00 Towards the expansion of local primary schools in the Ash and Wingham planning group
Secondary Education	£4,540.00 per dwelling, total £236,080.00 Towards the expansion of secondary schools in the Deal and Sandwich non-selective and Dover District selective planning groups

Community learning	£16.42 per dwelling, total £853.84 Towards additional equipment, resources, and classes to be delivered locally and at Deal Adult Education Centre
Youth service	£65.50 per dwelling, total £3,406.00 Towards additional equipment, resources, and services for the Dover Youth Service
Library Service	£55.45 per dwelling, total £2,883.40 Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at Ash Library
Social care	£146.88 per dwelling, total £7,637.76 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District
Waste	£54.47 per dwelling, total £2,832.44 Towards works at Dover HWRC to increase capacity.
NHS Heath Care	£44,928 Towards refurbishment, reconfiguration and or extension to Ash Surgery and/or Sandwich Medical practice and/or Aylesham and or Canterbury and/or towards general practice premises in the area.
Sports facilities/ playing pitches	Natural Grass Pitches = £16,110 Artificial Grass Pitches = £5,724 Swimming Pools = £28,040 Total= £49874
Open space	No financial contributions sought. On-site provision of LEAP and some amenity greenspace.
Affordable housing	30% affordable housing; split 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage.
Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy (SAMMS)	£41,874.56

3. Conclusion

- 3.1 It is considered that the application demonstrates a comprehensive approach to the development of the wider site and that the development of this site will not prejudice the implementation of the whole site allocation for ANP7a and LA21.
- 3.2 Whilst the application is not supported by a development brief, contrary to the Ash NDP, the application is supported by an illustrative masterplan drawing for the wider site allocation, which is considered to indicate connectivity between the three sites and a cohesive layout and arrangement of built form and open space. It is considered that the impact of the development on the setting of the village and wider landscape would be minimised in accordance, through the proposed initiative layout, scale and landscaping.
- 3.3 The proposal would allow for the development of new homes in a sustainable location, including a policy compliant level of affordable homes. There would be economic benefits provided by the development at construction stage and when built, by providing new homes which in turn would provide support for village services and amenities.
- 3.4 The application proposes a new vehicle access from Sandwich Road with emergency access from New Street. Neither policy ANP7a nor LA21 specify the number of vehicle accesses for the wider site. The access arrangement proposed is considered to be acceptable.
- 3.5 A net biodiversity gain assessment has been submitted. The proposals would not meet policy ANP4 which require a net biodiversity gain of 10%, which would weigh against the scheme. However, the proposal would accord with the aims of the national planning policy framework in this respect.
- 3.6 Part of the existing boundary hedgerow along Sandwich Road would be removed to facilitate the vehicle access and visibility splays. The relevant policies require that the boundary hedgerows are retained and enhanced as part of the development. Provision for replacement and enhancement of the hedgerow would be made. There would also be some loss of other sections of hedgerows and trees within the site. This would contribute to some weight against the scheme.
- 3.7 To conclude, in this case it is considered that the benefits identified have greater weight than the adverse effects identified, and as such planning permission should be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to completion of a further bat survey, a S106 Agreement in relation to Development Contributions as set out in the report above and to the submission and approval of a breeding bird survey and mitigation as necessary, and subject to the following conditions:
 - 1) Submission of reserved matters
 - 2) Time limits
 - 3) Approved plans
 - 4) Samples of materials
 - 5) Provision of refuse/recycling storage
 - 6) Provision of bicycle storage

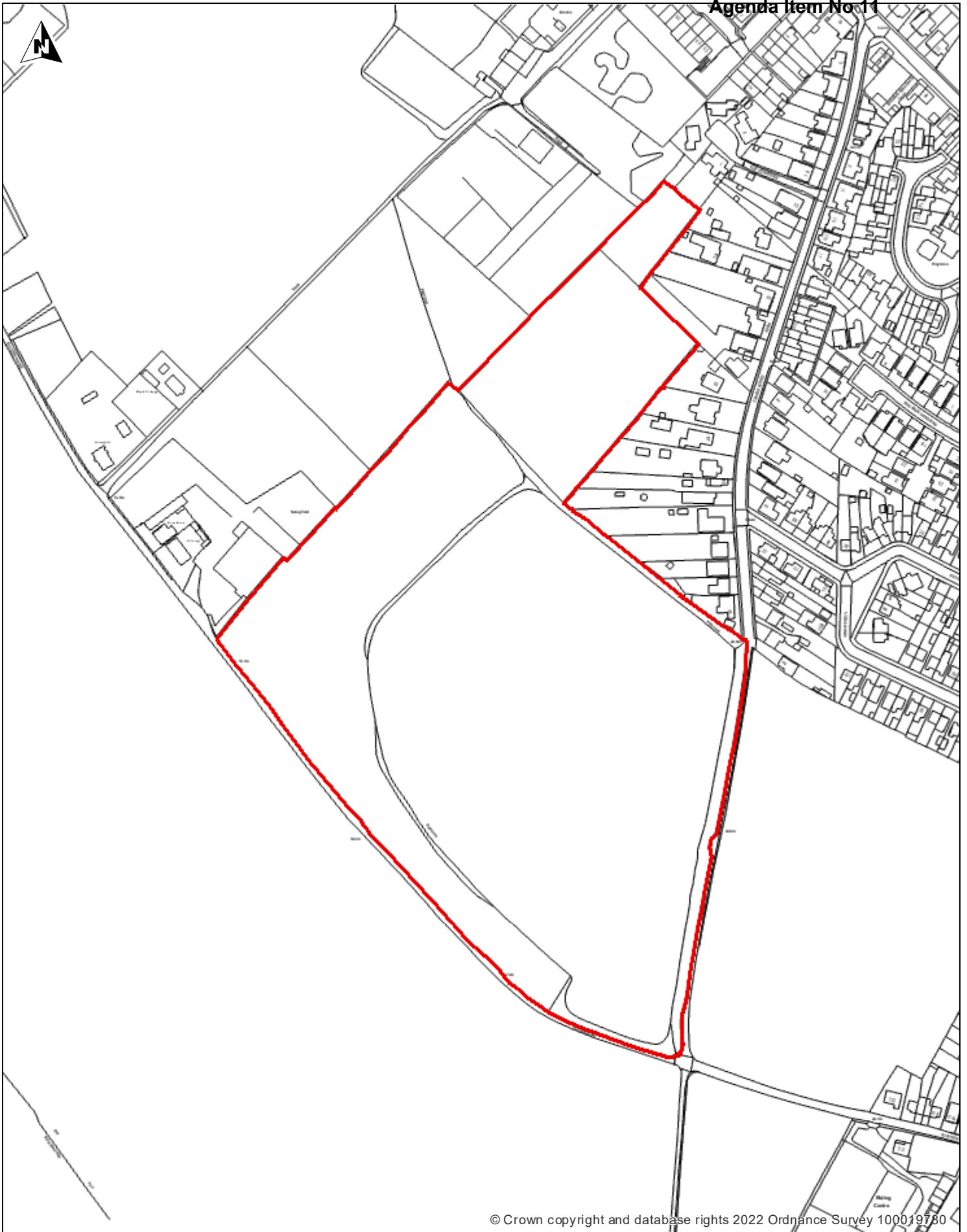
- 7) Provision of vehicle parking spaces
- 8) Strategy for potential contamination risks
- 9) Previously unidentified contamination
- 10) Measures to prevent the discharge of surface water onto the highway
- 11) Use of a bound surface for the first 5 metres of the access from the edge of the highway
- 12) Completion and maintenance of the access
- 13) Provision and maintenance of the visibility splays
- 14) Submission of Highways details
- 15) Submission and approval of off-site highway works
- 16) Submission of details for double yellow lines at New Street and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing)
- 17) Construction management plan
- 18) Details of surface water management
- 19) Verification report for surface water drainage
- 20) Details of foul drainage
- 21) Programme of archaeological works.
- 22) Provision of Broadband
- 23) Housing to meet Building Regulations M4(2) standard
- 24) Designing out crime measures
- 25) Final arboricultural impact assessment and tree/hedge protection plan and measures
- 26) Biodiversity Method Statement
- 27) Lighting design
- 28) Ecological Design Strategy (on-site only biodiversity net gain and enhancements)
- 29) Habitat Management and Monitoring Plan (on-site)
- 30) Sound reduction for windows

- 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

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



21/01822

Land On The West Side Of Cross Road

Deal

CT14 9LA

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/21/01822 - Outline planning application for the erection of up to 140 dwellings including affordable housing, with public open space, landscaping, and vehicular access (all matters reserved except for access) - Land on the West Side of Cross Road, Deal**

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

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1, CP3, CP4, CP6, DM1, DM5, DM11, DM13, DM15 and DM16.

Land Allocations Local Plan

- DM27

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.

