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Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

2 October 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 12 October 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 dark ink, appearing to be "N. Nee", written over a horizontal line.

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** (Pages 6-13)

To confirm the attached minutes of the meeting of the Committee held on 14 September 2023.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 14-18)

5 **APPLICATION NO DOV/22/01643 - LAND ADJACENT TO 22 THE STREET, WEST HOUGHAM** (Pages 19-31)

Erection of dwelling with car parking

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

6 **APPLICATION NO DOV/23/00892 - THE COACH HOUSE, HIGH STREET, WINGHAM** (Pages 32-39)

Erection of dwelling with attached garage

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

7 **APPLICATION NO DOV/23/00553 - 17 CHURCH STREET, WALMER** (Pages 40-46)

Erection of a detached dwelling with electric charging point and associated parking

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

8 **APPLICATION NO DOV/22/01577 - HORSESHOE BUNGALOW, MILL LANE, PRESTON** (Pages 47-61)

Erection of a detached two-storey dwellinghouse, two detached garages and rear extension to the existing dwelling (existing garage to be demolished)

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

9 **APPLICATION NO DOV/23/00819 - 8 JARVIST PLACE, KINGSDOWN** (Pages 62-68)

Erection of front, rear and side extensions and new second-floor extension over part of the dwelling

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

10 **APPLICATION NO DOV/19/01025 - LAND ADJACENT TO 74 STANHOPE ROAD, DOVER** (Pages 69-110)

Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

11 APPEALS AND INFORMAL HEARINGS

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

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

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

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

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

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 14 September 2023 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: D G Cronk
J S Back
E A Biggs
R M Knight
J P Loffman
S M S Mamjan
M P Porter
C A Vinson
H M Williams

Officers: Team Leader (Development Management) - Strategic Sites
Principal Planner
Principal Planning Solicitor
Property/Planning Lawyer
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/21/00075	Mr Clive Tidmarsh	Ms Sharon King

45 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and N S Kenton.

46 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M P Porter and C A Vinson had been appointed as substitute members for Councillors D G Beaney and N S Kenton respectively.

47 DECLARATIONS OF INTEREST

There were no declarations of interest.

48 MINUTES

The minutes of the meeting held on 10 August 2023 were approved as a correct record and signed by the Chairman.

49 APPLICATION NO DOV/19/01328 - UNIT 6, THE OLD TILMANSTONE COLLIERY, PIKE ROAD, EYTHORNE

The Committee was shown an aerial view, a plan and photographs of the application site which was a premises located within an industrial estate. The Principal Planner advised that retrospective planning permission was sought for a change of use to B2 which was compatible with the site allocation. Permission was also sought for the installation of various equipment/apparatus consistent with the site's use as a concrete batching plant.

Members were advised that the use had started in November 2021, and a temporary silo on site would be removed and three permanent ones installed should permission be granted. The majority of objections received related to HGV movements. There were currently no restrictions on vehicle movements within and around the site. The application, if approved, would improve the situation as conditions were proposed which would control the route of HGVs using the site and the number of vehicle movements within the site. The former would be secured by way of a legal agreement and the latter achieved via a logbook. The routeing agreement would require vehicles to enter and leave the site via Barville Road and the A256.

Kent County Council (KCC) Highways had been consulted and there had been significant correspondence between the Council, KCC Highways and the applicant. The Principal Planner pointed out that other businesses on the industrial estate also generated HGV movements and a number of vehicles were therefore already using routes to and from the site. He added that condition 8 would be removed as the applicant had advised that it was no longer possible to disable reversing alarms on lorries. On this point, he clarified that the condition had not been requested by the Council's Environmental Protection team and that there had been no noise complaints about the site in the two years that the use had been in operation. Given the site's distance from the nearest residential property and its location on an industrial estate, the change of use was considered acceptable and approval was recommended.

Councillor D G Cronk queried how the movement of HGVs would be monitored and what signage would be provided. The Principal Planner advised that the applicant would be required to keep a logbook of vehicles visiting the site. The routeing agreement would require signage to be installed inside and outside the site; CCTV at the site entrance; directives to drivers visiting the site for the first time; and breaches to be penalised with a warning for a first offence and a temporary or potentially permanent ban for second or third offences. Too many vehicles being present on the site would be a breach of planning conditions and therefore potentially subject to further investigation by Planning Enforcement.

Councillors J S Back and C A Vinson cited the use and vehicle movements as being consistent with an industrial estate and supported the proposal. In response to Councillor J P Loffman who asked whether HGVs would be present on site outside normal working hours, the Principal Planner advised that the applicant had resisted any restrictions on working hours as the company occasionally had to do emergency work which required night working. In any case, Environmental Protection had not requested any restriction on working hours. The Chairman added that if HGV drivers took the wrong route on a regular basis, local residents would undoubtedly bring it to the Council's attention so compliance would effectively be monitored that way.

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement in relation to a Traffic Routeing Agreement, Application DOV/19/01328 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Permitted development rights removal/approved use;
- (iii) Number of HGV movements;
- (iv) Traffic Management Plan – complementing the Traffic Routeing Agreement provided for in the Section 106 Agreement;
- (v) Retention of parking provision;
- (vi) Construction Management Plan;
- (vii) Record of HGV movements;
- (viii) Desktop contamination investigations;
- (ix) Contamination remediation if required by condition 9;
- (x) Verification contamination report if required by condition 10;
- (xi) Contamination investigations required if contamination found at any time;
- (xii) External lighting.

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

50 APPLICATION NO DOV/21/00075 - 74 AND LAND REAR OF ARCHERS COURT ROAD, WHITFIELD

Members viewed plans and photographs of the application site which was located within the settlement boundary of Whitfield and within an existing site allocated for housing within Core Strategy Policy CP11 and known as the Whitfield Urban Expansion (WUE). The Team Leader Development Management (TLDM) advised that outline planning permission was sought for the erection of up to 38 dwellings and the formation of an access road, with the existing dwelling at 74 Archers Court Road to be demolished. As an update to the report, he advised that a further 19 representations had been received, these being 18 objections and one neutral. These raised no new material considerations, but some questioned the access onto Archers Court Road and the scheme's conformity with the Local Plan.

The TLDM went on to explain that, whilst Policy CP11 did not restrict access onto Archers Court Road per se, it required developments to be carried out in accordance with the Whitfield Masterplan Supplementary Planning Document (SPD). The SPD did have a restriction on vehicles (other than buses and cyclists) using Archers Court Road as a direct access. The emerging Local Plan had a similar restriction, with only buses being allowed to use the road. KCC Highways had assessed the application and, in the absence of significant and demonstrable

harm to the highway network, had deemed it acceptable. Furthermore, the development would provide contributions towards the Whitfield and Duke of York's roundabout mitigation schemes and, as such, approval was recommended.

Councillor Back referred to the Whitfield SPD which stated that the site was a village extension within Phase 1 of the WUE and that access should accordingly be through Light Hill. The SPD precluded direct access onto Archers Court Road for vehicles, other than buses and cyclists. He questioned why residents living in Phase 2 of the WUE were required to travel via Richmond Park when future occupants of this scheme, most of which was situated in Phase 1, would not. Policy CP11 sought to ensure that delivery was managed and coordinated, with the SPD setting out a framework for how the expansion should be undertaken, including master planning, infrastructure, highways, etc, underpinned by the aim of protecting the existing settlement. In his view it was not acceptable to pick and choose when these policies were applied. KCC Highways had originally objected to the scheme but had subsequently withdrawn its objection when the applicant had agreed to contribute towards the upgrading of the Whitfield and Duke of York's roundabouts. He commented that the developer had refused an offer of access through Richmond Park due to the cost. He could not support the application due to the proposed access and proposed that it should be refused on the grounds that it was contrary to page 66 of the Whitfield Urban Expansion SPD and Policy CP11, and because the upgrading of Whitfield roundabout would not take place until 2026 at the earliest.

The TLDM acknowledged that the proposed scheme did not accord with the SPD in that the proposed access would be via Archers Court Road. However, Officers could not support a refusal because no harm would arise as a result of the additional vehicular movements generated by the scheme. The threshold for a refusal on highways grounds was that there would be a severe cumulative impact on the local highway network which would not be the case here. KCC Highways had acknowledged that the scheme would have an impact on junctions and Whitfield roundabout, albeit not so severe as to reach the threshold for refusal. He clarified that the contributions towards the roundabout mitigation scheme were to meet a requirement of the Local Plan to provide the necessary infrastructure for new developments. Moreover, they were not above and beyond anything that other schemes would be asked to provide.

In terms of KCC Highways' consultation, its two initial responses had raised concerns about the lack of transport evidence. The applicant had then provided two technical notes that furnished the requisite information. A third consultation response had withdrawn KCC Highways' objections to the scheme. Following an approach from Officers regarding the need to request contributions for the roundabout mitigation scheme, KCC Highways had agreed to seek these, as it would with other developments affecting the roundabouts.

Councillor Vinson stated that, whilst the scale of the proposed development was modest and the proposed mitigation reasonable - and if situated elsewhere he would probably support it - the point of contention was that the Council had a longstanding policy governing its delivery of 5,000 dwellings which the Committee was being asked to overlook. Not only did the law require decisions to be made in accordance with the Development Plan, in this instance there was an SPD that set out how schemes in Whitfield should come forward. Given that the Development Plan had been the subject of considerable scrutiny and examination, in his view it was the proposal's failure to comply with this and the SPD that were paramount to the Committee's considerations rather than the issue of harm.

Councillor Biggs accepted that there were a number of challenges in relation to the expansion of Whitfield, not least the effect of development on Whitfield roundabout. Officers had put in a lot of work behind the scenes to address highways issues which would take time to progress. Numerous discussions had taken place with statutory consultees such as KCC Highways and National Highways and Officers were obliged to follow their advice. In his view it was disingenuous to question the payment of contributions towards upgrading the Whitfield and Duke of York's roundabouts as they were entirely legitimate.

The TLDM stressed that, whilst there was a technical breach of the SPD, the harm caused by that breach needed to be identified, and evidenced if the application were to be refused. It was the opinion of Officers that local junctions would not be unacceptably impacted by the development as it was a smaller and more bespoke scheme. Whilst Officers were struggling to identify the harm, the benefits of the scheme were clear in that it would provide affordable housing and financial contributions towards the wider infrastructure of the district.

Councillor Loffman rued the fact that the Committee was bound by KCC Highways' advice. Its definition of severe was questionable and the transport models it used were not based on reality. The impact of this development would undoubtedly be felt by local residents. However, in the light of KCC Highways' advice, and mindful that an appeal could be upheld with costs awarded against the Council, he considered that refusing the application was not an option. Councillor Cronk suggested that it would have been helpful to have had KCC Highways present at the meeting to aid Members in their decision making and to answer questions about the mitigation scheme.

Councillor R M Knight advised that over the years he had been involved in plans to expand Whitfield, including challenging some of the proposals put forward by the Council, with a view to protecting the village. He accepted that it was a relatively small development, but approving the application would set a precedent and encourage similar developments to come forward which cumulatively would have a severe impact on the roundabout. The policies were there to protect the community and access for this development should be provided via Richmond Park. In respect of the latter, he understood that an opportunity to do so had been turned down.

The Principal Planning Solicitor reminded the Committee that the law required decisions to be made in accordance with the Development Plan unless material considerations indicated otherwise. The SPD was only one element of the Development Plan and Members should consider the relevant provisions of the Development Plan as a whole when assessing the application. Addressing comments made by some Members, he disagreed with the suggestion that the development was a speculative one and, aside from the access being a point of conflict with the SPD, it was considered by Officers to comply with the Development Plan. He reminded Members that advice received from statutory consultees was a material consideration of significant weight. In this regard, the National Planning Policy Framework (NPPF) had a test of severe cumulative impact and KCC Highways had advised that this would not be the case. Although there was a conflict with the SPD, the harm resulting from that conflict had to be identified if the Council was to defend a refusal at appeal successfully. He advised that refusing the application would not be unlawful, but the consideration for the Committee was whether a refusal would be reasonable given that the evidence was not there to justify it.

Councillor Vinson argued that the SPD was well evidenced. Councillor Loffman agreed, raising concerns that approving the application could set a precedent and undermine the Council's policies. The Principal Planning Solicitor advised that it was an established principle that precedent could be a material consideration, particularly where planning permission was being granted contrary to policy. Whilst the application was contrary to an element of the policy, he understood from discussions with Officers that there were, in practice, very few developments that could come forward proposing to use Archers Court Road for access. In other words, approving the application was unlikely to result in a proliferation of other applications that it would then be difficult to refuse.

The TLDM explained that the SPD was a high-level document that looked at the broader framework for delivering 5,000 homes under the WUE. Its purpose was to avoid creating impacts and causing harm to the highway network. The application under consideration was solely for the delivery of 38 dwellings. Two highways authorities had found the proposed scheme acceptable, based on specific evidence submitted with the application that was more forensic than the evidence provided for the SPD which, while comprehensive, was looking at the wider allocation. He stressed that the application's evidence was substantially greater than that attached to the SPD, looking at vehicle movements that would be generated by this development. He advised that the next application on the agenda was for reserved matters for a development with fewer units that also proposed access onto Archers Court Road, thus raising similar concerns to this application. The outline application had been refused but then allowed at appeal, with the planning inspector concluding that there would be a negligible impact on the Archers Court Road/Sandwich Road junction and Whitfield roundabout. It was a matter of fact that KCC Highway's predictions in relation to that scheme had been upheld by the planning inspector.

Councillor Knight pointed out that the site which was the subject of the next agenda item had no alternative but to use Archers Court Road for access. That was not the case with this site whose location meant that an alternative access was potentially available through Richmond Park. Councillor Porter commented that he used Archers Court Road on a regular basis and often found it congested with traffic which not only caused delays and frustration for drivers but also added to levels of air pollution caused by stationary vehicles. In contrast, he had never experienced delays at the Richmond Park roundabout. The Chairman declared that he, like some other Members, was sceptical of KCC Highways' acceptance of schemes and urged Members to look online and pay close attention to proposed developments in their ward. It was a balanced decision, but he believed that a refusal was difficult to justify.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00075 be REFUSED on the grounds that the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Masterplan Supplementary Planning Document 2011 and point (i) of SAP of the emerging Local Plan.

(b) That powers be delegated to the Head of Planning and Development to finalise the wording of the grounds of refusal, in consultation with the Chairman of the Planning Committee and ward Members.

APPLICATION NO DOV/22/00737 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD

The Committee was shown a drawing and plans of the application site which was a triangular parcel of land lying between the rear of properties on Archers Court Road and the A2, and within the urban settlement boundary of Dover. The TLDM advised that the application was for reserved matters pursuant to outline permission which had been granted at appeal. Responding to some queries, he clarified that the application had been submitted within one day of the expiry of the outline planning permission.