- SP1; SP2; SP3; SP4; SP5; SP11; SP13; SP14; SAP14; CC1; CC2; CC4; CC5; CC6; CC8; PM1; PM2; PM3; PM4; PM6; H1; TI1; TI2; TI3; NE1; NE2; NE3; NE4; HE1; HE3

National Planning Policy Framework (NPPF)

- Paragraphs 8, 11 and 12, and Chapters 5, 8, 9, 11, 12, 14 and 15

The Kent Design Guide and National Design Guide

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

- d) **Relevant Planning History**

17/00505 – Outline application for the erection of up to 235 dwellings (with landscaping, appearance, layout and scale to be reserved) – Refused

The above application related to a larger site, comprising land both to the east and west of Cross Road). It was refused for five reasons, namely:

1. The proposed residential development is outside the settlement confines, situated in the countryside and does not accord with development plan policies which seek to ensure sustainable development in appropriate locations. The proposal is contrary to Policies CP1 and DM1 of the Dover District Core Strategy (2013) and Paragraphs 11, 12, 17, 29, 49, 55, 56, 58 and 112 of the National Planning Policy Framework (2012) and no material considerations have been presented to suggest that the harm arising from the conflict with these policies can be overcome.

2. The works necessary to enable the proposed residential development of the site would by their urbanising nature fail to protect the character and appearance of the countryside and landscape setting by causing harm to visual amenities with an inappropriate form of development, contrary to Policies CP1, DM1, DM15 and DM16 of the Dover District Core Strategy (2013) and paragraphs 17, 29, 55, 56, 58, 61 and 64 of the National Planning Policy Framework (2012).
3. The application, which seeks approval for the means of access, has been accompanied by an insufficient level of information to demonstrate that:
 - (i) Opportunities have been taken to facilitate access to/from the site by sustainable transport modes including the provision of public footpath connections;
 - (ii) The public highway network has the capacity to accommodate the proposed increase in road traffic or that the impact on the public highway network can be satisfactorily mitigated; and
 - (iii) The site would be accessed by a safe and suitable form of vehicular access.

Accordingly it has not been demonstrated that the proposal, which lies outside the urban confines of Deal, would make the fullest possible use of sustainable transport modes and have an acceptable impact on the safe and efficient functioning of the highway network, contrary to the objectives of Policy DM11 of the Dover District Council Core Strategy (2013) and paragraphs 17 and 23 of the NPPF (2012).
4. The impact of the proposed development on reptiles, which are a protected species under the Wildlife and Countryside Act 1981 (as amended) cannot be adequately assessed or addressed due to insufficient information with regards to populations on site, any potential harm and appropriate mitigation measures. The proposal is therefore contrary to Paragraphs 109 and 118 of the National Planning Policy Framework (2012).
5. The proposed application has not provided an appropriate mechanism to ensure that necessary infrastructure to support the development can be secured at the time it is needed and would not accord with Policy CP6 of the Dover District Core Strategy (2010).

It is also considered that applications on the adjoining site on land to the east of Cross Road, Deal are relevant:

20/01125 - Outline application for the erection of up to 100 dwellings (with landscaping, appearance, layout and scale to be reserved) – Granted

21/01683 - Reserved matters application for the details of layout, scale, landscaping and appearance for the erection of 100 dwellings pursuant to outline planning permission DOV/20/01125 – Granted

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

KCC Highways – Several responses have been received throughout the course of this application. Whilst the comments below summarise the conclusions reached, they do not provide a full account of each consultation response, which are available on the public file.

Initially, KCC raised concerns. In particular, they requested that: additional information be provided to ensure that the cumulative impacts of this development and other committed development were fully accounted for; further junction modelling be undertaken; and the works to Cross Road outside of the site should be shown on the plans to ensure that this development could not be brought forward in isolation of these works. The applicant subsequently submitted additional information in response to these requests.

Taking into account background and committed growth on the network, the development would result in the Station Road, Dover Road and Gram's Road to operate at absolute capacity, with peak queue lengths increasing by two cars. On its own, this impact would not be severe. However, the LPA are seeking enhancements to the junction through the Local Plan in the form a signalised junction. Due to the capacity constraints of this junction KCC have advised that they welcome these discussions.

Suitable visibility has been demonstrated at the Station Road/Ellens Road and Cross Road junction, with a series of highway improvement works being secured by the permission on the adjacent site. These should be secured. These works include: localised widening to allow suitable manoeuvring for refuse/delivery vehicles; the provision of footway between the site and Cross Road (crossing facilities will additionally be required); formalisation and improvement of the existing single-way working section of the road; provision of an additional passing place on Cross Road to the south of the site; extension of the existing 30mph speed limit; and provision of improved pedestrian crossing facilities at the junction of Cross Road with St Richards Road.

Initially, KCC objected to the application as, on the evidence available at the time, they were concerned that the development would be served by a 1m wide footway on Station Road. However, later evidence demonstrated the level of pedestrian movements generated and the split between movements to/from Station Road and Cross Road. Anticipated pedestrian movements would be 18 2-way movements in the AM peak and 10 in the PM peak. Improved pedestrian crossing facilities would be provided at the Cross Road/St Richards Road junction which, whilst secured by the neighbouring development, should also be secured by this application. Due to the level of pedestrian movements along Station Road, the provision of a 1m wide footway would not warrant an objection. The pedestrian link along Station Road should also be secured by condition. The Bridleway Rising School has been put forward for allocation in the emerging Local Plan and could present an opportunity to improve future footpath connections.

KCC Economic Development – The development would generate a additional demand for infrastructure which will require mitigation. Consequently, contributions are sought for secondary education, community learning, youth services, library book stock, social care and waste service.

KCC Archaeology – Request that a condition be attached to any grant of permission to require the implementation of a programme of archaeological works.

Network Rail – The development will introduce more road vehicles and pedestrians onto Cold Blow crossing, increasing the risk to the railway, the public and future occupiers of the development. Two options are presented to enhance the crossing, costing £4m and £350-400,000 respectively. These enhancements would provide a Benefit Cost Ratio of 0.1 and 0 respectively. The £4m scheme would be unreasonable to request; however, it is requested that the alternative solution be secured should permission be granted.

DDC Housing Development Manager – 30% affordable housing is proposed which, on the basis of 140 dwellings, would equate to 42 dwellings. The required tenure split would be 25% First Homes, 20% shared ownership and 55% (corrected from 25% following further discussion) affordable rent. The exact mix will be established at the reserved matters stage, but should comprise an appropriate range of dwelling sizes. The development would make a valuable contribution to the affordable housing needs in the district.

DDC Environmental Health – Subject to a robust dust management plan being secured by condition, the construction phase would not cause unacceptable impacts on air quality. During the operational phase, the development would have a negligible impact on air quality. Noise levels in residential properties would be acceptable, subject to appropriate glazing and noise levels in gardens would be below the minimum noise level.

Kent Police – Make several comments/recommendations regarding the detailed design of the development.

KCC LLFA – The drainage approach demonstrates that surface water can be accommodated within the proposed development area. Advice is provided regarding the detailed design of drainage infrastructure. Should permission be granted, it is recommended that conditions be attached requiring full details of the sustainable surface water drainage strategy to be submitted for approval and that a verification report is provided prior to any occupation.

Southern Water – There is a high risk that the development could negatively impact groundwater quality and the potable water supply, due to the proximity to source protection zone 1 and the groundwater abstraction point. The risk to groundwater needs to be properly quantified and assessed, and sufficiently robust groundwater protection measures implemented. Regard will also need to be had for enhanced fracture flow pathways present in the chalk aquifer.

Southern Water can facilitate foul sewerage disposal from the site. A condition would be needed to ensure that existing sewers are protected during development.

Environment Agency – This application has a low environmental risk and the EA therefore have no comments to make.

NHS – Request a contribution of £146,376 towards providing additional capacity within the catchment of the site for GP services.

Walmer Parish Council – Object

- The previous application for this site and the neighbouring site, for 200 dwellings, was refused
- Cross Road and Ellens Road are wholly inadequate to accommodate the development and need to be widened
- Lack of public transport. A bus stop/shelter should be provided, with subsidised travel
- Lack of footpaths/cycle paths, which should be provided to Station Road and St Richards Road
- The dwellings should incorporate sustainable technologies (including grey water recycling) and be designed in keeping with the area
- Need for enhanced shelter belt of trees

- Community allotments and/or gardens should be provided
- Inadequate infrastructure

Deal Town Council – Object. The development is not in the interest of the Town/Community and concerns are raised regarding the impacts on the highway, the particular need for housing in the area to be collocated with recreational space and cycle/foot paths and the impact on the aquifer.

Great Mongeham Parish Council – Object, citing lack of infrastructure (roads, sewerage, schools, medical services) and congestion on the highway network.

Public Representations – Forty-six objections have been received to this application, raising the following summarised concerns (full comments are available on the public file):

- New housing is not needed
- Loss of farmland
- Loss of habitat and wildlife
- Loss of open space/an area for children to play
- The local highway network could not support the development (including during the construction phase)
- The pedestrian links to and from the site are inadequate
- Inadequate infrastructure in the vicinity of the site
- Flooding
- New housing should be on brownfield land
- Noise and disturbance
- Pollution
- The development would impact the level crossing at Coldblow
- Inadequate drainage and sewerage provision
- Harm to the character and appearance of the area and on the quality of the landscape
- The development has commenced

- f) 1. **The Site and the Proposal**
- 1.1 The site is located to the west of the built-up area of Walmer. The north east of the site is bounded by residential development fronting onto Cross Road and Lydia Road. To the east of the site is Cross Road, beyond which is a parcel of land which benefits from outline planning permission (20/01125) and reserved matters approval (21/01683) for the erection of 100 dwellings. To the south west is Ellens Road and to the north west is vehicle MOT centre and scrap yard, a self storage site and agricultural land. From Ellens Road the land rises gently towards the north. The land also rises gently from Ellens Road to the south.

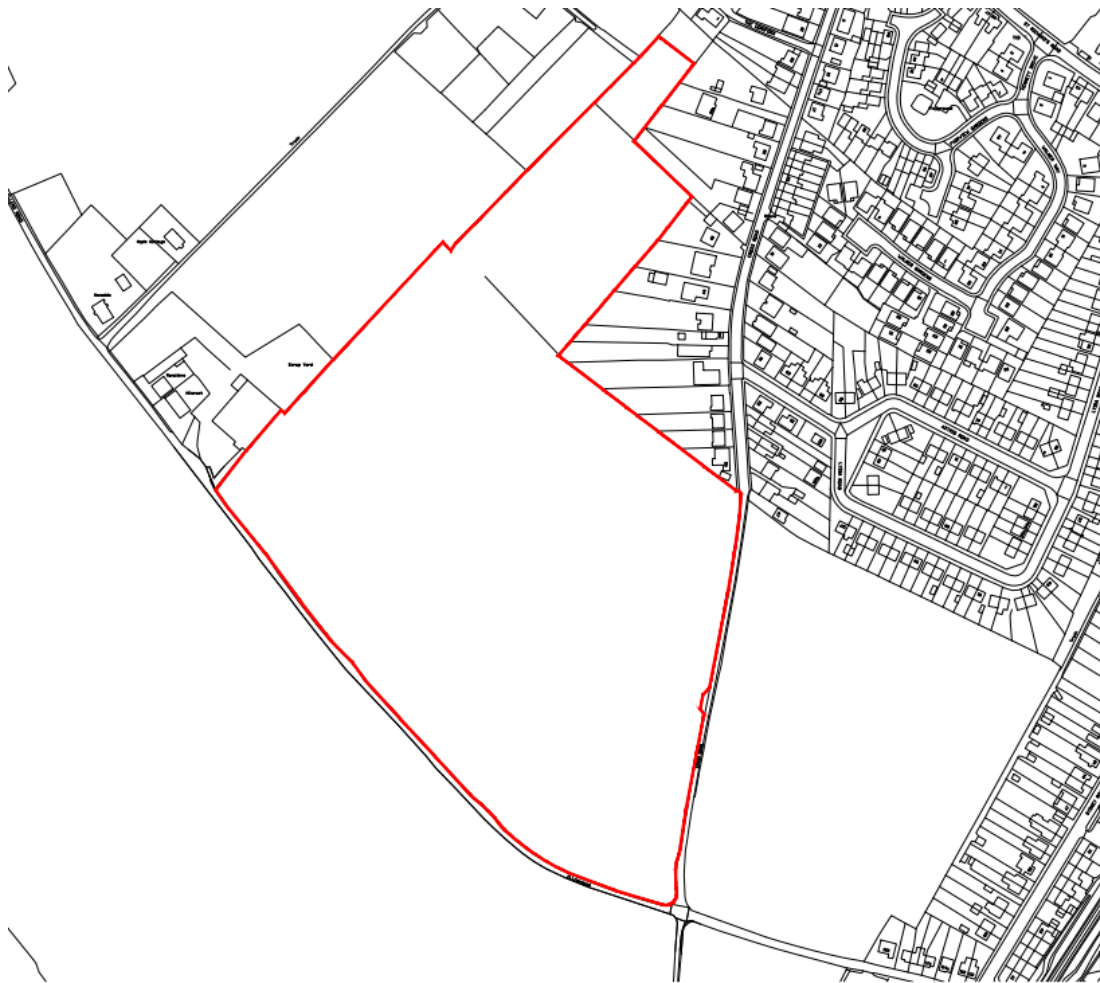


Figure 1: Location Plan

- 1.2 The site itself measures approximately 8.71 hectares and comprises a roughly rectangular shaped parcel of land with a smaller roughly rectangular addition towards the northern corner of the site. The land is vacant of buildings and agricultural in nature, although it does not appear to have been actively farmed for some time. The majority of the site contains low vegetation and the remnants of arable crops. To the north east and eastern boundaries of the main part of the site is low vegetation (Alexanders, brambles etc.) whilst to the south west and north west of this main part of the site is a mixed woodland which appears to be approximately 25 years old. The smaller parcel to the north is covered with long grass and other low vegetation, predominantly with hedges to its boundaries.
- 1.3 This application seeks outline permission for the erection of up to 140 dwellings. All matters, other than access, are reserved. Indicative plans have been submitted with the application which seeks to demonstrate how the quantum of development applied for could be achieved on site. The indicative plan demonstrates that the only 4.17 hectares of the site would be built on (producing a density of 33.6dph), with the remaining being retained and proposed woodland and public open space. The development would also necessitate off site works to the local highway network to facilitate the development.

Dover District Council Reg 18 Draft Local Plan - Open Space Requirements (DM Policy 31)

Typology	Standard Required per 1000 pop. (Ha)	Required (Ha)	Onsite required?	Proposed (Ha)
Accessible greenspace - Parks & Gardens	0.45	0.1966	-	-
Accessible greenspace - Amenity Greenspace	1.46	0.508	Yes	4.19
Provision for children & young people	0.06	0.04	Yes	0.04
Allotments	0.21	0.073	-	-

Calculations based on 2.4 persons per household based on a density of 35 DPH (giving an estimated population of



Figure 2: Development Framework Plan

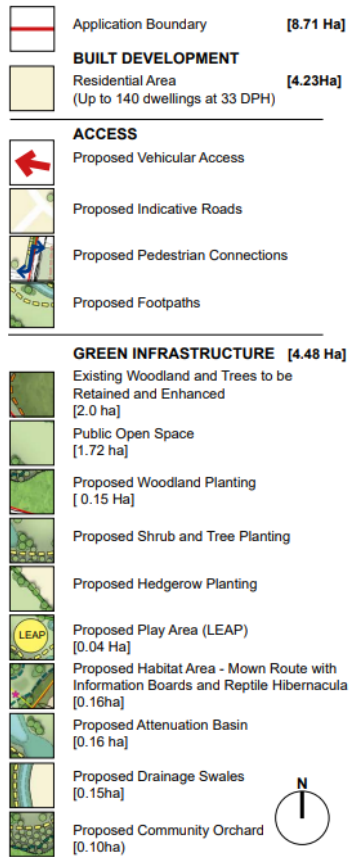


Figure 3: Development Framework Plan Key

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on the landscape
- The impact on the highway network
- The impact on neighbouring properties
- Drainage and contamination
- Ecology

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.

Development Plan

- 2.3 The site is located outside the existing settlement boundary of Walmer and is considered to be within the countryside for the purposes of the policies within the Core Strategy. In such a location Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the proposed development does not fall within any of these exceptions, it is contrary to Policy DM1.
- 2.4 Policy DM1 is considered to be partially consistent with the aims of the Framework (including prioritising previously developed land, avoiding the loss of BMV agricultural land, making better use of under-utilised land and buildings, and recognising the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy and is more restrictive than the NPPF which seeks to significantly boost the supply of homes.
- 2.5 The Core Strategy policies and the settlement confines referred to within those policies were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government's standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying Policy DM1 is considered out-of-date. As such, Policy DM1 should carry less than full weight.
- 2.6 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being outside the settlement boundary, is also considered to conflict with Policy DM11.

- 2.7 The aim of Policy DM11 to manage patterns of development to prioritise more sustainable modes of transport broadly reflects the aims of the NPPF. However, the blanket restriction within Policy DM11 against development outside of the settlement confines is again significantly more restrictive than the NPPF which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.8 Policy DM15 seeks to resist the loss of countryside, which is more stringent than the NPPF, and development that would adversely affect the character or appearance of the countryside, which is broadly consistent with the NPPF. The first strand of this policy (resisting the loss of countryside) is another example of the blanket restriction against development outside of the confines; however, the second strand is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than the more generic character and appearance. Whilst not considered to be out of date, Policy DM15 is considered to carry reduced weight.
- 2.9 Given the importance of Policy DM1, the relationship between Policy DM1 and DM15, and the tension between Policy DM11 and the Framework, it is considered that the 'basket of policies' in the Core Strategy which are most important for determining applications are out-of-date and should be given less than full weight.