Members were advised that the closest dwelling to the proposed development was a bungalow which was 27 metres distant from the boundary of the site. He advised that trees of between 3.5 and 4.5 metres (heavy standard size) would be planted in the public areas and streets of the development, and trees of between 2.5 and 3 metres (standard size) would be planted in individual gardens. There was an existing acoustic fence within the highway boundary, the maintenance of which fell to National Highways. A 4.5-metre acoustic fence would be installed by the developer and its maintenance would be a charge on the properties.

In response to Councillor Back, he advised that conditions imposed on the outline application would ensure that no development could commence until details of the public right of way and proposals for its diversion had been submitted and approved by the Local Planning Authority. In response to Councillor Williams, he advised that it would normally be expected that condition 5, which dealt with biodiversity mitigation, would include restrictions on tree cutting during nesting season. That said, it could be raised informally with the applicant. He agreed that the condition on electric vehicle charging facilities should be removed as such provision came under Building Regulations. In respect of Councillor Williams's suggestion that the applicant could provide each household with a free composter or voucher equivalent, he advised that this was not a policy requirement, but informal discussions could be held with the applicant.

RESOLVED: (a) That Application No DOV/22/00737 be APPROVED subject to the following conditions:

- (i) Approved plans and details;
- (ii) Samples of materials;
- (iii) Fenestration within reveals;
- (iv) Removal of permitted development rights;
- (v) Biodiversity mitigation strategy prior to clearance works;
- (vi) Lighting design strategy for biodiversity;
- (vii) Provision of hedgehog gaps within fencing;
- (viii) Proposed biodiversity enhancement measures secured;

- (ix) Provision of integrated bat and bird features to dwellings;
- (x) Arboricultural method statement and tree protection measures;
- (xi) Works to trees to accord with approved details;
- (xii) Soft landscaping provided and maintained in accordance with details;
- (xiii) Hard surfacing provided and maintained in accordance with details;
- (xiv) Formal and informal public open space and play area provided and maintained in accordance with landscape maintenance and management plan;
- (xv) Acoustic fencing provided and maintained in accordance with details;
- (xvi) Permeable paving.

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

52 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken.

The meeting ended at 7.40 pm.

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.

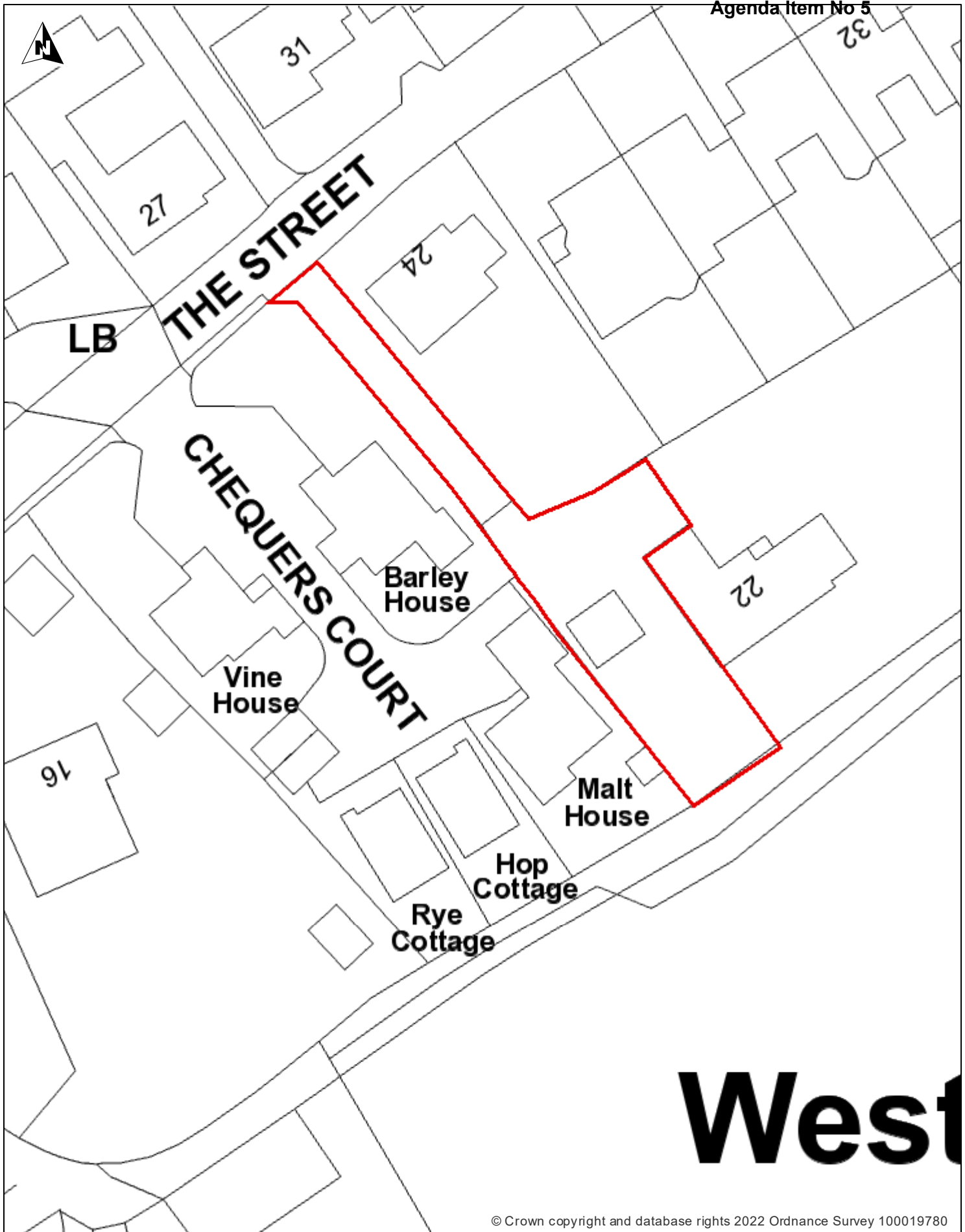
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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



22/01643

Land To The West Of 22 The Street
West Hougham
CT15 7BB

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/22/01643 - Erection of dwelling with car parking – Land adjacent to 22 The Street, West Hougham**

Reason for report – Number of contrary views (9)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM15, DM16, DM17

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

Draft Dover District Local Plan to 2040 (March 2023) Policies: SP1, SP2, SP4, SP13, SP14, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, TI1, TI3, NE1, NE2, NE5

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. Relevant policies include:

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

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 111, 126, 130, 174, 176, 180

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

DOV/20/00524 - Erection of extensions to existing garage to facilitate conversion to a detached dwelling and creation of parking - Approved

DOV/20/01369 - Outline application for the erection of 2 x detached dwellings (with all matters reserved except access) - Approved

DOV/22/00921 - Reserved matters application for the details of layout, appearance, landscaping, and scale pursuant to outline planning permission DOV/20/01369 for the erection of 2no. detached dwellings – Refused.

DOV/22/01642 - Erection of 2 detached dwellings with cycle & refuse stores, parking and replacement carparking for No. 22 - Plot 1, Land Adjacent To 22 The Street, West Hougham - Approved

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

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

KCC Highways: This proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Recommend an informative concerning the need for applicant to obtain any necessary highway approvals/consents.

KCC PROW: No objections raised.

Kent Fire and Rescue: No response.

Southern Water: records show approximate position of our existing public foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public sewers.
- All existing infrastructure should be protected during the course of construction works.
- requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Parish Council - Object for the following reasons:

- Overdevelopment of the site and overbearing impact on the village
- Concerns about width of drive and adequate access for emergency vehicles
- Additional traffic causing highway concerns
- No visitor parking
- Loss of biodiversity at the site
- Negative impact on AONB and buildings in the village
- Concerns about drainage & infrastructure in the area
- Inaccuracies in planning submission
- Suggest planning committee should visit the site.

Third party Representations:

9 Representations of objection have been received and are summarised:

- Vehicle access only suitable for one household. Access is potentially dangerous for vehicles and pedestrians using both the access road and main road.
- Inadequate access for deliveries
- Inadequate parking for occupants and visitors leading to on street parking in The Street, which is already an issue and may cause issues for emergency vehicle access.
- Overdevelopment of site
- Backland development
- No pedestrian pathway on the main road through the village and visibility for drivers joining the main road from the access is obscured.
- Development would worsen state of roads in village
- In previous application Kent Fire and Rescue requested a turning circle for emergency vehicles
- Design and height out of keeping with others nearby

- Proximity to neighbouring properties and loss of outlook
- Loss of light and overshadowing to neighbouring properties
- Overlooking to neighbouring properties
- Noise nuisance and pollution for neighbours
- Sets a precedent in AONB
- Objection to removal of trees that have taken place at the site, destroying biodiversity
- Properties will be visible from adjacent footpath and highway
- Lack of services and facilities in village and lack of sustainable transport

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

- Additional properties will not ruin the village but will provide additional accommodation in accordance with government guidance
- Need for housing
- Sympathetic and attractive design
- No overlooking/loss of light
- No resulting loss of privacy
- Notes a cul de sac of new houses have been approved on the adjacent site, known as The Chequers
- Parking provision and access via private drive are adequate
- Trees previously removed were either small or diseased
- New landscaping and bird boxes will encourage wildlife
- Similar scheme to that previously approved

f) 1. The Site and the Proposal



EXISTING SITE BLOCK PLAN - SCALE 1/500

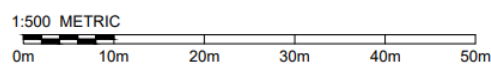


Figure 1. Site location plan, not to scale

- 1.1 No. 22 is a detached two storey house situated on the southeastern side of The Street and set back from the frontage with the highway. It is reached via a private drive situated between Barley House in Chequers Court and 24 The Street. The property lies within the village confines. The village of West Hougham is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB). The village comprises a mix of dwelling types, styles and plot sizes.
- 1.2 No. 22 previously benefited from a converted garage building (the subject of this application) on the western side and a single storey element to the east. Both of these structures have now been removed. It occupies a larger than average plot to others in the vicinity, which extends across the rear gardens of 24, 26, 28 and 30 The Street on the north western side. To the north east the garden extends towards 42 The Street, a chalet bungalow that occupies a backland position relative to properties in The Street.
- 1.3 Immediately to the south east is a Public Right of Way (PROW) set at a lower level with largely open countryside beyond. To the south west of the application site is a more recent development of 5 x two storey dwellinghouses on the site of the former Chequers public house. This scheme comprises 3 dwellings at the rear roughly in line with 22 The Street and a further 2 dwellings along the site frontage. All are reached via a central vehicle access.
- 1.4 Planning permission is sought for the erection of a detached three-bedroom chalet property on the site of the former garage, sited to the southwest of No. 22. The dwelling would be reached via an existing private driveway which serves No. 22 and would have two parking spaces in front of the dwelling. The dwelling is designed with a pitched roof with a flat dormer window to the north east pitch, rooflights to both pitches and would be finished in red brickwork and cladding with a tiled roof.



Figure 2. Proposed Block Plan (Not to scale)

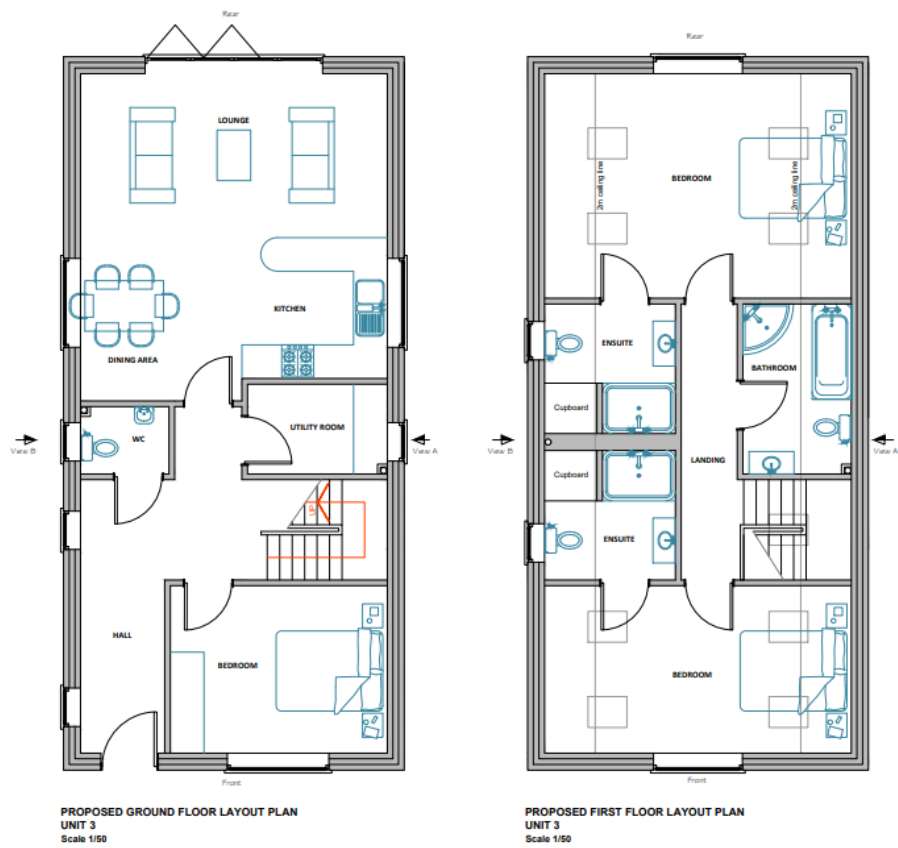


Figure 3. Proposed floor plans (Not to scale)