Tilted Balance

- 2.10 Notwithstanding the primacy of the development plan, Framework paragraph 11(d) states that where the policies which are most important for determining the application are out of date permission should be granted unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or (ii) specific policies in the Framework indicate that development should be restricted.
- 2.11 The consequence of engaging the tilted balance, in respect of the recommendation of how this application would have been determined, is considered further in the overall planning balance at the end of this report.
- 2.12 Whilst the tilted balance is engaged by reason of the most important policies for the site being out of date, it must be noted that the tilted balance is not engaged by reason of the councils housing land supply or housing delivery positions. The council is able to demonstrate a housing land supply of 6.03 years and the council's Housing Delivery Test measurement is currently 88% and forecast to increase to 102% for the period 2019/20 – 2021/22.

Draft Local Plan

- 2.13 Regard is had to the draft Local Plan, which sets out the Council's vision, strategic objectives and development strategy for the growth of the district over the period until 2040. This includes planning for housing development based on a local housing need figure of 611 dwellings per annum (using the Government's standard method), with a distribution of those homes focussed on Dover town and Whitfield; at Deal and Sandwich, to an extent that reflects their environmental and highway constraints; and at Aylesham through a strategic size extension to that settlement.

- 2.14 The draft Local Plan under Policy SAP 14 - Land off Cross Road, Deal (DEA008), seeks to allocate the site for residential development. The Policy advises that the site has an indicative capacity of 100 dwellings and that development proposals will need to meet a number of criteria (a to k). These criteria will be assessed later in this report, under the relevant headings as appropriate.
- 2.15 The draft Local Plan currently carries some weight in decision making. However, in accordance with Framework paragraph 48, given there are objections to relevant spatial and housing allocation policies of the draft Local Plan that are unresolved ahead of examination, full weight cannot yet be afforded to its overall strategy of meeting the district's housing needs. However, it is concluded that the draft policy does carry moderate weight at this stage.

Character and Appearance

- 2.16 This application has been submitted in outline with all matters other than access reserved. As such detailed considerations such as the appearance, layout, landscaping and scale are not for consideration at this stage. That said, regard must be had for whether the site is capable of successfully accommodating 140 dwelling.
- 2.17 Draft Policy SAP 14, at criterion (a), states that any development of the site must be "sensitively designed to respect the character of the existing built area to the north and east of the site and take account of any approved details for the site to the east of Cross Road". Criterion (b) requires that an appropriate landscape buffer, determined by a Landscape and Visual Impact Assessment, will be required to mitigate the impacts of the development on the wider countryside.
- 2.18 The site measures approximately 8.71 hectares, whilst the area which is proposed to be developed for housing, roads and other built infrastructure measures approximately 4.17 hectares. The application proposes up to 140 dwellings, which equates to a density of approximately 33.6 dwellings per hectare of the net developable area. Policy CP4 advocates densities of 40 dph where possible, whilst advising that densities below 30dph will seldom be justified. Whilst the density of development falls short of the 40dph which is advocated by the Core Strategy, it is a little over the minimum density of 30dph. Given that the draft policy for the site includes an indicative capacity of 100 dwellings, it is not considered that density of under 40dph is unacceptable. The net density of this site (based on the highest number of dwellings, 140) would be higher than that of the site to the east of Cross Road, albeit that density figure included the soft landscaped areas to the peripheries of the site (i.e. the density is a gross figure of 25.3dph, rather than a net figure of 33.6dph). Accounting for the landscaping the density of the built on parts of the two sites would be comparable, albeit the current application includes a significantly greater provision of undeveloped green space.
- 2.19 The application has been supported by a Landscape and Visual Appraisal, which sets out the typography of the site and the surrounding area, the theoretical visual envelope of the site (i.e. the areas from where the site would be visible), the location of key viewpoints of the site, the sensitivity of receptors at these viewpoints and the consequential magnitude of the landscape effect of the development. Figure 4 demonstrates that the site is, broadly, bound by existing development to its north and east and that the site sits on the north eastern side of a shallow valley, the base of which is approximately delineated

by Ellens Road. The land rises again to the south west. Due to this topography and the presence of existing development (both existing and approved) in the vicinity of the site, the visual envelope of the site is relatively restricted.

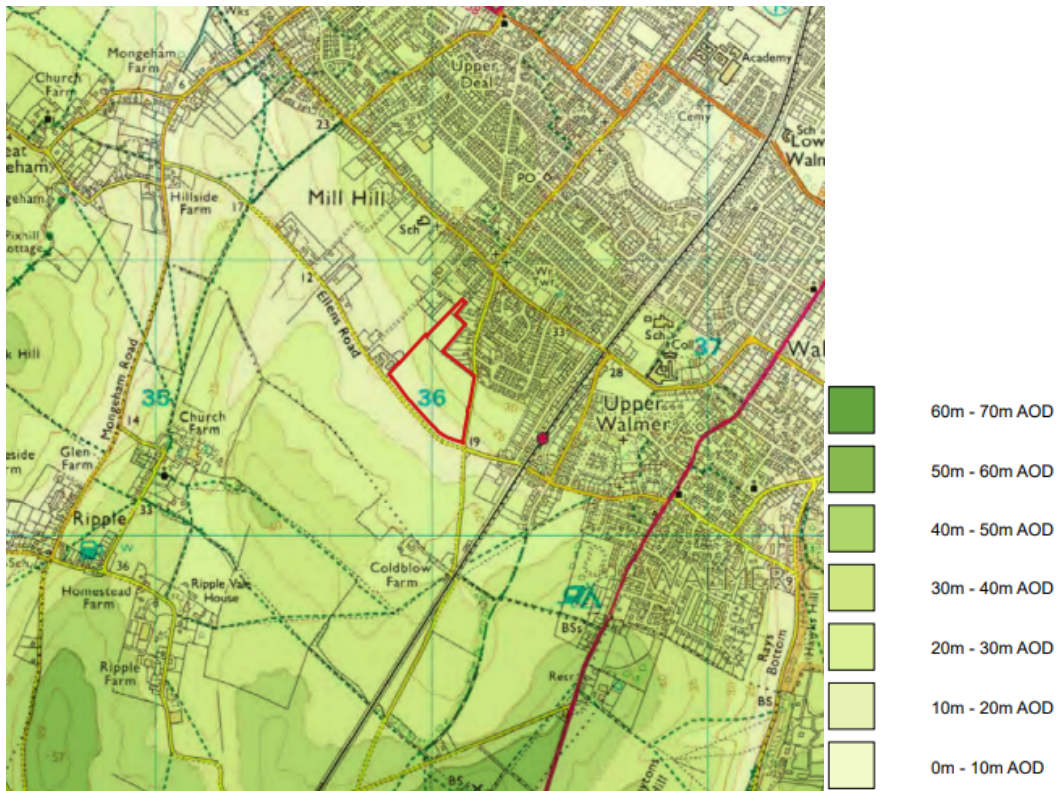


Figure 4: Topography

- 2.20 There are several Public Rights of Way (PROWs) in the vicinity of the site. EE436 lies to the south west of the site and run approximately south east to north west. This footpaths links Ripple to the EE339, Coldblow and other PROW and highways. EE433 lies to the west of the site, runs approximately north to south and links Ellens Road, Deal to Church Lane, Ripple. The submitted LVA has included viewpoints from these PROWs. Other footpaths, such as the EE438 have not been assessed as they lie outside of the Zone of Theoretical Visibility and do not, therefore, provide views of the site. From these PROW viewpoints, the site is visible but would be seen in the context of the existing housing to the north east of the site and the approved housing scheme to the east of Cross Road.
- 2.21 In addition to the limited visibility of the site resulting from the topography of, and development in, the surrounding area, the site also benefits from an established plantation woodland, which is approximately 25 years old. This mixed woodland plays a significant role in screening the site in views from the south east, east and north east. Whilst wider views of the site are limited for these reasons, the site is plainly visible from Cross Road to the south of the existing housing, the western end of Station Road across the land which has planning permission for housing, the eastern end of Ellens Road and Coldblow as far as the railway crossing. Again, the LVA contains viewpoints from these locations.
- 2.22 At present the site is seen as part of the countryside which extends beyond the settlement confines around Deal; however, in most views the rear elevations of properties on Lydia Road and, to a lesser extent properties on Cross Road, form the backdrop to views. It should also be noted that the development to the

eastern side of Cross Road, which has planning permission, would have its own impact on the character of the area as seen in short and longer views, especially from Cross Road, albeit the landscaping to the southern and western boundaries of that site would significantly reduce the prominence of the proposed dwellings in the landscape.

- 2.23 Some of the most affected viewpoints are those closest to the site. The LVA advises that the impact on views from the residential properties to the north of the site would be major adverse in year 1, reducing to moderate adverse in year 15. Views from Lydia Close and Station Road would be affected, but to a lesser extent (moderate/minor adverse, reducing to minor adverse). Views from Sydney Road would be affected lesser still (minor adverse/negligible adverse, reducing to negligible adverse/none). From Ellens Road and Coldblow the affect would be minor adverse, reducing to minor adverse/negligible. Negligible or no visual effects would be caused to dwellings in other locations. Having visited these locations in the winter months, these conclusions are not disputed.
- 2.24 From PROW EE433, views of the site are only possible from a short section of path, with the existing trees on the site dominating the view. The impact from this viewpoint is therefore considered to be negligible. From EE436 (see Figure 5), the impact is assessed as being Moderate/Minor adverse on completion and at year 15. This is due to the level of intervisibility, with the area proposed for housing being visible on the rising slope of the land, whilst the footpath also rises uphill. Currently, this view takes in the existing settlement which is located on the ridge. The proposed tree planting would not significantly filter views of the dwellings due to the location of this planting. Visual impacts from other PROW's (EE439 and EE421) are assessed as being negligible due to the distance over which views are taken, the limited visibility of the site, intervening tree cover and the existing composition of the view compared to the post development view. Again, it is not considered that these conclusions are unreasonable.

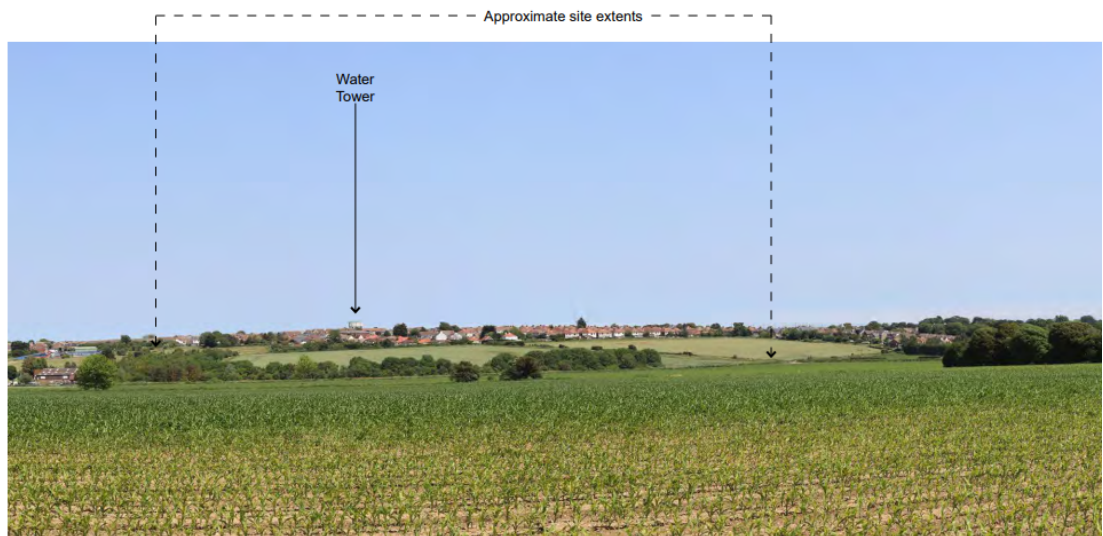


Figure 5: Viewpoint from PROW EE436

- 2.25 Users of the highways in the area have also been considered. The impacts broadly follow the impacts from residential properties set out previously. The most significant impact will be on users of Cross Road from which the development would be seen as an extension to the existing residential

development. From Ellen's Road and Station Road, the development would be visible, albeit behind the tree planting and open space which is proposed and in the context of the approved development to the East of Cross Road. The visual impact from these roads is considered to be moderate adverse reducing to minor adverse by year 15. The Skylar Trail cycle route runs along Coldblow and onto Station Road, the users of which (cyclists) are more likely to notice their surroundings. The effect of the view would be limited by the context in which the housing would be seen, consequently the impact is considered to be minor adverse, reducing to negligible. Views from other roads are considered to be negligible or none.

- 2.26 Finally, the LVA has considered the impacts on other visual receptors, including users of the riding school, the caravan park, employment sites, the latter of which would be most affected by the development having a moderate adverse effect reducing to a minor adverse effect.
- 2.27 Particular regard must be had for the night time visual impact of the development. The development will produce light (street lighting and light emitting from windows etc.); however, the development will require a bat sensitive lighting scheme, whilst the vegetation to most boundaries would reduce light spill. Moreover, the development would be seen against the backdrop of the existing development in the area. Consequently, the night time effect is not considered to be significant.
- 2.28 The site contains a great number of trees, principally in groups to the south west and north west of the main field, but also in smaller groups and individual trees around the north of the site. The indicative plan has been designed to incorporate all of the existing tree stock into the development and complement it with new tree and hedge planting.
- 2.29 Should permission be granted, it is considered that it would be necessary to ensure that the visual impacts of the development are minimised through the use of conditions. Lighting will be controlled by the bat sensitive lighting condition. In terms of securing an appropriate quality of development, it is considered that samples of materials and details of windows and doors should be required. Sections through the site should also be provided at the reserved matters stage to ensure that the finished height of dwellings is appropriate.
- 2.30 To conclude, in closer views of the site, particularly from Cross Road, the development would be plainly visible behind a narrow strip of soft landscaping. In views from Cross Road, the development would be a marked change from the appearance of the site experienced at present. That said, the development would be seen as a continuation of the development along Cross Road (albeit in a form softened by some landscaping) and reflective of the development to the eastern side of Cross Road. In longer views, the visual envelope of the site would be limited by the typography and development would be well screened in most views by existing landscaping. This impact would be further reduced once the proposed new landscaping has had time to mature. Any residential development of this scale would inevitably result in some impact to the character of the area; however, it is considered that the indicative layout, retention of existing landscaping and proposed new landscaping would significantly reduce harmful impacts. Overall, the visual impact of the development would cause some moderate and minor adverse impacts to views in the area, and this would equate to harm to the areas character. Notwithstanding this, the harm caused does weigh against the development in the planning balance; however, it is

averred that it should carry no more than moderate weight in the planning balance.

- 2.31 The site is a significant distance away from the closest Listed Building or Conservation Area such that no harm, whether substantial or less than substantial, would be caused.

Impact on Residential Amenity

- 2.32 The site extends up to the boundaries of 28 to 60 Cross Road. All other existing properties in the vicinity and well separated from the site, such that they would not experience unacceptable loss of light, sense of enclosure or overlooking. The indicative layout shows that the build development would be set away from the boundaries of the site, providing separation between proposed dwellings and the gardens of neighbouring properties. Whilst at this stage full details of the layout have not been submitted (layout being one of matters which is reserved), it is considered that the provision of slim buffer between the development and existing dwellings, together with the overall density of the net developable area of just under 34dph is sufficient to ensure that adequate separation between existing and proposed residential development could be secured.
- 2.33 The development would also front onto Cross Road and, consequently, regard must be had for the potential impact on the living conditions of future occupants of the consented development to the east of Cross Road. The consented development would be set back from Cross Road by a landscape buffer, whilst the indicative plan for the current application site also shows a narrow landscape buffer which would provide a footpath. As such the development proposed by the current application could be designed in such a way so as to avoid unacceptable impacts on the consented development to the east.
- 2.34 A Noise Assessment Report has been submitted which demonstrates that noise levels in residential properties would be acceptable, subject to appropriate glazing, whilst noise levels in gardens would be below the minimum noise level. Noise mitigation to residential properties can be secured by condition.

Impact on Local Highway Network and Movement

- 2.35 Whilst this application has been submitted in outline, access has not been reserved and so is to be considered as part of this application. Core Strategy Policy DM11, draft Local Plan Policy T11 and the NPPF seek (i) to locate travel generating development where there is opportunity for walking, cycling and use of public transport and (ii) for development to be designed to maximise such opportunities for sustainable travel. Specifically, the NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.36 Draft Policy SAP14 requires, at Criterion (d), that the primary vehicular, pedestrian and cycle access to the site be provided from Cross Road and include the widening of, and traffic management to, the Cross Road frontage (either as part of this development or by the development to the East of Cross Road). Criterion (e) of the policy requires that a Transport Assessment be provided which identifies any necessary mitigation, taking into account cumulative impacts with other sites on the local road network, including Station Rad, Cross Road and St Richards Roads and their junctions.