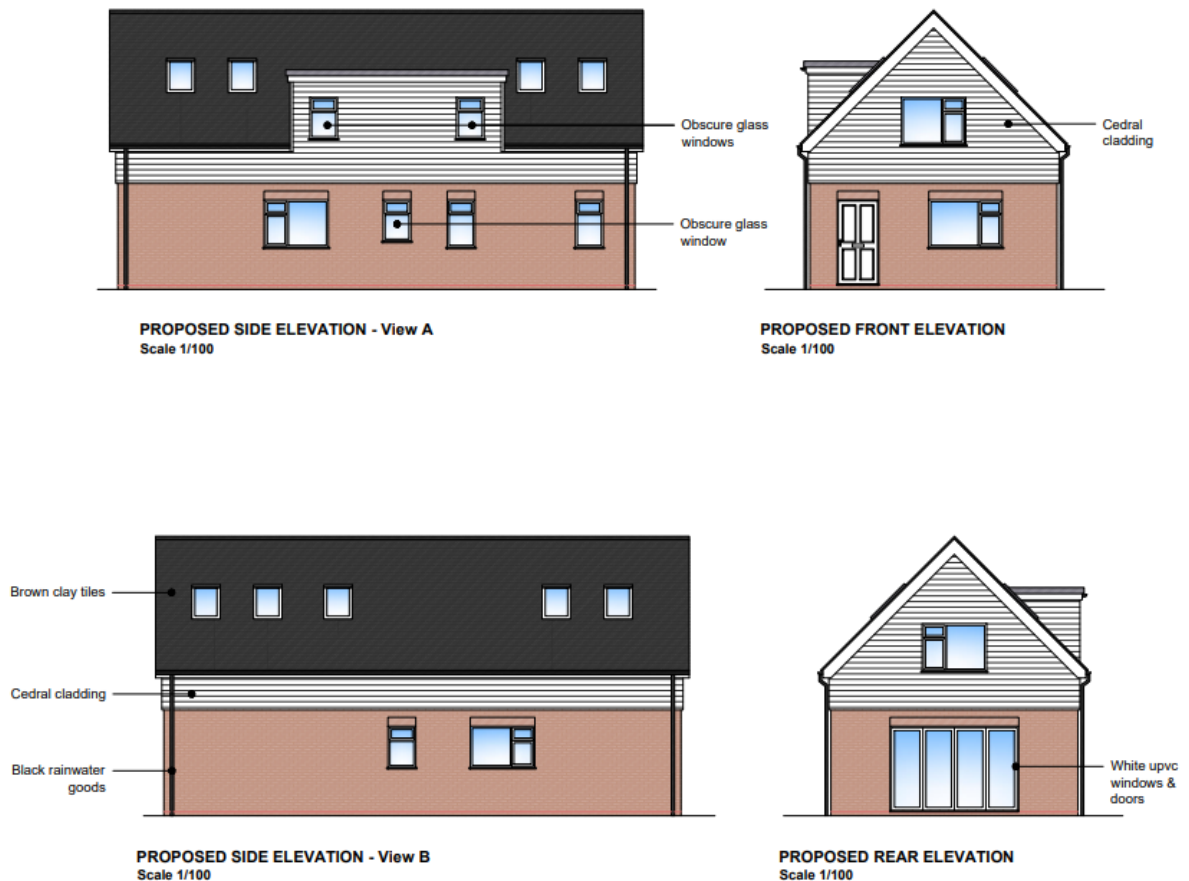


Figure 4. Proposed elevations (Not to scale)

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development and planning history
- Impact on the character and appearance and AONB
- Impact on residential amenity
- Highways and parking
- Ecology
- Drainage issues

Assessment

Principle of Development

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

2.3 West Hougham is identified as a village under policy CP1 and the site lies within the settlement confines. The village is a tertiary focus for development in the rural area and the small scale of this proposal would make use of land that falls within the village confines. This accords with the objectives of the NPPF which seek to locate development

where there is access to, and/or can support local services. The development therefore accords with the adopted development plan.

- 2.4 Draft policy SP4 applies to proposals for residential development on unallocated sites and sites outside settlement confines. The policy is regarded as being consistent with the NPPF and moderate weight can be given, as a material planning consideration. The draft policy sets out the appropriate locations for new windfall residential development. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. The policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed.
- 2.5 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining the settlement confines. The second category of settlement have few sustainable facilities, with residents likely to have their day-to-day needs met by services at nearby village or urban centres. At these locations, opportunities for new residential development are more limited, being focused on minor infilling within the settlement confines only. Policy SP4 applies other criteria to assess the appropriateness of development in these locations.
- 2.6 The second part of SP4 sets out criteria for new development. It requires that proposals are of a scale appropriate to the size of the settlement and the range of services and community facilities that serve it, taking account of the cumulative impact of any allocated sites and committed development. It also requires that proposals are compatible with the layout, density, fabric and appearance of the existing settlement, and in the case of settlements in, adjoining or surrounded by, the AONB, that the proposal complies in the first instance with the primary requirement of conserving and enhancing landscape and scenic beauty, and, where this is demonstrated, that the scale and extent of development is limited, sensitively located and designed to avoid or minimise adverse impacts on these designated landscapes.
- 2.7 The second part of SP4 sets out other criteria which includes that proposals should conserve and enhance landscape character and biodiversity, preserve or enhance any heritage assets within its setting, where the site adjoins open countryside, an appropriately designed landscape buffer should be included, proposals would not have an adverse impact on the living conditions of existing adjoining residents and that traffic movements generated from the development do not result in severe impacts to the highway network that cannot be mitigated, and proposals must not prejudice the ability of sites allocated for development to come forward due to limited highway capacity.
- 2.8 West Hougham is identified as a second category settlement. The proposal lies within the confines and therefore complies with part 1 of SP4. It is considered that the proposal also complies with the requirements of the second part of SP4, due to the size and scale of the proposal and the layout, form and appearance. A landscape buffer has not been proposed, however it is considered that this can be secured through a landscape condition.
- 2.9 The proposal is located on the site of a former garage serving No 22. The planning history for this site is relevant to the determination of this application. In 2020, permission was granted under DOV/20/00524 for the erection of extensions to the existing garage to facilitate conversion to a dwelling and creation of parking.

- 2.10 An outline application DOV/20/01369, which was approved for two detached dwellings to the northeast of No.22 and a subsequent full application was granted permission DOV/22/01642 for the erection of 2 detached dwellings to the northeast of No. 22.
- 2.11 The principle of residential development on this part of the site and access have already been established. The permission approved under DOV/20/00524 remains valid until 30th October 2023 and is therefore relevant to the determination of this current application. However it is noted that the garage has been demolished and the pre-commencement conditions attached have not been discharged, therefore this permission could not now be implemented. Notwithstanding, the planning history of the site remains a material consideration.
- 2.12 To conclude the principle of development is considered acceptable and accords with adopted policies, emerging policy SP4 and the aims of the NPPF.

Impact on Character and Appearance and AONB

- 2.13 The statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 needs to be recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB.
- 2.14 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130).
- 2.15 Paragraph 174 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes. In this case, the application site is within the Kent Downs AONB, which the NPPF (para 176) identifies as having the highest status of protection with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty.
- 2.16 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside. 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, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 2.17 Draft policy PM1 requires that development achieves a high quality of design, promotes sustainability, and fosters a positive sense of place. It also states development should respect and enhance character to create locally distinctive design or create character where none exists.
- 2.18 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020 and the Kent Downs AONB Landscape Character Assessment Review, in which they are located. All proposals within, or affecting the setting of, the AONB will be supported where:
- Development is sensitively located and designed to avoid or minimise adverse impacts on the AONB and its setting;
 - The location, form, scale, materials and design would conserve and where appropriate enhance or restore the special character of the landscape;

- The development would enhance the special qualities, distinctive character and tranquillity of the AONB and the Heritage Coasts;
 - The development has had regard to the AONB Management Plan and any associated guidance.
- 2.19 The dwelling is considered to be of a suitable scale, form and proportions for the plot that would be created. The proposal is considered appropriate for the context, given the scale, form and appearance and the existing mixed local pattern of development. The proposal will include a small garden space and adequate off-road parking. It is considered that the proposals will be sympathetic to local character and represent high quality design.
- 2.20 West Hougham falls within the Kent Downs AONB. Around the edge of the settlement various dwellings can be seen to present a harder edge to the landscape. The proposed dwelling would be in line with 22 The Street and other recent development at The Chequers and would not project beyond the village confines further into the AONB. The proposed dwelling, as with others in the locality, would be partly visible from the adjacent footpath.
- 2.21 The location, siting and design of the development are considered to minimise adverse impacts on the AONB. It is considered that the location, form, scale and materials would conserve the special character of the landscape. Furthermore, it is considered that the proposed dwelling would be read visually within a context of the existing village edge and would not result in any unacceptable harm to the qualities of the AONB.
- 2.22 Attributing great weight to the landscape and scenic beauty of the AONB, it is considered that the development would preserve the character and beauty of the landscape and would be compatible with the existing pattern and character of development within the locality. As such it is considered that the proposals accord with policies DM15, DM16, draft policies PM1 and NE2, and with the aims of the NPPF.

Impact on Residential Amenity

- 2.23 Paragraph 130 (f) of the NPPF sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.24 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation.
- 2.25 The proposed dwelling would be approximately 6m wide x 12.5m in length. The eaves height would be 3.4m in height above ground level, the riapproximately 6.8m. The application site, part of the original garden area of No. 22, lies directly adjacent to The Malthouse on Chequers Court. The proposed dwelling would be located to the northeast of The Malthouse where there is a ground floor window in the flank elevation serving a habitable room. The proposed dwelling would be located 3.6m from this window.
- 2.26 The extant permission for the garage building DOV/20/00524, included a ridge height of 6.6m. The approved scheme was therefore 0.2m lower, however sited closer to The Malthouse by 0.3m. There is 14m between the proposed front elevation and the rear elevation of Barley House. There is a16m between the front elevation of The Malthouse

and the rear elevation Barley House and it is not considered this would be substantially different.

- 2.27 Under DOV/20/00524, the extant permission for conversion of the garage to a dwelling. The approved plans did include an angled projecting window to the front elevation at first floor, with obscured glass to the western pane, in order that loss of privacy would not occur to existing residential amenities. The front elevation for this proposal is sited in the same location as DOV/20/00524 and it is considered that the same or a similar angled window should be included in this proposal in order to prevent any potential loss of privacy. The proposal as submitted does not include such a window, however it is considered that this can be secured by a planning condition.
- 2.28 It is recognised that the introduction of an additional dwelling in this location will create additional vehicle activity and general comings and goings as is the case with other properties in the village. It is considered that this would not be at such a significantly high level such as to cause a nuisance or justify withholding consent.
- 2.29 With regard to the rear of properties on The Street, the building would be some 29-30m from the principal rear elevations of those dwellings, which is a sufficient distance to avoid undue loss of privacy.
- 2.30 The proposed accommodation has windows serving habitable rooms and a rear garden. It is considered that the accommodation is of an acceptable standard. In conclusion, it is considered that the proposal would not result in any unacceptable impacts to the living conditions of adjacent properties and would provide an acceptable environment for the future occupiers of the proposed dwelling. The proposals are considered to accord with draft policy PM2 and the aims of the NPPF.

Highways/Parking

- 2.31 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.32 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.
- 2.33 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.
- 2.34 Access to the site would be via the existing private driveway approximately 4m in width by 42m in length. The proposal will result in some intensification of the driveway with the additional household. However, the extra vehicle activity associated to and from the site was not considered to present significant highway concerns. Two parking places would be provided for each of the proposed and the existing dwelling at No. 22 with turning space available for use by all occupants, so that cars can enter and leave in a forward direction.
- 2.35 These arrangements will provide sufficient space for occupants although no facilities are available for visitors. Whilst this is not ideal, it is not unusual for visitors to a domestic property to have to park off site and it is not considered that the lack of visitor parking

(policy requirement being 0.2 visitor spaces) would cause a highway safety issue or amount to a severe cumulative impact on the highway. To conclude it is considered that the proposals would accord with draft policies and the aims of the NPPF.

Ecology

- 2.36 There is a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. The emerging Local Plan requires that developments within 9km of the site would cause recreational impacts for which mitigation is required. As this site lies outside of the Zone of Influence, no mitigation is required.
- 2.37 The application relates to a residential garden area, with a garage formally located in the location proposed for the new dwelling. A preliminary ecological assessment or species surveys are not considered necessary in this instance.

Drainage Issues

- 2.38 The site is located in flood zone 1 and groundwater source protection zone 3. There is a public sewer located at the rear (southeast) of the site. Southern Water have advised that the exact position must be determined on site in consultation with Southern Water before the layout of the proposed development is finalised. They have also advised standoff distances for construction works, development, trees and surface water drainage features which will be set out in an informative on the decision notice.
- 2.39 The application form states that means of foul drainage is unknown and that a soakaway would be provided for surface water drainage. A connection for foul water drainage would be subject to necessary permissions.

3. Conclusion

- 3.1 The application proposes the construction of a chalet bungalow and is considered to be of an acceptable design in accordance with draft policies PM1 and PM2 and compatible with its surroundings. The dwelling would be provided with two off street parking spaces and satisfactory manoeuvring space in accordance with draft policy TI3. In terms of policies DM15, DM16 and draft policy NE2, it is considered that the dwelling would not result in an unacceptable impact on the visual amenities of the locality and would preserve the character and beauty of the AONB.
- 3.2 The proposal would make a minor contribution towards the housing stock in the district involving development within the settlement confines. It is considered that the proposal would not lead to undue environmental harm and would provide a small economic opportunity through the construction phase.
- 3.3 It is recognised that the introduction of a dwelling in this location will alter outlook for existing residents, however there is a sufficient degree of separation and the proposal is of a height to maintain an acceptable level of residential amenity.
- 3.4 In reaching this conclusion, regard has been had to the purpose of conserving or enhancing the natural beauty of the AONB, which has been afforded great weight. The proposal would accord with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be granted.

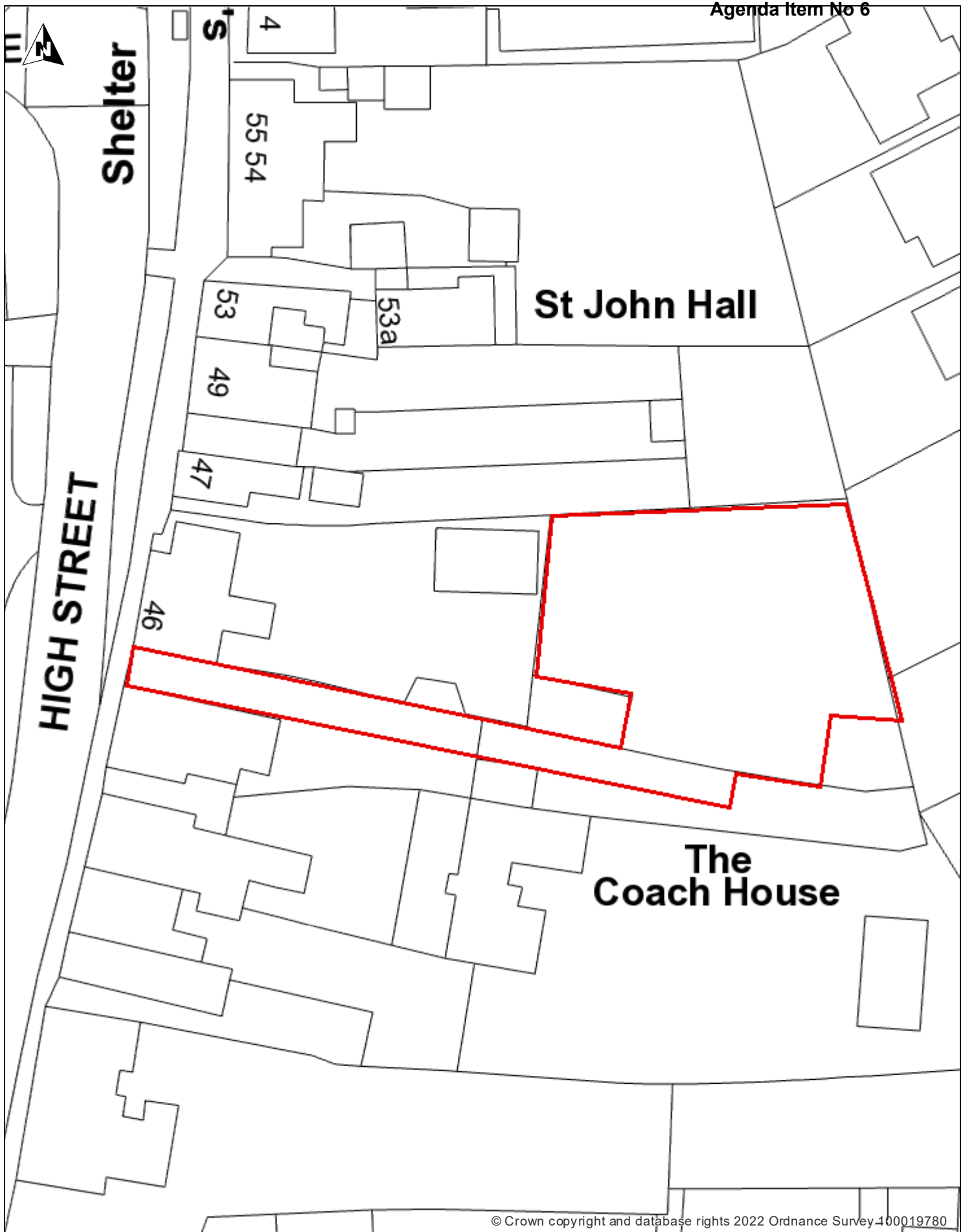
g) Recommendation

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

1. Time limit
 2. Plans
 3. Materials
 4. Submission of details of enclosure/ landscaping
 5. Provision of parking
 6. Provision of cycle storage
 7. Provision of refuse/ recycling store
 8. Removal of permitted development rights for additions to roof
 9. Details of angled window with screened glazing to first floor front elevation
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Nicola Kingsford



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23/00892

The Coach House
High Street, Wingham
CT3 1AB

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



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

a) **DOV/23/00892 – Erection of dwelling with attached garage - The Coach House, High Street, Wingham**

Reason for Report: Number contrary views (6)

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy (2010): CP1, DM1, DM13

Draft Dover District Local Plan (March 2023): Relevant policies: SP1, CC2, PM1, PM2, TI3, HE1 and HE2

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 consistency with the NPPF.