- 2.37 The Infrastructure Delivery Plan, which identifies the infrastructure required to support the development within the Local Plan (which includes the current application site), sets out that development across much of the district will have an impact upon the Whitfield and Duke of York roundabouts. Strategic highway improvements are required at these locations as a result of the cumulative impacts of growth and consequently, developments which will contribute to the need for improvements will need to pay proportionate contributions for the upgrades. The total cost for these improvements is £12m. The proportionate cost towards infrastructure works has been calculated by extrapolating trip data from the transport modelling carried out to inform the emerging plan. For developments in Deal the contribution per dwelling is indicatively £2000. The Infrastructure Delivery Schedule (IDS) confirms that all sites within certain zones (which includes Deal and Walmer) will be expected to contribute towards the Local Plan mitigation. The IDS also advises that the development proposed by Policy SAP14 (i.e. this application), together with two other proposed allocations) will need to contribute towards local road network improvements at Station Road/Dover Road/Grams Road/Ellen's Road/Cross Road/A258. This has been incorporated into draft Policy SAP14, as set out above.
- 2.38 The modelling work required to establish the precise design of the Station Road/Grams Road/Dover Road junction has not yet been completed. This work would ordinarily have been undertaken to inform the emerging Local Plan; however, this application was submitted in advance of the examination and publication of the plan. Whilst the modelling data for this application indicates that the impacts of this development on its own may not be severe, the junction improvement is required in order to ensure that the local plan growth can, cumulatively, be accommodated without causing an unacceptable impact on the local highway network. To support this plan-led approach to ensuring that developments contribute proportionately to the impacts their applications would have to overall growth, the applicants have agreed under forward fund the detailed design work and costings for the junction work. Once the costings of a local-plan compliant junction improvement are known and agreed, the applicant has agreed to meet the proportionate costs of delivering the junction improvements, with the remainder of the cost being borne by other allocated developments within the locality.
- 2.39 As per the requirement of draft Policy SAP14, the application proposes an access onto Cross Road. The access would be a short distance to the south of the approved access serving the approved development to the east of Cross Road. The proposed access would be 5.5m wide with 2m wide footpaths leading to an uncontrolled pedestrian crossing across Cross Road and linking to the footpaths within the approved development to the east of Cross Road which in turn link to the wider footpath network in the area. With the widening of Cross Road and the geometry of the access, it would be suitable to allow access and egress for vehicles, including larger vehicles such as refuse or fire appliance vehicles. The proposed access would have visibility splays of 43m x 2.4m x 43m, ensuring visibility in either direction given the speed of the road. It is considered that the access has been designed in accordance with Manual for Streets and will meet the needs of the development.
- 2.40 A speed survey was carried out on Cross Road which showed average speeds of 27.2mph (85th percentile speed 33.3mph) northbound and 27.5mph (85th percentile speed 33.7mph) southbound. The applicant has agreed that, whilst the average speed is appropriate for a 30mph road, they would be agreeable to a 'gateway feature' being secured by condition to reduce speeds further. Should

permission be granted, a separate Traffic Regulation Order would be required to facilitate the access and the associated highway works.

- 2.41 The approved development to the east of Cross has already secured a number of works to the highway. This includes localised widening of Cross Road and a formalised priority give way arrangement to the north of the proposed access, a new passing place to the south, a pedestrian cross point with a central island to Cross Road at its junction with St Richards Road and a footpath and pedestrian Crossing point along Station Road (discussed in more detail later in this report). As part of the development on Station Road, which is currently being built out, junction realignment has taken place at the junction of Station Road and Dover Road.
- 2.42 The application has been supported by traffic surveys and, junction assessments and transport assessments, which have used pre-pandemic traffic surveys (and a further surveys of the Station Road, Dover Road Gram's Road junction in 2022) and factored in both projected background growth and committed development in the vicinity, including the developments to the East of Cross Road and land off Station Road, together with the Whitfield Urban Expansion, to ascertain a baseline. The TRICS database was then used to ascertain predicted movements to and from the site, with the inputs being agreed by KCC Highways and being commensurate with the agreed forecast for the site to the East of Cross Road. This predicts 81 additional movements in the AM peak (22 arrivals and 59 departures) and 87 movements in the PM peak (55 arrivals and 32 departures). These movements would be split approximately 60/40 between vehicles traveling north and south. Based on the projected flows, junction modelling has been carried out which demonstrates that the most constrained junction, the junction of the A258 and Station Road, would experiences baseline queue lengths of 5 cars increasing to 7 cars in the AM peak. On its own, KCC have advised that this would not warrant refusal of the application; however, as set out above, the council have sought to mitigate the in-combination effects of local plan growth through junction improvement works, which the applicant is progressing. Subject to the off-site highway works outlined by the applicant and the proportionate contribution towards junction improvement works being secured, it is considered that the development would not cause a severe cumulative impact on the local highway network or a highway safety concern.
- 2.43 Criterion (f) of Policy SAP 14 requires that pedestrian improvements are secured to provide a direct route to Walmer Station, crossing improvements on St Richards Road, Mill Hill and a footway connection to link with the existing footway network at the Station Road/Sydney Road junction.
- 2.44 Under the planning permission for the land to the east side of Cross Road, a pedestrian link, which is to be made available for public use, was secured through the application site. This would provide a footpath link from the application site up to Station Road, which is the most direct route to the train station and the numerous facilities and services which are available to the east, around Dover Road. The permission also secured, by condition, the provision of a 1m wide footway along Station Road where there is currently no footway to link to existing footways. The permission also secured dropped kerb crossing points at the junctions of Station Road, Mayers Road, Station Drive and Court Road. KCC's initially raised concerns that the 1m wide footway would not be sufficient to meet the needs of this development in combination with the previously approved development. The standard width for such a footpath would be 1.6m. However, the width of the highway at this point of Station Road is

insufficient to provide more than a 1m wide footway, with the carriageway already being reduced to a single lane width with priority right of way to accommodate the approved arrangement. Upon reconsulting KCC, they advised that the reduced width of the footpath "is not considered robust enough to warrant an objection". Whilst it is considered that this route provides the only feasible route to the train station, bus stops of Dover Road and the facilities and services in the vicinity of Dover Road, some pedestrian movements would route via Cross Road to amenities to the north (schools, bus stops, various shops etc.). There will be around 18 two way pedestrian movements in the AM peak and 10 in the PM peak. Whilst I concur with third parties that the provision of a 1m wide footway is highly regrettable, will make it more difficult for wheelchairs and prams to use and weighs significantly against the development, it is not considered that it would be sufficient to warrant refusal.

- 2.45 To the north, the development would have footpath access to the existing footpaths on Cross Road. These footpaths, which are provided to both sides of the road, are typically around 1.2m in width, although they do vary in width in places and in some cases are restricted by lampposts and telegraph poles. As above, whilst some footpaths would be limited width, it is not considered that a sustainable reason for refusal could be made based on the width of these existing footpaths which already serve the area.
- 2.46 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be designed. The application would create a suburban development. In such locations, Table 1.1 of the Core Strategy advises that one and two bedroom dwellings should be provided with one parking space per unit; three bedroom dwellings should be provided with 1.5 car parking spaces; and dwellings with four or more bedrooms should be provided with two car parking spaces (although these figures are described as being minimums). In addition, 0.2 visitor spaces should be provided for each dwelling. At this outline stage, details of car parking provision have not been provided; however, given the density of the proposed development there is no reason to doubt that adequate car parking could be provided at the reserved matters stage should this application be granted.
- 2.47 The NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons outlined, it is concluded that the development would not cause significant harm to the road network and would not cause any unacceptable impacts on highway safety and is therefore acceptable.
- 2.48 Network Rail have commented that the development will introduce more road vehicles and pedestrians onto Cold Blow crossing, increasing the risk to the railway, the public and future occupiers of the development. The modelling used to calculate the likely increased use of the crossing differs from the highway modelling used by the applicant and the highway authority to predict where movements will take place, instead adopting an illustration of impacts based on 5% of the occupants of the development would use the crossing by car and by foot. This assumption would mean that there would be a 150% increase in the use of the crossing as a result of the 140 dwellings proposed (i.e. the development would generate more movements over the crossing than all the existing movements generated by the population in the local area). Likewise, National Rail assume that 5% of the occupiers of the development would walk over the railway crossing. Based on the TRICS model, which is a nationally

recognised method of establishing movements from a development, together with having regard for where facilities, services and employment are located, it is not considered that Network Rails conclusions are robust. These concerns have been presented to Network Rail but no response has been received. Notwithstanding these concerns, Network Rails advice outlines two options to enhance the crossing, costing £4m and £350-400,000 respectively. These enhancements would provide a Benefit Cost Ratio of 0.1 and 0 respectively. Ratios of between 0.0 and 0.49 are defined as a “weak safety and business benefit being established”. Given that the evidence for significant additional impact is considered is not considered to stand up to scrutiny and given that the suggestion enhancements do not provide meaningful mitigation, it is concluded that it would not be justified to seek contributions in this instance.

Ecology

- 2.49 Regard must be had for the potential impacts of the development on ecology, protected species and habitats which could be affected by the development both on and off site. In assessing the ecology of the site, National England’s Standing Advice has been considered. Much of the site is of low ecological value, predominantly comprising former agricultural land and species poor grassland. However, some areas of the site do have potential to support protected species, namely the plantation woodland and vegetation around the peripheries of part of the site. Bat surveys were undertaken which established that 8 species used the site, albeit the species were more common species and there was no evidence of potential for bat roosts. The vegetation on site provides potential for nesting birds. Criterion (c) of draft Policy SAP14 requires that appropriate habitat surveys are carried out prior to determination. Criterion g of draft Policy SAP14 requires that a wintering bird survey be undertaken. Whilst the Submitted Preliminary Ecological Appraisal does not include a specific wintering bird survey, the report does assess the habitat on the site and concludes that the loss of the grassland on the site would not affect overwintering birds. This conclusion has been accepted by the councils Senior Ecologist. Whilst there is some potential for reptiles on the site, these would be limited to the arable margins of the site and the northern parcel. Any reptiles can be passively displaced to the northern section of the site, which will be enhanced to provide additional capacity. The application also proposes ecological enhancements, in the form of native planting, wildlife corridors and bat and bird boxes. The councils Senior Ecology is satisfied that, subject to a series of conditions to secure a Biodiversity Method Statement, bat sensitive lighting and biodiversity enhancements, the development is acceptable in ecological terms.
- 2.50 The Environment Act 2021 set out a mandatory requirement for new development to provide a minimum of 10% biodiversity net gains; however, this requirement does not come into force until November 2023. The NPPF does, currently, seek developments to secure measurable net gains for biodiversity where possible, but does not set minimum requirements. The emerging plan, at Policy NE1, will seek to achieve the nationally prescribed minimum of 10% Biodiversity Net Gain, which should be secured for 30 years. Notwithstanding that these policies are yet to come into force, the developer has submitted evidence which seeks to demonstrate that the development would achieve at least a 10% biodiversity net gain, through preserving and enhancing woodland and hedges and creating new habitats. The applicant has used the DEFRA’s Biodiversity Net Gain metric calculator, which is a nationally prescribed method of calculating net gain.

- 2.51 Whilst initial concerns were raised regarding the methodology used to establish the baseline calculation of biodiversity on site, additional information has been provided to the satisfaction of the councils Senior Ecologist, who has concluded that the Biodiversity Net Gain Assessment, Outline Biodiversity Mitigation Plan and Biodiversity Metric adequately demonstrate that a 10% biodiversity net gain can be achieved on the site. It is recommended that, should permission be granted, a condition should be attached requiring that a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan are submitted for approval. Subject to such a condition, the development would provide a Biodiversity Net Gain of at least 10%, which is considered to add weight in favour of the development.

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

- 2.52 It is necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA (as a designated European Site).
- 2.53 It is not possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA.
- 2.54 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 site and the integrity of the site itself.
- 2.55 A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been prepared and adopted by the Council in order to monitor potential impacts on the qualifying bird species for the SPA arising from development in the district and to provide appropriate mitigation through a range of management and engagement methods.
- 2.56 This mitigation comprises several elements, including the monitoring of residential visitor numbers and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.57 Having had regard to the proposed mitigation measures (to manage recreational activities from existing and new residents), it is considered that the proposed development would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA where it would make a contribution (of 1-bed £112; 2-bed £224; 3-bed £337; 4-bed £449) towards implementation of the SAMM.

Flood Risk and Drainage

- 2.58 Criterion K of draft Policy SAP14 requires that a site-specific Flood Risk Assessment is submitted. Such an assessment has been submitted.
- 2.59 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or from the sea. Consequently, it is not necessary to undertake the Sequential or Exceptions tests for flooding. However, it is still necessary to

consider the potential for localised flooding. Cross Road and the lower land to the south of the site are identified as being at risk from surface water flooding.

- 2.60 Criterion J of draft Policy SAP 14 requires that the development connects to the nearest point of adequate capacity in the sewerage network and be phased to ensure that its occupation aligns with the delivery of any sewerage infrastructure required. The application has been supported by a Foul Sewerage and Utilities Assessment, whilst drainage is also considered within a submitted Flood Risk Assessment and Outline Surface Water Drainage Strategy. The development would discharge approximately 1.26l/s into the foul sewerage network, with a manhole capable of accommodating the flows located adjacent to the site. Records indicate that within the eastern boundary of the site is a 1200mm diameter oversized pipe which is believed to provide online storage for the public foul sewer network. Southern Water, in conformity with the applicants understanding, have advised that they are able to provide foul sewerage disposal to the site. Notwithstanding the position of the applicant and Southern Water, third parties have raised concerns regarding the capacity of the network, with manholes overflowing in heavy rain. Whilst the management of surface water on the site and on the neighbouring site which benefits from planning permission (which currently have no managed surface water drainage) will help to reduce surface water flows from the land onto the road, as with other sites in the Deal area, a condition will be required in order to ensure that full details of foul drainage are provided and any necessary infrastructure improvements are in place, prior to the first occupation of the development.
- 2.61 Turning to surface water disposal, the applicant has, within a submitted Flood Risk Assessment and Outline Surface Water Drainage Strategy, provided details for the strategy to address run-off from the site. The application proposes to drain non-permeable areas to swales, which will feed into an attenuation pond. This will then feed into an infiltration basin with sufficient capacity to drain the predicted surface water run-off in a managed way. The basin has been designed, following infiltration testing, to accommodate sufficient attenuation for a 1 in 100 year rainfall event, inclusive of a 40% uplift to account for climate change. Permeable paving may also be incorporated to reduce the impermeable areas on the site. Pollution control measures will be incorporated into the drainage design. The Lead Local Flood Authority have confirmed that they agree that the applicant's approach is appropriate and demonstrates that surface water can be accommodated within the site, whilst making comments regarding what they would expect to be included in a detailed drainage plan. Should permission be granted, it is recommended that detailed drainage designs are secured by condition and that an additional condition is attached requiring that a verification report, demonstrating that the approved detailed drainage design has been implemented, is submitted for approval prior to any occupation.
- 2.62 In assessing surface water infiltration, particular regard has had to be had for the site's location in Groundwater Source Protection Zone 2 (the site is close to Zone 1). This means that the site is close to a public drinking water abstraction site and so groundwater is especially sensitive to contamination. In particular, Southern Water required additional information to be submitted to demonstrate how water which infiltrates into the site would travel through the ground towards the abstraction point, taking into account the structure of the chalk aquifer and potential pathways. A Hydrological Appraisal was submitted by the applicant. This appraisal, whilst not addressing all of Southern Waters concerns, was sufficient to provide confidence that the risks are understood and that, subject to a detailed condition for a Hydrological Risk Assessment which considers

karst flows, and subject to drainage design, foundation design and construction management conditions taking into account groundwater, the development would not harm groundwater quality.

Housing Mix and Affordable Housing

- 2.63 In accordance with Core Strategy Policy DM5 and draft Local Plan Policy SP5, the proposed development would need to provide 30% affordable housing. The applicant has commented that “The mix of affordable housing will be determined at Reserved Matters stage reflective of the most up-to-date identified needs within the district”. The tenure split of this housing in accordance with advice from the Council’s Strategic Housing Manager, if planning permission was to be granted, would be secured (through obligations of a s.106 undertaking) as 55% affordable rent, 25% First Homes and 20% shared ownership. Overall, 42 affordable dwellings would be provided, which the Council’s Strategic Housing Manager considered would “make a valuable contribution to the affordable housing needs in the district”. It is considered that the benefit of providing these affordable dwellings should carry significant weight in the planning balance.
- 2.64 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council’s latest evidence of housing need and market demand. This latest evidence is the Council’s Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 (“the SHMA”). Again, the precise mix of dwellings would need to be established at the reserved matters stage, when the layout and scale of the development would be submitted; however, the proposed density of development would not prejudice the delivery of a mix which meets the districts identified needs.

Infrastructure

- 2.65 Policy CP6 of the Core Strategy emphasises that development that generates 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 it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district. KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver education, community learning, youth service, library services, social care and waste services. They have demonstrated that there is currently insufficient capacity to meet the needs generated by the development and that the contributions requested would allow for the infrastructure upon which the development would rely to be provided.
- 2.66 As set out above, emerging Policy NE3 requires that developments within a 9km zone of influence around Thanet Coast and Sandwich Bay are required to provide contributions towards mitigating impacts on the SPA, in accordance with table 11.2.
- 2.67 LALP Policy DM27, and Draft Policy PM4, require that sports facilities are provided. The applicant has, within their Planning Statement, confirmed that they will meet the cost of such infrastructure, as necessary. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The projects identified for this contribution, which would amount to £2,029.51 per dwelling or £284,131 in total based on 140 dwellings being delivered, are Deal Football/3G pitches and Tides Leisure Centre. Other Open

Space, such as informal green space and a children's play area is to be provided on site.