National Planning Policy Framework (2021) (NPPF): Paragraphs 2, 7, 8, 11, 130, 189-208

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

Nationally Described Space Standards (2015)

d) **Relevant Planning History**

DOV/02/01004 - Conversion of and extension to existing garage/store to form single bungalow - Refused

DOV/05/00202 - Erection of a two-storey rear extension - Granted

DOV/15/00986 - Change of use and conversion of existing garage to a residential dwelling, together with a single storey side and front extension - Granted

DOV/17/01275 - Variation of Condition 2 of planning permission DOV/15/00986 to allow changes to approved plans (application under S73) - Granted

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

Wingham Parish Council – No objections

DDC Heritage - It is not considered that this application requires specialist input in respect of the built historic environment. You are asked to ensure that the proposals are considered with reference to the relevant paragraphs of the NPPF.

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

River Stour Drainage Board – Condition suggested regarding drainage details

KCC Highways - No objection to proposals, following initial concerns and subject to conditions

KCC Archaeology – The application site is within an area that has evidence of Pre-historic, Romano-British and Anglo Saxon activity around the village. A condition has been suggested to request a programme of archaeological work.

Third Party Representations - A total of 6 individuals have raised objections to the proposal summarised as follows:

- Impact on garden of 53 High Street, overlooking to private garden area
- Loss of view from nearby properties
- Overlooking to 7 St Mary's Meadow
- Loss of enjoyment of gardens by neighbouring properties
- Negative impact on conservation area
- Loss of privacy due to patio doors
- Detrimental to historic properties
- Concerns of impact on waste system

In addition, two comments have been submitted in support, summarised as follows:

- Considerate in design for local area
- Appropriate size for the plot of land
- Neighbours have been considered during design process
- Lack of this type of new housing in the area

1 The Site and Proposal

- 1.1 The application relates to land sited to the northeast of The Coach House, which is located to the east of Wingham High Street, set within the Wingham Conservation Area (CA) and within the settlement confines. The site is bounded by the garden which belongs to 53 High Street to the north, 46 High Street to the west and 5 St Mary's Meadow to the east, as shown on Figure 1. Within the immediate area are a number of listed properties, but none of which are directly adjacent to the site.

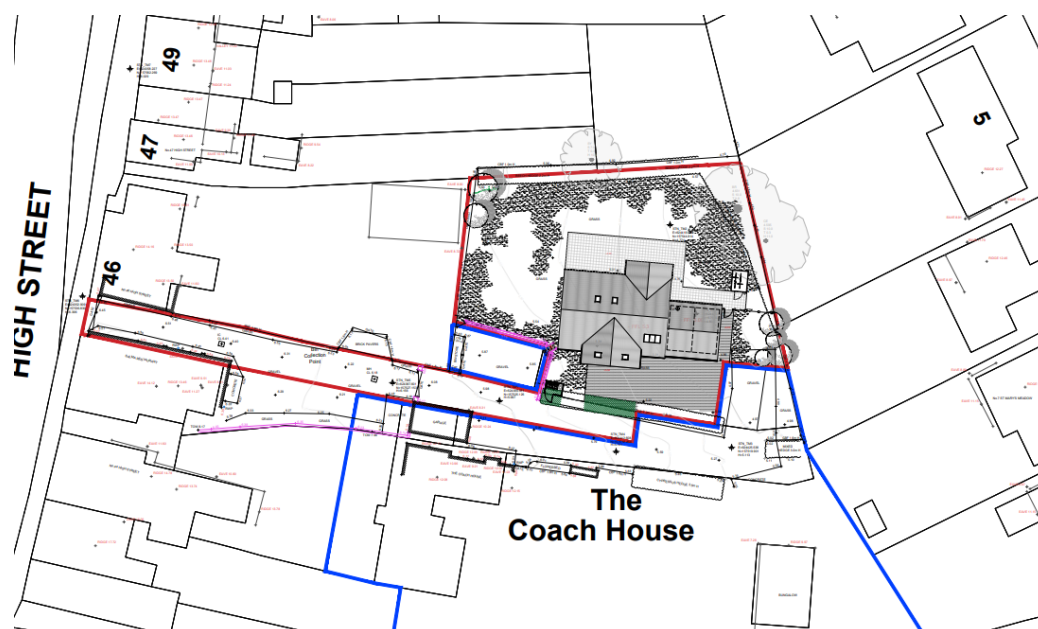


Figure 1: Proposed Block Plan

- 1.2 The application is for the erection of a 1.5 storey, 4 bedroom dwellinghouse. The dwellinghouse would be orientated south to north and would be finished in red brick, with black horizontal weatherboarding, a plain clay tiled roof, white painted timber frame windows and a timber front door.
- 1.3 The proposal also includes the erection of an attached garage, located to the east of the main dwellinghouse, with space for 2 cars.

2 Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - Impact on the conservation area and visual amenity
 - Residential amenity
 - Highway safety
 - Archaeology

Assessment

The Principle of the Development

- 2.2 The site is located within the settlement confines of Wingham and the creation of residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations discussed below.

Impact on Conservation Area and Visual Amenity

- 2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 2.4 The application site sits within the Wingham Conservation Area. Whilst there is some variety within the street, the general finish of the buildings is brick or white painted brick, with timber frame windows and tiled roof. The properties within Wingham High Street differ in size and scale, with a mixture of terraced, semi-detached and detached properties. The external finish of the proposed dwellinghouse is brick, with horizontal black weatherboarding, a plain clay tiled roof, white painted timber frame windows and a timber front door. The design and material finish of the proposed property is sensitive to the conservation area and due to its location set back from the main road, will not result in a property that is out of keeping or visually intrusive within the street scene.

- 2.5 The proposed site is set within an existing garden, with dense planting along the north and eastern boundaries. The planting would be retained and improved as part of the application, allowing the proposed dwellinghouse to assimilate into the site. This retention can be controlled by condition.
- 2.6 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the conservation area and meets the relevant tests in accordance with paragraphs 130, 189-208 of the NPPF and HE2 of the Draft Local Plan.

Residential Amenity

- 2.7 Concerns have been raised by third parties regarding the impact on neighbouring properties, with 7 St Mary's Meadow noted in particular. The position of the proposed dwelling within the plot is such that there would be no overbearing impact on neighbouring properties. The proposed garage would be attached to the east of the proposed dwellinghouse, is single storey, and set approximately 6.5m from the boundary shared with 7 St Mary's Meadow, and approximately 25m from the property itself.
- 2.8 Due to the orientation of the site, the design of the proposed dwellinghouse and the proximity to other properties, there would be no overshadowing or loss of light to neighbouring properties.
- 2.9 The main windows of the proposed dwellinghouse are set at ground floor level. High level roof lights are proposed on the north and south roofslope, together with high level windows set within the gable end of the east elevation. Due to the height of these windows, there would be no overlooking or loss of privacy to neighbouring properties. A floor to ceiling window is proposed within the south elevation as shown in Figure 2, which would overlook a parking area and towards the tall boundary hedge of The Coach House.



Figure 2: Proposed south elevation

- 2.10 An additional large window shown in Figure 3 is proposed within the west elevation to serve a bedroom. This window faces towards 46 High Street. Due to the slightly lower ground level of the proposed dwelling, and the distance of approximately 40m between the proposed dwellinghouse and 46 High Street, it is not considered that the proposals would result in any overlooking or loss of privacy. In addition to this,

the most private garden area of 46 High Street is adjacent to the main dwellinghouse, with the rear of the garden used for parking and a double garage.



Figure 3: Proposed West elevation

- 2.11 A number of third-party comments made reference to a loss of view as a result of the proposals. This is not a material planning consideration.
- 2.12 Therefore, for the reasons set out above, it is considered that there will be no impact on the residential amenity of neighbouring properties and the proposal would accord with the aims and objectives of Paragraph 130 of the NPPF and PM2 of the draft Local Plan.
- 2.13 In respect of the residential amenity of the future occupiers of the dwellinghouse, the rooms meet the Nationally Described Space Standards and would have access to a large garden area. It is therefore considered that the proposed occupiers would have a good standard of amenity in line with Paragraph 130 of the NPPF and PM2 of the draft Local Plan.

Highway Safety

- 2.14 The parking arrangements on site have been amended following KCC Highways consultation response. KCC Highways therefore now raise no objection to the proposals, subject to a Construction Management Plan and other highways conditions being secured. While concerns have been raised regarding the visibility from the access / driveway, the proposed parking and access to the new property would be via an existing entrance used by 46 High Street and The Coach House. A cycle store, bin storage and bin collection point have all been identified on plans and are acceptable.
- 2.15 Policy DM13 sets out that dwellings of this size, in this location should provide two parking spaces. As two parking spaces have been provided, together with a turning space and other parking spaces available within the site, the development would accord with Policy DM13 and Draft policy TI3 of the Local Plan.

Archaeology

- 2.16 KCC Archaeology's response was as follows: *"The application site lies within the historic settlement of Wingham. The present-day settlement probably has its origins in the medieval period. There is however evidence for Prehistoric, Romano-British and Anglo-Saxon activity in an around the village, with the line of the Hight Street, running south towards Adisham, thought to follow the line of a Roman road. A Roman villa lies on the southern edge of the village (about 400m from the application site) and is designated as a scheduled monument. Wingham grew into a settlement of some importance in the medieval period, being on the road between the port of Sandwich and Canterbury. The manor of Wingham was under the possession of the Archbishop of Canterbury, being the largest of the archbishop's manors. The medieval manor house was located at Wingham Court around 250m to the west of the proposed development. Wingham held a flourishing market, with the market house probably being located close to the former Red lion Inn. In the 1280s the archbishop founded the College of St. Mary at Wingham which occupied a block of land on the south-side of Canterbury Road opposite the church. The church itself is a grade I listed building and probably dates back to the 1190s. The historic nature of Wingham is reflected in the large number of listed buildings, particularly along the High Street as well as the extensive conservation area which covers much of the village's core. Many of the buildings along Wingham's High Street are late-medieval or early post-medieval date in origin and likely sit on plots of medieval date. Historic map regression suggests that the proposed development site probably represented a back-land area to the rear of properties fronting the High Street. It is possible however, that medieval or post-medieval archaeological remains may be present on the site, perhaps associated with ancillary activities (such as agriculture, small scale industrial activity or rubbish disposal). There is also a reasonable potential for earlier remains of Prehistoric or Romano-British date."*
- 2.17 As the application site lies within an area of archaeological potential, a condition has been imposed requesting a programme of archaeological works to ensure that should any features of archaeological interest be found on site, they are properly examined and recorded.

3. Conclusion

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

g) Recommendation

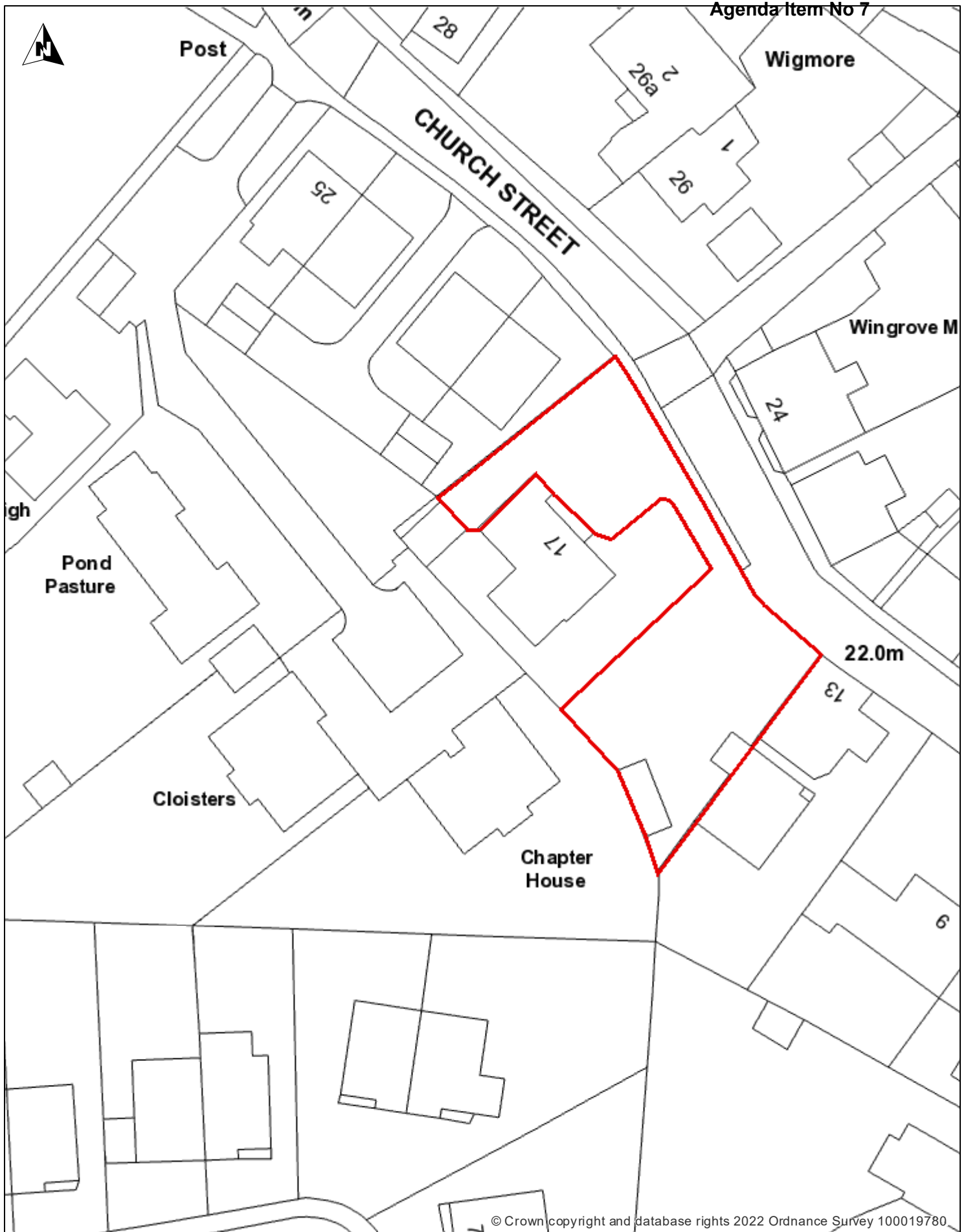
- I Planning permission be GRANTED, subject to the imposition of the following conditions:
- 1) 3-year time limit
 - 2) Approved plans
 - 3) Joinery details
 - 4) Surface water drainage details
 - 5) Construction Management Plan
 - 6) Provision and retention of car parking and garages
 - 7) Provision and retention of cycle storage and refuse/recycling store/collection
 - 8) Gates to open away from highway and set back by 5m from edge

- 9) Bound surface for first 5m
- 10) Archaeological works
- 11) Existing boundary landscaping retained

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

Case Officer

Amber Tonkin



23/00553

17 Church Street
Walmer
CT14 7RX

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/23/00553 – Erection of a detached dwelling with electric charging point and associated parking - 17 Church Street, Walmer**

Reason for Report: Number contrary views (13)

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy (2010) Policies CP1, DM1, DM13

Draft Dover District Local Plan (March 2023) Relevant policies: SP1, CC2, PM1, PM2, TI3, HE1 and HE2

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.

National Planning Policy Framework (2021) (NPPF) Paragraphs 2, 7, 8, 11, 130, 189-208

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

Nationally Described Space Standards (2015)

- d) **Relevant Planning History**

DOV/06/01406 - Erection of detached 3no. bedroom dwelling and construction of vehicular access – Refused – Appeal APP/X220/A/07/203865 - Dismissed

DOV/17/00955 - Erection of a first-floor side extension and front lower roof changed to pitched – Granted

DOV/21/01760 - Erection of a detached dwelling with electric charging point and associated parking – Granted.

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

Walmer Town Council – No objections provided conditions are added to mitigate risk of flooding; replacement of trees to be removed and construction management plan to include traffic management plan to prevent large lorries from arriving/delivering or being on site outside of the hours of 10-3 due the narrowness of the road

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

Third Party Representations - A total of 13 individuals have raised objections to the proposal summarised as follows:

- No parking provision and pressure on parking in an already congested area
- Extra traffic generated
- Unable to access road safely due to parking on the road
- Loss of trees
- Overdevelopment of plot
- Will not be affordable
- Negative impact on Conservation Area
- Detrimental to historic properties
- Overshadowing and loss of privacy to 13 Church Street

1 **The Site and Proposal**

- 1.1 The application relates to land to the southeast of 17 Church Street, which is located to the southwest of Church Street, set within the Upper Walmer Conservation Area and within the settlement confines. The site is bounded by 17 Church Street to the northwest, 13 Church Street to the southeast and Chapter House to the southwest as shown on Figure 1. Opposite the site is Wingrove House and 22 Church Street, both of which are Grade II listed.



Figure 1: Proposed block plan

- 1.2 The application is for the erection of a single storey 2no. bedroom dwellinghouse. The dwellinghouse would be orientated northeast to southwest, and would have a shallow pitched roof, white painted timber frame windows and a timber front door. The proposal also includes the creation of a parking space, a cycle storage area and allocated recycling/ refuse storage area.
- 1.3 The applicant received approval for a dwelling in this location under DOV/21/01760. This application is a larger property, which is 0.5 metres closer to 13 Church Street, and extends to the northwest into the previously approved garden space. The proposed dwelling remains a 2-bedroom, single storey property, which also benefits from a utility space and separate kitchen rather than an open plan design on the previous application. The proposed floor plans are shown in figures 2 and 3.

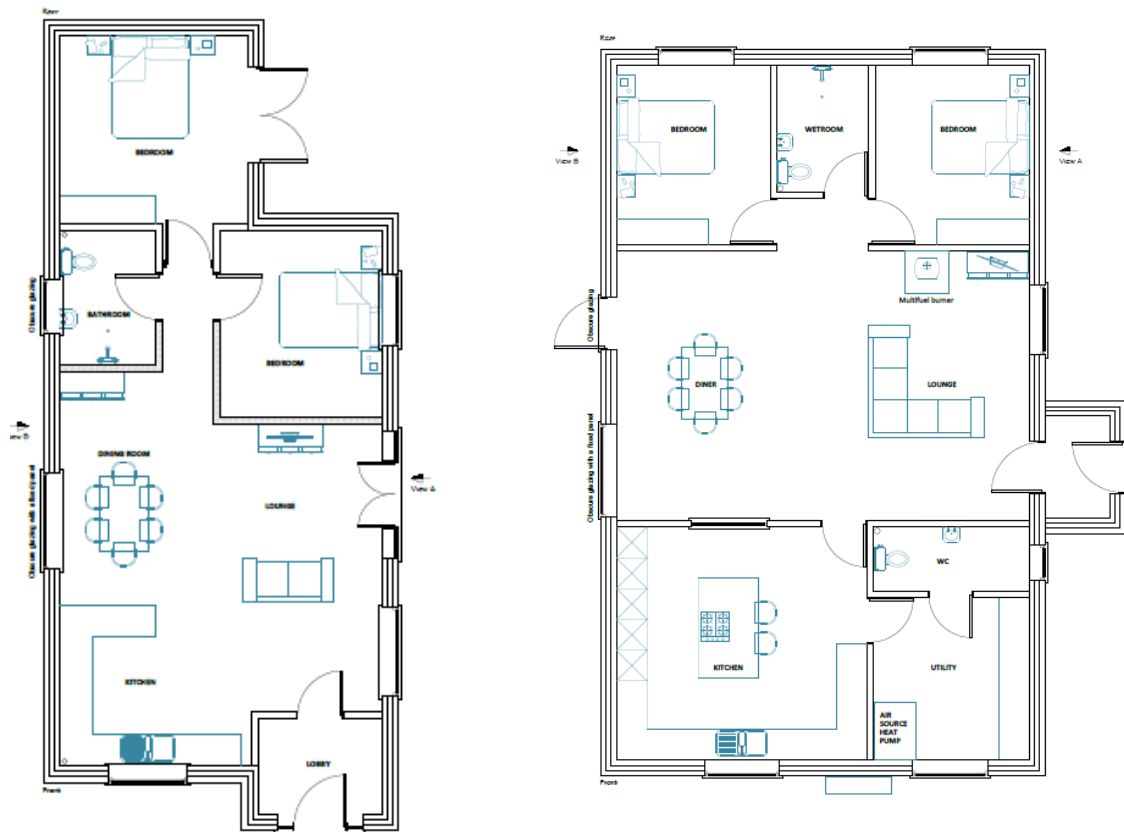


Figure 2: Previously approved floor plan (DOV/21/01760) (left) Proposed floor plan (right)

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on conservation area and visual amenity
- Residential amenity
- Highway safety
- Ecology

Assessment

The Principle of the Development

- 2.2 The site is located within the settlement confines and the creation of residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations discussed below.
- 2.3 An extant planning permission, DOV/21/01760 also exists for the construction of a dwelling on the same site which is a material planning consideration of significant weight, as the principle of a dwelling of a similar scale has already been approved.

Impact on Conservation Area and Visual Amenity

- 2.4 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.5 The application site sits within the Upper Walmer Conservation Area (CA). The general finish of the buildings are brick or render with timber frame windows. Whilst there is some variety in the street, the context is of similar proportioned buildings set within a regular historic street pattern on the opposite side of Church Street. The properties to the southeast of Church Street are detached/ semi-detached and differ in size and scale. The external finish of the proposed dwellinghouse is brick, with a low-pitched slate roof and white painted timber framed windows which would be a side hung casement design. The front door would have a traditional style timber frame with glazed panels. The design of the property is sensitive to the conservation area and will not result in a property that is out of keeping within the street scene.
- 2.6 The existing wall and hedgerow which sit along the northeast boundary of the site would be retained, this would largely obscure views of the proposed dwellinghouse. It is therefore considered that it would not result in a visually intrusive addition to the street scene.
- 2.7 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the conservation area in accordance with paragraphs 130, 189-208 of the NPPF and HE2 of the Draft Local Plan.

Residential Amenity

- 2.8 The main windows on the proposed dwellinghouse face northwest, towards the proposed 1.8-metre-high fence separating the existing garden of 17 Church Street. There is one window on the southeast elevation which serves a bathroom and would be obscured glazing. Therefore, there will be no impact on privacy to neighbouring properties. Due to the location of the proposed dwelling and its relationship to neighbouring properties, there will be no overshadowing as a result of the proposal.
- 2.9 In respect of the residential amenity of the future occupiers of the dwellinghouse, the rooms meet the Nationally Described Space Standards and would have access to a large garden space. It is therefore considered that the proposed occupiers would have a good standard of amenity in line with Paragraph 130 of the NPPF and PM2 of the Draft Local plan.

Highway Safety

- 2.10 While concerns have been raised by third parties regarding the visibility from the access / driveway, the proposed parking and access to the new property would be via an existing entrance used by 17 Church Street.
- 2.11 Policy DM13 sets out that dwellings of this size, in this location should provide one parking space. As one parking space has been provided, together with a turning space, the development would accord with Policy DM13 and Draft policy TI3.

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

- 2.12 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Accordingly, it is noted the site is located within the Thanet Coast and Sandwich Bay SPA Zone of Influence set out in the Submission draft Local Plan, Policy NE3.
- 2.13 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out and 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. A Strategic Access Mitigation and Monitoring Strategy (SAMMs) has therefore been adopted in order to monitor potential impacts on qualifying bird species of the SPA arising from development in the District and to provide appropriate mitigation of the cumulative impact of additional housing development through a range of management and engagement methods. These methods and monitoring of their effectiveness are to be funded by financial contributions from new residential development coming forward within the 9km Zone of Influence as set out in draft Policy NE3. Accordingly, a contribution is sought for this proposed dwelling.
- 2.14 Subject to this contribution being secured (through a Unilateral Undertaking), the mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Other Considerations

- 2.15 A number of objections make reference to the site being in an area prone to flooding. The site does not sit within a Flood Zone.
- 2.16 A number of objections make reference to a Yew Tree being impacted by the proposals. TPO/07/00016 sits to the north of the proposed dwelling. The tree, nor its roots would be impacted by the proposed dwellinghouse.

3. Conclusion

- 3.1 The principle of a dwelling on the same site has already been established and there is an extant planning permission. The proposed dwelling, due to its design and appearance, would not be out of keeping with the immediate character and appearance of the conservation area or the surrounding area. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF and it is

recommended that planning permission should be granted following completion of a unilateral undertaking.

g) Recommendation

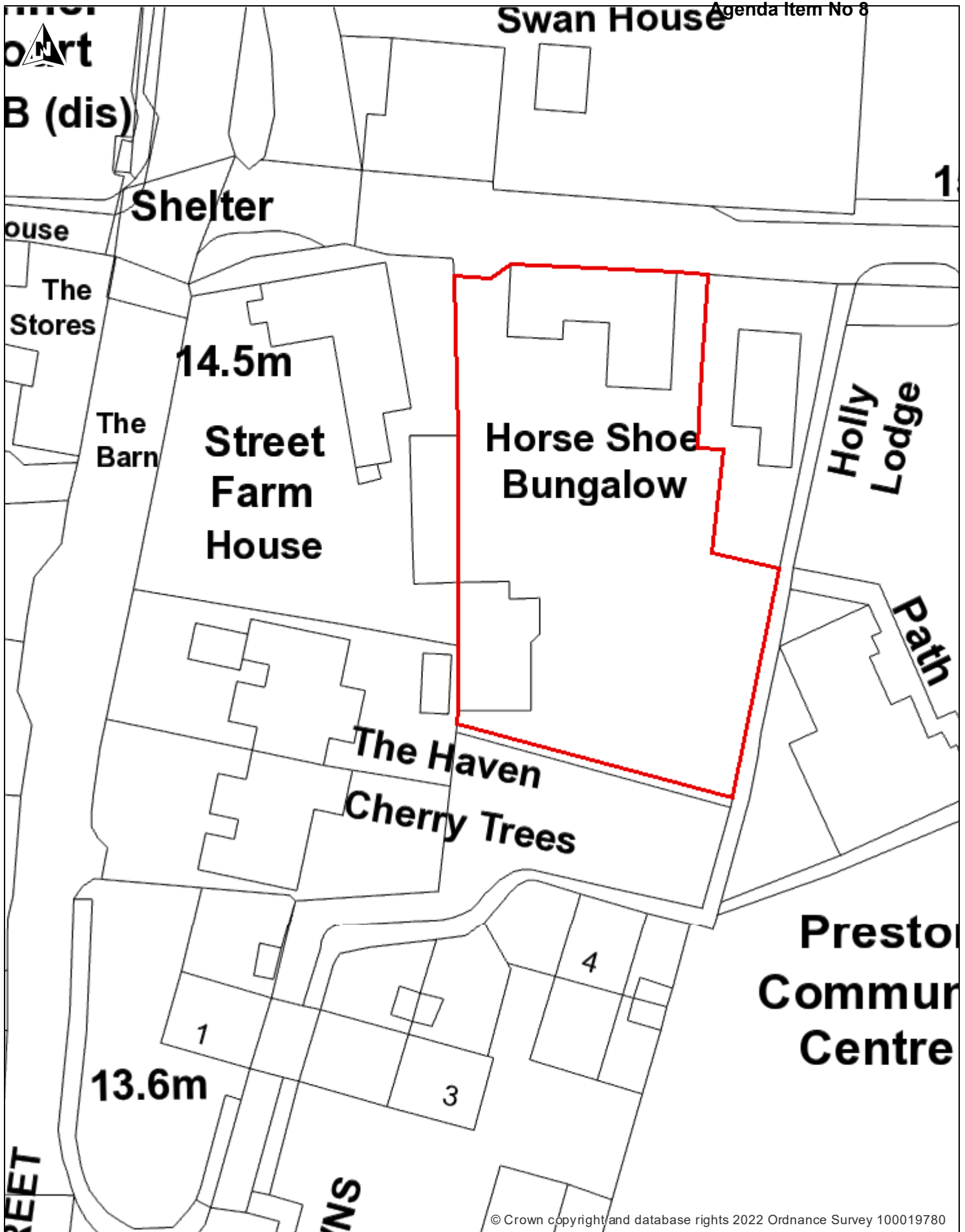
I Planning permission be GRANTED, subject to the completion of a Unilateral Undertaking for the SAMMs contribution and imposition of the following conditions:

- (1) 3-year time limit
- (2) Approved plans
- (3) Details condition for joinery
- (4) Cycle and bin storage
- (5) Retention of hedgerow
- (6) Protection of Yew Tree

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

Case Officer

Amber Tonkin



22/01577

Horse Shoe Bungalow
Mill Lane, Preston
CT3 1HB

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/22/01577 – Erection of a detached two-storey dwellinghouse, two detached garages and rear extension to the existing dwelling (existing garage to be demolished) – Horseshoe Bungalow, Mill Lane, Preston**

Reason for report – Number of contrary views (14)

- b) **Summary of Recommendation**

Planning permission be granted, subject to a unilateral undertaking

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, TI1

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. Relevant policies: PM1, SP1, SP2, SP4, SP14, SP15, CC8, NE3, TI1, TI3, HE1, HE2

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 84, 130, 174, 180, 199, 201, 202.