- 2.68 As set out above, the development would deliver policy compliant provision of affordable housing.
- 2.69 The NHS have advised that there is limited capacity within the local general practice services to accommodate the development. The development will generate approximately 407 new patients and it will be necessary to increase the capacity of premises in the vicinity of the site to accommodate this additional demand. The NHS does not have a specific project identified at this stage, but has advised that they will work with practices within the catchment of the site (St Richards Road Surgery, Manor Road Surgery, Balmoral Surgery and The Cedars Surgery) to provide the necessary capacity and have requested £146,376 to achieve this. This figure is based on 140 dwellings being provided. As the description of the development is 'up to 140' dwellings, it is considered that it would be more appropriate to secure a contribution of a 'per dwelling' basis should permission be approved.
- 2.70 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement (together with securing the highway improvement works) if planning permission was to be granted:

Matter	Contribution
Secondary education	£4,540 per dwelling (excluding 1-bed units less than 56sqm)
Community learning	£16.42 per dwelling
Youth service	£65.50 per dwelling
Library book stock	£55.45 per dwelling
Social care	£146.88 per dwelling
Waste	£54.47 per dwelling
Thanet Coast and Sandwich Bay Special Protection Area SAMM	Per dwelling: - 1-bed £112 - 2-bed £224 - 3-Bed £337 - 4-bed £449
Outdoor sports facilities	£284,131 or £2,029.51 per dwelling
Affordable housing	30% affordable housing; split 55/25/20 affordable rent / first homes / shared ownership Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage
NHS Kent & Medway Group contribution	£504 per one-bedroom dwelling £720 per two-bedroom dwelling £1,008 per three-bedroom dwelling £1,260 per four-bedroom dwelling £1728 per five-bedroom dwelling

Archaeology

- 2.71 Criterion h of draft Policy SAP14 requires the submission of an Archaeological Assessment of the site. Such an assessment has been submitted. The Mill Hill area has long been recognised for its archaeological importance with several significant archaeological discoveries having previously been made nearby, together with exceptionally dense areas of archaeology in the close vicinity of the site (more than 500 individual archaeological features which were identified between 1984 and 1989 to the north of the development site on the Walmer Way housing site). Archaeological investigations in the area have recorded evidence of occupation from the Neolithic period onwards, including the particularly important 'Mill Hill Warrior', who was buried with a sword, shield and crown, which are now on display in the British Museum.
- 2.72 Whilst the majority of the known archaeology in the area is located along the Mill Hill ridge, KCC Archaeology still consider that the application has a moderate potential for remains to be present on the site. On this basis, and having regard for paragraph 205 of the NPPF, it is considered that it would be proportionate to require that a programme of archaeological works takes place. This should be secured by condition, should permission be granted.

Other Matters

- 2.73 The NPPF, at paragraph 174, advised that planning policies and decisions should recognise "the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland". The site includes Best and Most Versatile agricultural land and the loss of BMV agricultural land is a material consideration which weighs against the development. However, the loss of land would be relatively limited, and it is noted that the loss of agricultural land was not cited as one of the reasons for refusal for the previous application for this site and the neighbouring site to the east of Cross Road and neither was it determinative when the land to the east of Cross Road received planning permission. Whilst the loss of BMV is material in the planning assessment, it is not considered that it is determinative given the circumstances of this case, in particular given that the site is proposed for allocation.
- 2.74 An Air Quality Assessment has been submitted by the applicant. This concludes that the development would lead to insignificant impacts on air quality, both during the construction and operational phases. Environmental Protection have concurred that the development would have a negligible impact on air quality but have recommended that dust management takes place during construction, which can be secured by condition.
- 2.75 Criterion i of draft Policy SAP14 requires that a contaminated land assessment is submitted with any application. Such an assessment has been submitted. As set out at paragraph 2.62, regard has also been had for pollution to groundwater. The risk of contamination on the site is generally low and linked to past uses such as fertiliser, pesticide and herbicide use. The site is also close to a motor vehicle business. Consequently, whilst the overall risk is limited, it is recommended that further contaminated land assessment is secured by condition, which will need to include ground sampling and testing, ground gas monitoring and refinement of the conceptual model.

3. Conclusion

- 3.1 The previous application for this site and the site to the east of Cross Road was refused for five reasons, relating to: the sites location in the countryside; the visual impacts of the development; the lack of information regarding highway impacts; impacts on reptiles; and the lack of infrastructure provision being secured. The full wording of the reasons for refusal is set out at section (d) of this report. Since that application was refused outline planning permission, reserved matters approval has been given for the land to the east of Cross Road. In relation to the current application, the site has been proposed for allocation in the emerging Local Plan, being identified as a suitable location for additional housing to meet the needs of the District and one of a just two larger sites in the Deal area identified as being capable of delivering housing over the plan period (together with four 'smaller sites'). The development would have an impact on the character of the area; however, this impact is considered to have been limited and mitigated through the use of landscaping. Likewise, impacts on the highway network and impacts on reptiles are now considered to be acceptable. Finally, the developer is proposing to meet the demonstrated infrastructure needs of the development. It is therefore concluded that the previous reason for refusal have been overcome.
- 3.2 As stated, the site is proposed for allocation in the emerging Local Plan, albeit the indicative capacity of the site is 100 dwellings. The draft policy sets 11 criteria for the development of the site. It is considered that the proposal addresses these criteria.
- 3.3 The policies that the basket of most important for the determination of this application are out of date. Consequently, the application should be assessed having regard for the 'presumption in favour of sustainable development', or the 'tilted balance' as set out at paragraph 11d of the Framework. This requires that planning permission should be granted unless the adverse impacts of granting planning permission would 'significantly and demonstrably' outweigh the benefits.
- 3.4 The site is also included within the emerging local for residential development. Whilst the emerging policy allocating the site indicates a capacity for 100 dwellings (this application proposing 140 dwellings), it is considered that the principle of residential development of the site is supported.
- 3.5 The development of the site would, necessarily, alter the character of the site in some views, especially short-range views from Cross Road. Whilst this impact is considered to weigh against the scheme, it is concluded that the level of harm is limited. There would also be a loss of BMV agricultural land. Whilst this weighs against the development, this loss was not cited as a reason for refusal of application 17/00505 and is not considered to weigh heavily in the planning balance. Other benefits would also accrue from the development, such as the provision of at least a 10% biodiversity net gain, which also attract weight in favour of approval. Against this harm, the development would provide up to 140 dwellings, of which 30% would be affordable. Inspectors regularly consider that the provision of housing of this magnitude and the provision of a significant number of affordable houses should each carry substantial weight in the planning balance.
- 3.6 Subject to conditions and a legal agreement, the development is considered to be acceptable in all other material respects.

- 3.7 It is therefore concluded that the harm of this development is significantly outweighed by the benefits (conversely, the test for refusal being that the harm must significantly and demonstrably outweigh the benefits). As such, it is recommended that planning permission be granted.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to a S106 to secure the required contributions, provision and retention of play area and mitigation and to secure a proportionate contribution to the off-site highway improvement works, and conditions to include: -

- (1) Reserved matters details
- (2) Outline time limits
- (3) Approved plans
- (4) Existing the proposed site levels and building heights
- (5) Biodiversity Net Gain and Biodiversity Management and Monitoring Plan
- (6) Biodiversity Method Statement, including biodiversity mitigation and enhancement (including bat sensitive lighting)
- (7) Construction Management Plan (including assessment of impacts on groundwater and dust suppression)
- (8) Highway conditions (vehicle parking, bicycle parking, visibility splays, turning facilities and details of the construction of roads)
- (9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the S106)
- (10) Landscaping details and maintenance of green spaces
- (11) Open space management plan
- (12) Protection of Trees and Hedges
- (13) Hard landscaping works and boundary details/enclosures
- (14) Contamination
- (15) Full details of surface water drainage (prior to commencement of the development), including a Hydrological Risk Assessment
- (16) Verification of the implementation of surface water drainage scheme
- (17) No other infiltration on site other than that approved
- (18) Internal acoustic requirements for dwellings
- (19) Programme of archaeological works
- (20) Full details of foul drainage, including timetable for implementation and connection
- (21) Details for the protection of existing public sewers
- (22) Broadband connection
- (23) Off-site highway works prior to commencement
- (24) Samples of materials
- (25) Full details of windows and doors, including the depth of reveals
- (26) Details of foundation design
- (27) Details of refuse and recycling facilities
- (28) No flues, vents, grilles or meter boxes

- II Powers to be delegated to the Head of Planning and Development to agree a contribution for off-site highway work, settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).