National Design Guide & National Model Design Code (2021)

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

Preston Village Design Statement (2008)

- d) **Relevant Planning History**

DOV/14/00094- Fell one Willow and one Fir Tree – Granted

DOV/11/00724- Fell one Willow and one Fir Tree – Granted

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

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

Preston Parish Council – No objection to the alterations to the existing cottage. Object to the new dwelling for the following reasons – Not in accordance with the Village Design Statement which seeks to maintain the character of large houses on large plots; development would be cramped; detrimental to the Conservation Area; adverse impact on the adjacent listed building; precedent for backland development if approved; negative impact on traffic movements (narrow lane); design, location and form of dwelling unacceptable.

Southern Water – Advise that there is a rising main sewer under the existing development. The applicant will therefore need Southern Water approval before works commence. An investigation will need to be undertaken of the sewer to confirm its size and depth, condition and number of properties served together with potential access to it. In order to protect the drainage apparatus request a pre-commencement condition be attached to any permission to ensure protection of the public rising main. An informative should also be attached to ensure the necessary procedures for consent.

DDC Heritage – no objections. Application concerns a single residential unit partly within The Street Preston Conservation Area. The site is adjacent to a grade II listed building. The proposed dwelling would be located to the rear of the site, with the existing bungalow retained, extended and updated. The existing driveway would be utilised for both units. Garages to both would be located to the rear. In terms of any impact on the setting of the listed building it is noted that there is an existing single storey outbuilding which would shield the dwelling from intervisibility: the listed building has key features of note including a flint tower to the rear which can only be fully appreciated when within the direct setting of the listed building and will not be visible from the development site.

The Heritage Statement has identified Horseshoe Bungalow as having some positive contribution to the character and appearance of the conservation area. I agree with this assessment. The proposed rear extension improves the appearance of the building by introduction of a pitched roof form. I recommend a joinery detail condition to ensure that the function of the proposed new windows is correctly detailed as sliding not top hung sashes. These details will further protect the historic character of the conservation area.

Due to position on the site, land levels and the form and mass of the proposed new dwelling it will not in my view be harmful to the character of the conservation area. It could potentially be slightly viewed at a point between Horseshoe Bungalow and the adjacent property, however this is not considered to be a significant viewpoint within the conservation area. In addition, it would be interrupted by the proposed garage to the fore (appropriately simply designed as a cart shed). At most part of the roof of the proposed dwelling would be visible but not to an extent that it would have a substantial visual impact in the conservation area.

DDC Tree and Horticulture – Initially further information was sought due to the lack of details on trees on the western and southern boundaries. Subsequent comments confirm there is no objection providing that the recommendations as set out in the Pre-Development Tree Survey and Report are adhered to and that a landscaping proposal is submitted to replace the trees that have been removed over recent years.

Note: The trees subject of TPO No 7 of 2010 were removed under various consents.

DDC Ecologist – considering the ecological submissions, it was noted that the site had the potential for ecological impacts to arise. Namely on species including bats (roosting, foraging and commuting); nesting birds; amphibians and reptiles if the grass remains unkempt and hedgehogs. A further bat survey was requested to confirm the presence/likely absence of roosting bats in order to assess the level of impact and potential mitigation necessary. The Bat Emergence Survey Report confirmed that the roof of the existing dwelling is used as an occasional day roost for the Common Pipistrelle. Therefore a licence will need to be granted by Natural England for the works to the existing bungalow.

KCC Highways – would not normally have commented on the application under the protocol for consultation, however, it was considered that their comments would be helpful in light of the nature of the objections. Plans were amended to show more detail in relation to the width of the road and the potential passing places; no objection to the proposals, however the gate at the front of the site should be removed to ensure ease of access.

Third party Representations: 14 objections have been received and are summarised:

- The proposals aren't necessary

- Increase in traffic on a narrow, rural lane
- Increase in on street parking
- Harm to character of the area, CA's should be preserved not built upon
- Overlooking
- Out of keeping with plot sizes, backland development
- Plans flawed as don't acknowledge a strip of land owned by another property
- The proposal will be visible from the CA once the village all is demolished
- No comparison of the proposal to the former historic use of the site (farm buildings)
- No reference to the bungalow that adjoins the site
- Members should visit the site

f) 1. The Site and Proposal

- 1.1 The application relates to an existing detached dwelling and its curtilage that is accessed off Mill Lane, Preston. The site is located within the settlement confines and the front two-thirds of the site is within The Street Conservation Area Preston.
- 1.2 The existing dwelling, Horseshoe Bungalow, has an elongated frontage along the back of Mill Lane, there is no footpath accessing the site. Vehicular access is taken between the site and The Street Farmhouse and is gated. There is a second access (pedestrian) on the eastern side of the dwelling. Horseshoe Bungalow is currently unoccupied and requires obvious refurbishment and external improvements.



Photo 1 Horseshoe Bungalow, Mill Lane

- 1.3 Adjacent to the site on the western side is The Street Farmhouse - a Grade II listed dwelling. On the eastern side is Holly Lodge; the rear curtilage of Horseshoe Bungalow wraps around the rear of this dwelling. On the far eastern boundary the Preston Community Centre is situated – it is noted that planning permission was given for the demolition and rebuild/relocation of this in October 2020, to date works have not commenced on site.



Photo 2 Holly Cottage in foreground

- 1.4 The garden contains a garage set to the rear. There are trees primarily along the southern and western boundaries of the site. A single storey dwelling, Pickle Cottage, that was previously a garage situated within the curtilage of The Street Farmhouse is on the western boundary with the site beyond Street Farm House.
- 1.5 Preston is defined as a 'Village' within the Settlement Hierarchy at CP1 of the Core Strategy. The Local Plan confirms that the village provides a village hall, church, primary school, playing field, public house, village shop, butcher and a farm shop.

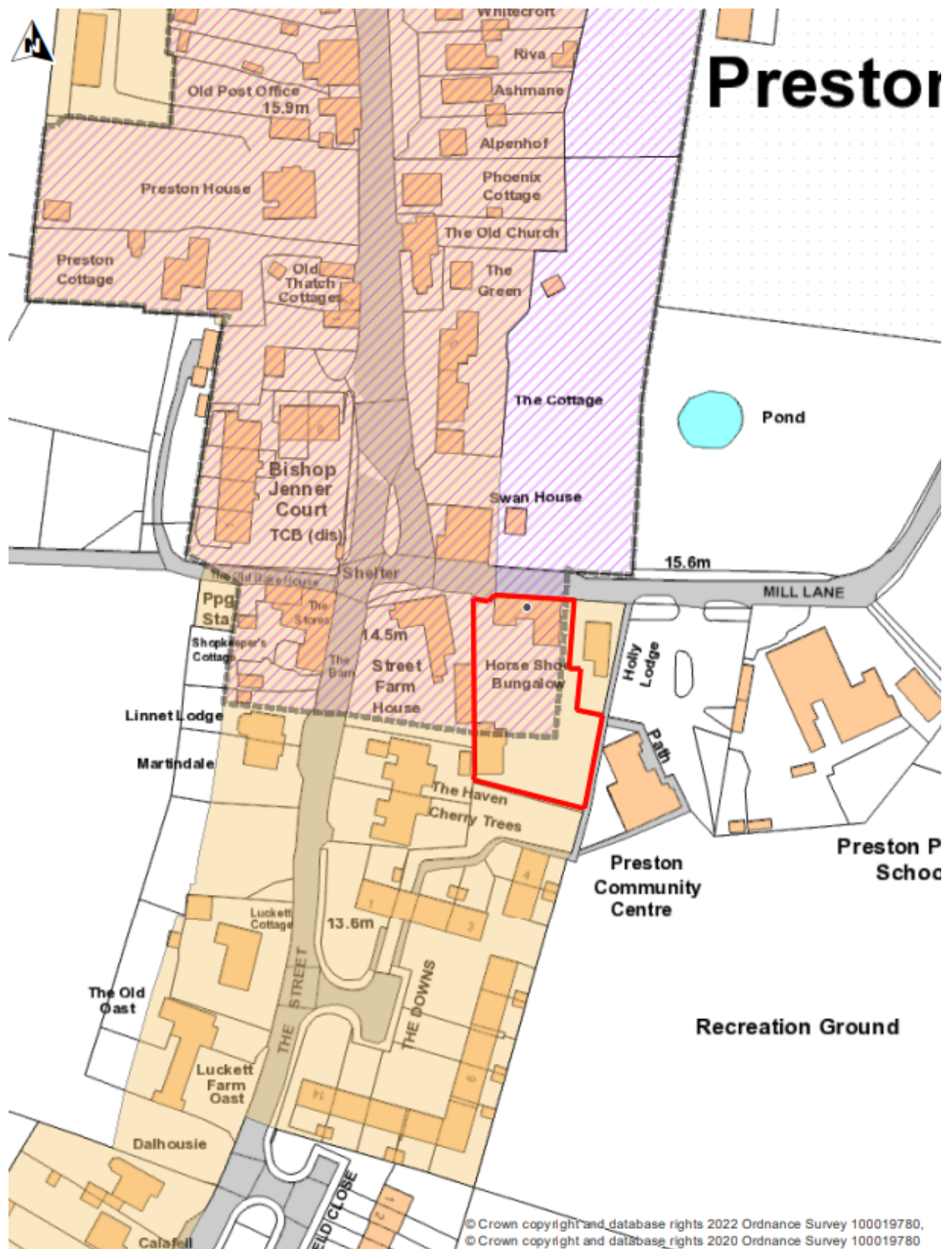


Figure 1 – Site location plan with settlement and Conservation Area boundaries

1.6 The proposal is two-fold. The existing dwelling at the front of the site will be modernised to create additional living space. This will include a full width extension across the rear of

the property allowing for additional living space at ground floor and bedrooms created at first floor. There will no alterations to the ridge height of the dwelling.



Figure 2—proposed site layout

1.7 Improvements are proposed to the windows, comprising the replacement of the 20th century windows with traditional sash windows and the chimney to be relocated. In order to facilitate bedrooms in the roof, the south elevation will have a steeply pitched section between the two gables ends with a dormer window. The proposed layout incorporates 4 bedrooms with ensuite, kitchen/diner/living area, snug and utility. A small porch will

provide the main entrance at the rear of the dwelling. A car barn with parking for two cars will be provided behind the dwelling.

- 1.8 The second part of the proposal is for a new 3/4 bed dwelling to be built in the rear garden together with a detached car barn. The existing garage will be demolished. The new dwelling is of similar footprint, bulk, scale and form as the proposed modified Horseshoe Cottage – it will also provide 4 bedrooms, a kitchen/diner, open plan living area off the lobby and snug.

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on heritage assets
- Design and impact on residential amenity
- Highway safety
- Trees
- Ecology

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 within the settlement confines and therefore acceptable in principle subject to all other material considerations.
- 2.4 Policy DM11 requires that, applications which would increase travel demand should be supported by an assessment of traffic generation and include measures to maximise walking, cycling and the use of public transport. The policy also states that development that would generate travel will not be permitted outside of the settlement confines. Finally, the policy states development that would generate high levels of travel will only be permitted within urban areas or can be made to be, well served by a range of means of transport. Whilst the policy is not considered to be fully out of date, it does attract reduced weight in this instance, having regard to the site within the settlement confines and access to 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.
- 2.5 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 TI1 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 creates opportunities for active travel. Policy SP4 identifies Preston as

suitable for windfall development within its confines. Policy T11 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 settlement confines with good access to public transport (bus stops), and the limited amenities that Preston offers. It is considered the proposal accords with Draft Policies SP1, SP2, SP4 and T11. However, given that the plan is at examination stage, these policies can only be given moderate weight at this time.

- 2.7 Backland development is not prohibited under current planning policies, the NPPF and planning guidance. Applications are assessed on a case by case basis. Whilst the comments in relation to the Preston Village Plan are respectfully acknowledged, the application has been assessed against all material considerations and current planning guidance. Matters such as the need to maintain the size of the existing plot could not amount to a justified reason for refusal.

Impact on Heritage Assets

- 2.8 Due to the proximity of the site to a Grade II listed building and it's partial siting within a conservation area, careful consideration has been given to the impact on Heritage Assets.

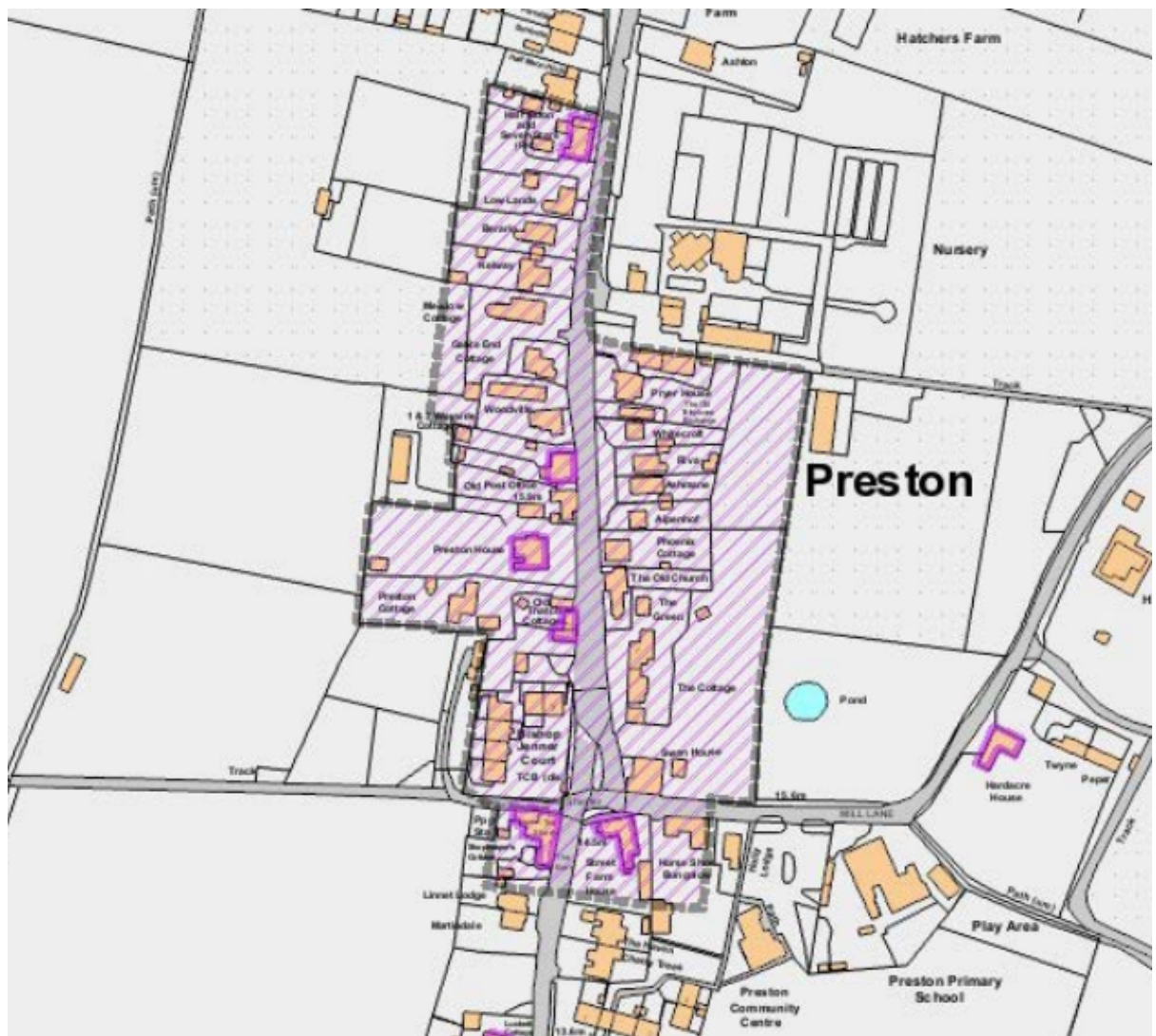


Figure 3 – Listed Buildings within the CA

- 2.9 Paragraph 194 of the NPPF 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”.
- 2.10 Paragraph 199 of the NPPF 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 more 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 NPPF. Draft Local Plan policies SP15, HE1 and HE2 are also material and accord with guidance in the NPPF.
- 2.11 The proposed works to Horseshoe Bungalow are considered to be of minor significance in that a number of the changes are internal and the overall relationship with the Grade II listed building is of limited change. Horseshoe Bungalow will remain subservient to Street Farm House as shown in Figure 4 below.

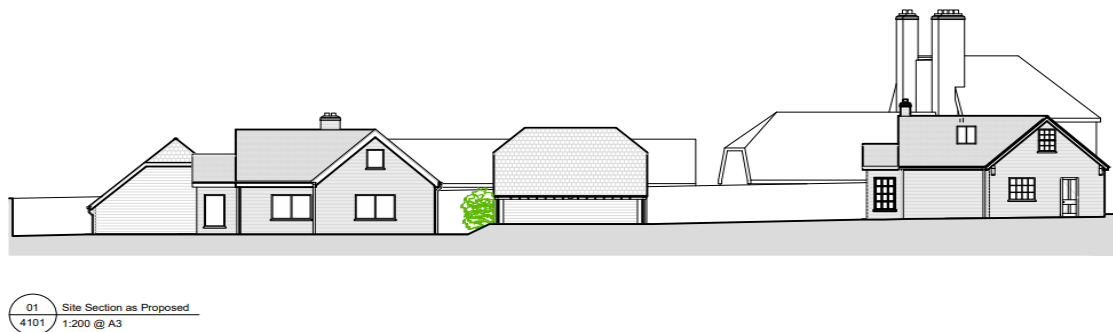


Figure 4 Proposed Section looking west – outline of Street Farm House and Pickle Cottage shown in background

- 2.12 The main views of the conservation area are from the front of the site where there are no alterations proposed. As such, it is considered that there would be no harm caused to the historic significance of the setting of the listed building from the alterations to Horseshoe Bungalow.

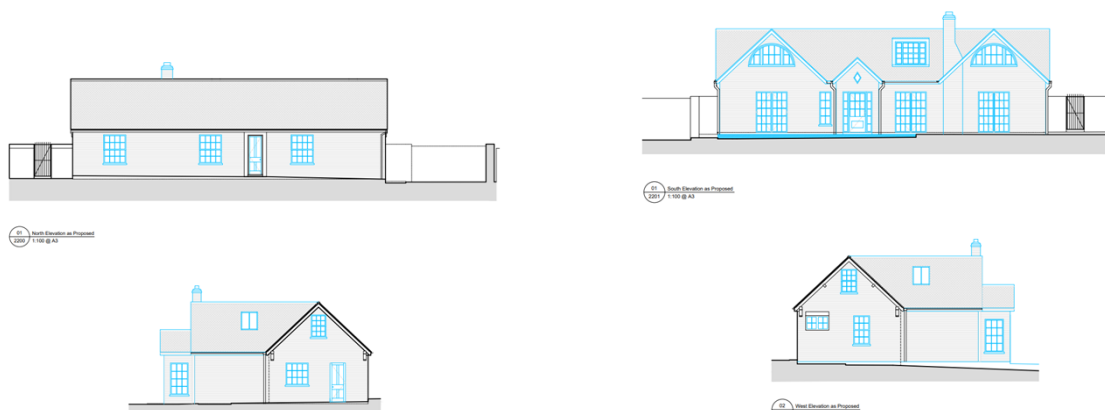


Figure 5 Horseshoe Bungalow proposed

- 2.13 The proposed new dwelling is set to the rear of the existing property. An assessment from the perimeter of the site, the footpath beyond Holly Lodge and looking back towards the conservation area from wider views, has identified that it is apparent that there will be limited views from outside the site and no concern is raised regarding the impact on the character of the conservation area.
- 2.14 Pickle Cottage was formerly the garage of the Street Farm House and has been converted into a dwelling. The rear elevation is located on the side boundary with the application site and acts as buffer between the new build and the Street Farm House, thereby interrupting any intervisibility between the new dwelling and the listed building.
- 2.15 The new dwelling and car barn will be set at a lower level within the site to Horseshoe Bungalow and this together with its sympathetic design, mean that even where there are likely to be glimpses of the development from the conservation area, these will not detract from its character. Views from DDC Heritage, also set out that no concerns are raised with regard to the heritage impact of the proposal and that there is no conflict between guidance within the NPPF or emerging planning policies.



Figure 6 New dwelling elevations

Design and Impact on Residential Amenity

- 2.16 Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Draft policy PM1 and H6 also address design and amenity considerations.
- 2.17 Concerns have been raised in respect of overlooking occurring from the new dwelling to the rear of Holly Lodge. It is noted from the submission that the levels in the rear garden of Horseshoe Bungalow and the proposed siting of the new dwelling will mitigate the impact that the building will have in the immediate locality.



Photo 3 Rear of Horseshoe Bungalow and beyond Holly Lodge

- 2.18 The new dwelling will have an overall height of 5.5m. The principal elevation will face south, which leaves only a single velux on the northern elevation that is orientated towards Horseshoe Bungalow and not Holly Lodge. The roof pitches away such as to mitigate any perceived dominant impact on this existing property; furthermore, the private garden area of Holly Lodge is to the far eastern side of the property and therefore whilst part of the residential curtilage is at the rear of Holly Lodge (a chalet bungalow) the actual new build is to the rear of Horseshoe Bungalow and separated by the proposed new car barn. Therefore, whilst the objectors concerns have been considered regarding the distance between the plots, it is not considered that there will be an unacceptable relationship between the proposed and existing properties.



Photo 4 Rear of Pickle Cottage, Chimney of Street Farm House and Horseshoe Bungalow

- 2.19 Pickle Cottage has a rear wall with one small opening onto the western boundary of the application site. There is only one first floor window proposed on the new dwelling that is on the west elevation. The window is to serve a bathroom and therefore can be obscure glazed. Due to height differences and orientation it is not considered that this window will cause a loss of privacy between the two dwellings.
- 2.20 In conclusion, the siting, design, layout, together with boundary treatment, orientation and car barn placement are such that no concern is raised regarding overlooking between existing and proposed dwellings and this accords with the identified draft planning policies and the NPPF.

Highways

- 2.21 Representations have been submitted that raise concerns over highway and pedestrian safety. Mill Lane does not have a footpath across the site frontage and the road can be busy at peak times when the primary school, that lies further east along Mill Lane, is being accessed.
- 2.22 The vehicular access into the site is existing, however it is currently gated at the front of the site. KCC Highways would not normally comment on a proposal such as this however, have advised that if the main gate into the site is removed this will make movements to and from the site simpler in the event that vehicles meet when accessing both properties at the same time. A condition can be imposed to ensure that the front gate does not form part of the boundary treatment. No concerns were raised by KCC Highways with regard to general impact of additional vehicles from one new property.
- 2.23 Paragraph 111 of the NPPF 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 additional dwelling would not create a significant increase of movements at an existing access.
- 2.24 Policy DM13 of the Core Strategy sets out that provision for parking should be a design led process based upon characteristics of the site, locality, nature of the proposed development and its design objectives. The allocated parking provision within the site and the internal gates that serve each of the dwellings is in accordance with the design guidance, along with draft policy T13. For these reasons set out above, the proposed development is considered to accord with policies DM11, DM13 and draft policy T13.

Trees

- 2.25 The site has existing trees on the western and southern boundaries. There are no trees within the site. The DDC Arboriculturist has confirmed that some trees were permitted to be removed under the relevant consent process and these were subject to a TPO, replacements were not sought.
- 2.26 The trees on the southern boundary comprise a mix of Leylandii, Beech and Poplar trees. A tree assessment has confirmed that these are very poor quality and have suffered damage over recent years. One of the Lombardy trees has significant decay and is deemed unsafe. It is proposed to replace all the trees with a new landscaping scheme of native species. The leylandii hedge on part of the western boundary is to be retained and reduced to a manageable 3m in height. The reports findings have been

agreed in full and the recommendations within can be addressed through planning conditions. Accordingly there is no objection to the proposal in relation to trees within the site, draft policy CC8 and guidance in the NPPF.

Ecology

- 2.27 An ecological assessment found evidence of the use of the existing dwelling as a day roost for Common Pipistrelle bats. It would not be possible to undertake the necessary repair works to the roof of Horseshoe Bungalow without disturbance to the habitat. Other evidence of ecological interests were also identified. A protection species licence will need to be issued by Natural England for further works on the existing dwelling.
- 2.28 The DDC ecological officer has advised that the Pipistrelle is a common bat found in East Kent and that the works will not compromise the population of this species. The works will invariably displace a day roost for the Pipistrelle but this can be re-provided in a mitigation and biodiversity scheme for the site that can be controlled through planning conditions. This approach accords with NPPF policies 174 and 180 that seek to protect ecology and biodiversity.
- 2.29 Consideration needs to be given to draft policy NE3 in the emerging plan. The policy sets out development which is located within the 9km zone of influence of the Thanet Coast and Sandwich Bay SPA will be required under the Habitats Regulations to make a contribution towards SAMMs. The application site is situated outside the zone in influence and no payment is required for this application.

3. Conclusion

- 3.1 The proposal, due to its siting, scale, mass and design would be unlikely to have a negative impact on the character and appearance of the conservation area and setting of the adjacent listed building. Due to the siting of the proposal the visual impact is likely to be minimal and therefore the application is considered to be acceptable. Furthermore, for the reasons outlined above, the proposals 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 emerging policies of the local plan.

g) Recommendation

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

1. Time Limit
2. Approved plans
3. External materials
4. Joinery details
5. Boundary treatment
6. Bound surface 5m
7. Southern water sewer pipe details
8. Landscaping details and tree plan
9. Works to trees and recommendations of report
10. Ecological mitigation and biodiversity scheme
11. PD rights removed (new buildings & roof)
12. Parking retained
13. Removal of gate to entrance
14. Provision of cycle and refuse storage and refuse collection point

- 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



a) **DOV/23/00819 – Erection of front, rear and side extensions and new second-floor extension over part of the dwelling - 8 Jarvist Place, Kingsdown**

Reason for report – Number of contrary views (10)

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policy and Guidance**

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

Land Allocations Local Plan (2015): DM27

Draft Dover District Local Plan (March 2023): The relevant policies are: PM1, H6

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.

Kent Design Guide (2005)

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130, 126, 134

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

No planning history

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

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

Ringwould with Kingsdown Parish Council – Object to the application for the following reasons:

- Overdevelopment of the site.
- The exterior cladding is out of keeping with other dwellings.
Balconies may affect neighbours privacy.

Third party Representations: 6 objections have been received and are summarised:

- The proposals lead to overdevelopment.
- Black bricks, cedar cladding & a second floor present an incoherent overbearing appearance which is out of character with the other properties in the close.
- Upper floor windows lead to overlooking of neighbouring garden.
- The scale and style is not in keeping with its neighbours.
- Large glass doors & glazed roof to the east would lead to spillage of light.

- Materials are out of keeping
- Rear balconies lead to overlooking of neighbouring properties gardens & lead to an increase in noise
- The plans have already been started without permission

Officer comment – works have already commenced to the rear of the dwelling and enforcement have been informed.

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

- The proposals will enhance the look of the house and area.
- The plans will transform the dated looking house into a modern family home.
- The plans are in keeping with the area and would not be detrimental to any other property.
- The application would not impose on neighbours privacy.

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

- 1.1 The application relates to a detached two-storey dwelling on the south side of Jarvist Place. The property is finished in brick, with white uPVC windows and a tiled roof. The site lies within the settlement boundaries of Kingsdown and is bounded by 9 Jarvist Place to the west, a shed to the south (the rear), Beachcombers to the southwest and a garage and driveway which serves a dwelling named Post to the east. There is a small track which runs between Nos 8 and 9. All the properties along this street are 2-storey detached dwellings, with white uPVC windows and tiled pitched roofs.



Figure 1 – Site location plan

- 1.2 The principal elevation of the dwelling faces Jarvist Place. There is a driveway located to the north of the property, sufficient for one car.
- 1.3 The application is for the erection of front, rear and side extensions and a new second floor extension over part of the dwelling. The front extension would be on the north elevation with a maximum depth of 3.3m, width of 6.7m and a maximum

- 1.4 The proposals would also include a second floor extension over part of the dwelling. This would be located on the eastern side with a maximum depth of 9.9m, width of 6.1m, an eaves height of 7.0m and a maximum roof height of 8.7m. The second floor would also include a balcony to the rear and an additional window on the east elevation.
- 1.5 The extensions would be finished in brickwork to match the existing, with vertical timber boarding to the first and second floors and part of the ground floor on the front elevation.



2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on residential amenity
- Highways

Assessment

Principle of Development

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

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

Impact on Character and Appearance

2.4 The proposed extensions and alterations to the property are to the front, side and rear of the dwelling and therefore will be visible from the street. Special attention must therefore be paid to the scale and design of the proposals.

2.5 Policy PM1 of the draft Dover Local Plan emphasises the importance of achieving high quality design. Section 1b states that new development must “Be well designed paying particular attention to scale, massing...and use of materials appropriate to the locality” as well as section 1c which states that development must “be compatible with neighbouring buildings”. It is clear from this policy that neighbouring context must be taken into account when designing new development.

2.6 There is a strong character within this street, Jarvist Place consists of 8 properties, all of which are two storeys and constructed of matching brick with white uPVC windows and tiled roofs. There are some elements of cladding and stone design on each property, but they are mainly brick. All of these properties are traditional in design with pitched, tiled roofs.

2.7 The existing dwelling is a two-storey dwelling which is constructed of brick with a small amount of cladding at first floor on the front elevation and a small amount of stone detail on the ground floor front elevation. There would have been a garage attached to the west of the property however this has been converted to a habitable room with a false roof and windows inserted to the front.

2.8 Significant alterations are proposed with the addition of a second-floor extension over part of the dwelling that would result in a third floor. This would add considerable bulk to the dwelling and therefore, due to its subsequent massing, would be completely out of character with the rest of the properties on this street, impacting upon visual amenity to such a degree that cannot be justified.

- 2.9 In addition, the dwelling would be finished in vertical cedar timber cladding, which is also not a feature characteristic within the existing street scene. This would also lead to an unacceptable harm to visual amenity and the character of the street scene.
- 2.10 Paragraph 134 of the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect...government guidance on design”. Furthermore, policy H6 of the draft Dover Local Plan states that development should be “...compatible with the layout, density, fabric and appearance of the existing settlement, and is suitable in scale, character and materials in relation to the existing dwelling”. In this case it is considered that the proposals have not been designed to accord with government guidance on design and therefore the only option at this stage is to refuse the submitted application. It is not considered that the proposed design complies with the Kent Design Guide which is adopted guidance, the National Design Guide or the Model Design Code and therefore cannot be supported.
- 2.11 For the reasons described above, the proposal would not represent a sustainable form of development and would be contrary to paragraph 126 of the NPPF. Furthermore, due to the siting, bulk/scale, design/form and materials, the proposals would be detrimental to the character and appearance of the wider street scene and would be contrary to Paragraph 130 of the NPPF. This requires development to be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping” along with Policies PM1 & H6 of the draft Dover Local Plan. The proposed design does not accord with these policies and would not be compatible with the appearance of the existing settlement and the scale, character and materials are not suitable for the existing dwelling.

Impact on Residential Amenity

- 2.12 It is considered that the addition of balconies, particularly at second floor, would lead to an unacceptable increase in overlooking to the garden of Post (located to the east), 9 Jarvist Place (to the west) and Beachcombers (to the southwest). Balconies are intended to be used as sitting areas, with potential extended periods of use. It is not considered that screening on either end of the balconies would prevent a harmful level of overlooking.
- 2.13 In addition, there is proposed to be a large window to the east elevation at second floor level which would serve a habitable room (bedroom). On the floor plans it is illustrated to show a bed facing in the direction of this window and affording further relaxed views. It is therefore considered that this proposed window would also lead to an unacceptable level of overlooking to the garden of Post which is situated along Wellington Parade.
- 2.14 Due to the siting and scale of the proposals, the balconies (particularly at second floor level) and the window on the east elevation serving a habitable room would lead to an unacceptable increase in overlooking to the gardens of the properties along Wellington Parade and the gardens of No. 9 Jarvist Place and Beachcombers. The proposals would therefore not accord with the aims of Paragraph 130 of the NPPF or policy H6 of the draft Dover Local Plan in respect of amenity.

Highways

- 2.15 The dwelling would be provided with 2 off-road parking spaces. Policy DM13 sets out that dwellings of this size should provide 2 independently accessible off-street parking spaces. As this proposal includes 2 off road parking spaces, it would accord with Policy DM13.

3. Conclusion

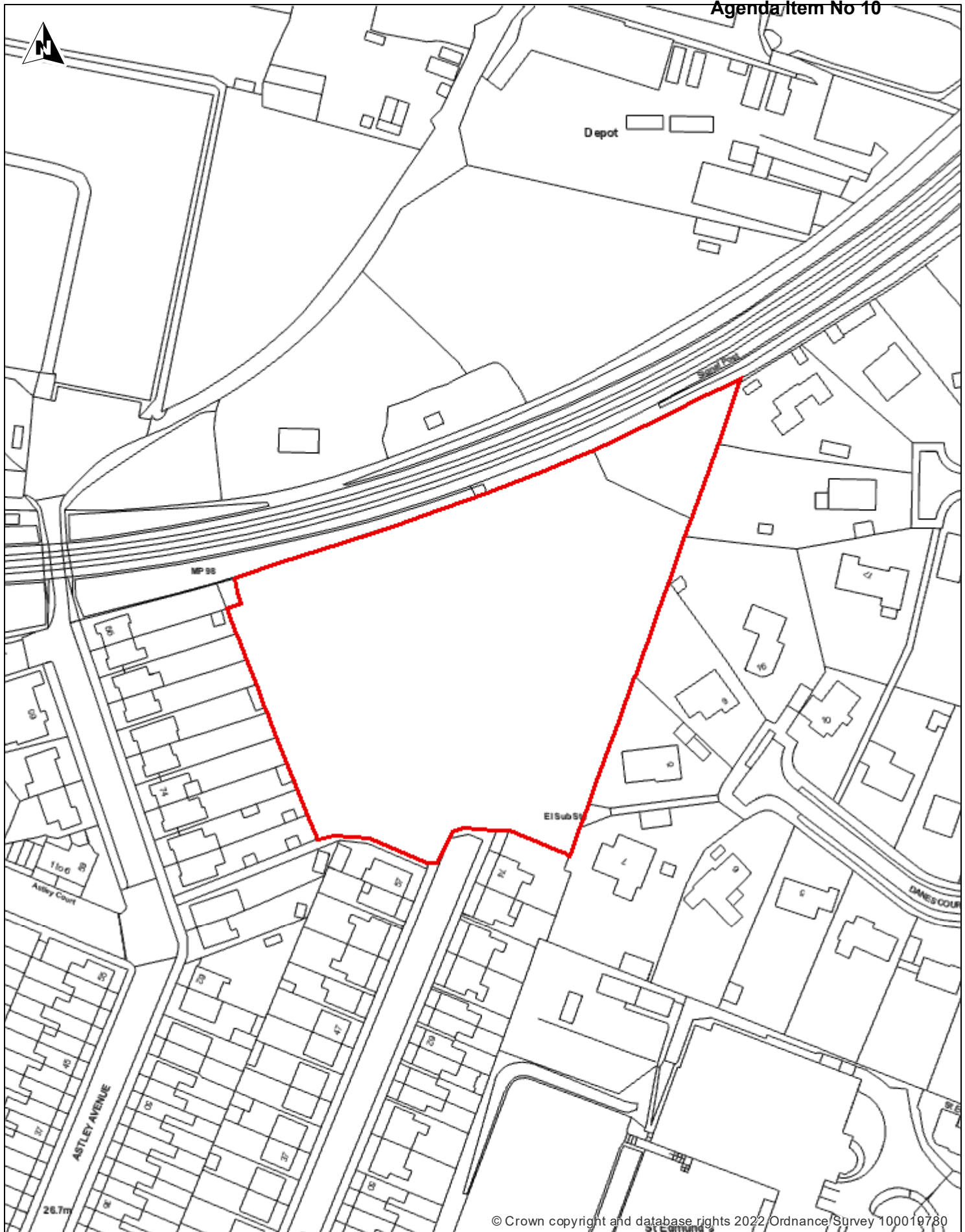
- 3.1 Due to the siting, design and scale of the proposals it is considered that it would be detrimental to the character and appearance of the street scene, contrary to paragraph 130 of the NPPF, which seeks to ensure that development is visually attractive as a result of good architecture and layout. The proposals would appear as an incongruous addition to the existing dwelling. As such, the proposed development would be contrary to paragraph 126 of the NPPF and Policies PM1 and H6 of the draft Dover Local Plan, due to its poor design which would not represent a sustainable form of development.
- 3.2 The proposals, due to their siting and scale are considered unacceptable, particularly on the residential amenity of its surrounding neighbours and therefore does not accord with the aims of paragraph 130 of the NPPF in respect of amenity.

g) Recommendation

- I PLANNING PERMISSION BE REFUSED for the following reasons:
- 1 The proposals, by reason of their siting, bulk/scale, design/form and materials would result in harm to the existing character and appearance of the street scene and the visual amenities of the area, contrary to paragraphs 126 and 130 of the National Planning Policy Framework (2021), design guidance set out in the Kent Design Guide (2005), the Design Code & National Design Guide (2021) and policies PM1 and H6 of the Submission draft Dover Local Plan (March 2023).
 - 2 The balconies and window on the east elevation, by virtue of their siting, elevation and design, in close proximity to neighbouring properties and facing toward residential gardens, result in undue harm to existing residential amenity by way of overlooking to Wellington Parade, 9 Jarvist Place and Beachcombers, contrary to the aims and objectives of the National Planning Policy Framework (2021) at paragraphs 8, 11 and 130 and the Submission draft Dover Local Plan policies PM1 and H6 (March 2023).
- II Powers to be delegated to the Head of Planning and Development to settle any necessary grounds for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Alice Pitts



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19/01025
Land Adjoining 74 Stanhope Road
Dover
CT16 2PR

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/19/01025 – Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping - Land Adjoining 74 Stanhope Road, Dover**

Reason for report: To report updates to Members.

- b) **Summary of Recommendation**

Planning Permission be Granted, subject to completion of a S106.

- c) **Addendum to Committee Report of 3 September 2020**

Introduction

- 1.1 This application was originally presented to Planning Committee on 3 September 2020 when it was recommended that planning permission be granted, subject to completion of a S106. A copy of the committee report included within the published agenda is at Appendix 1 and a copy of the Minutes of the meeting are included at Appendix 2.
- 1.2 At the meeting, Members resolved to approve the application, subject to a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and accessible green space); and subject to the imposition of 28 conditions.
- 1.3 Following the Planning Committee meeting, a number of third party representations were received which raised concerns regarding the potential for the site to provide habitat for protected species and provided evidence which was not previously available. The committee report had concluded that there were no ecological constraints to development. Following the receipt of this new information, it was concluded by officers that the impact on protected species required further assessment. As the impact on protected species is an important material consideration, it is appropriate to report the application back to Planning Committee.
- 1.4 In addition, due to the passage of time since the original resolution at Planning Committee and the current stage of the Draft Local Plan, it is necessary to take into account the emerging Draft Policies, and in particular their implications upon the provision of affordable housing and the applicable financial contributions for this scheme.
- 1.5 This addendum will provide an update regarding the additional information submitted on ecology, the response to this information and the applicable Draft Policies and contributions implications.

Additional Consultee Responses and Representations

- 1.6 Following the Planning Committee meeting, the following representations were received (summarised, with full copies available on the planning file):

DDC Planning Policy – This response includes all requirements for open space and sports provision as set out in Local Plan submission Reg 19 Policies PM3 and

PM4, in addition to any other identified infrastructure requirements relevant to the location of the scheme.

The site is designated as Open Space and therefore falls under the protection of DM25 of the Core Strategy (2010). However in previously resolving to grant permission for housing on the site the Council had accepted in principle the loss of the quantum of Open Space which the site currently provides. The advice is therefore provided on that basis rather than readdressing the principle of the loss of the Open Space, as per DM25. The following Open Space Contributions are sought:

Childrens Equipped Play Space - £13,646.79 – Towards improvements at Connaught Park play area, where improvements to the range and condition of play equipment are identified as necessary, given the sites role as a strategic play site (If an LAP is not provided on site).

Sports – Playing Pitches: Natural Grass Pitches - £8,207 Capital Cost and £1,709 Lifecycle cost (per annum) – Towards the identified need to improve the quality of the poor rated green at Dover Bowling Club.

Sports Halls - £15,275 – towards the future need for a new sports hall in the Dover Town area.

Strategic Highways Tariff: Draft Local Plan Policy SP12 sets out the requirements for strategic highway mitigation and a requirement for new development to make contributions towards mitigation proposed on the Strategic Highway Network at Duke of York and Whitfield Roundabouts. The tariff for the Dover Urban Area is set at £1000 per dwelling due to the level of trips generated from new development on these junctions. Total contribution requirement - £32,000

Natural England – It is the LPA's responsibility to ensure that protected species issues are fully considered having issued Standing Advice to assist LPA's.

NHS Kent and Medway - has assessed the implications of this proposal on delivery of healthcare services and it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. Healthcare services in the community - £29,304 – Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

KCC Contributions – has assessed the implications of this proposal in terms of the delivery of its community service and is of the opinion that it will have an additional impact on the delivery of its services. The following contributions are requested:

- Secondary Education Extension - £5, 329.27 per applicable house x32 – Total £170,536.64 – Towards the expansion of secondary schools in the Dover non-selective and Dover District selective planning groups
- Special Education Needs & Disabilities (SEND) - £559.83 per applicable house x32 – Total £17,914.56 – Towards the provision of additional SEND places and/or SEND facilities within Dover District to serve the needs of the development
- Community Learning and Skills - £34.21 per dwelling x32 – Total £1,094.72 – Towards additional equipment and resources for Adult Education Centres serving the development, including outreach provision

- Integrated Children's Services - £74.05 per dwelling x32 – Total £2,369.60 – Towards additional equipment and resources for the integrated Children's Services in Dover District including outreach provision
- Library, Registrations and Archives Service - £62.63 per dwelling x32 – Total – £2,004.16 – Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Dover Library
- Adult Social Care - £180.88 per dwelling x32 – Total £5,788.16 – Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and changing places within the District
- Waste - £52.00 per dwelling x32 – Total £1,664.00 – Towards Dover HWRC to increase capacity

Third Party Representations – Ten letters of objection were received, raising the following material considerations:

- Parking availability in the area
- Traffic
- Access on Stanhope Road and within the site
- Loss of habitat on the site and impact on protected species
- The ecological surveys are out of date
- Green space on site
- Noise and pollution
- Loss of open space
- In light of new evidence a LPA has the discretion to reconsider its decision

One neutral representation was received which raised concerns with some sections of the submitted Preliminary Ecological Appraisal. In particular, that records were not sought from the Kent and Medway Biological Records Centre and the dense scrub to the north should have triggered a Phase 2 survey for reptiles.

Updated Policy Position

- 1.7 The Submission Draft Local Plan is now a material planning consideration in the determination of this planning application. At the time of the first report to committee the emerging Local Plan was at an early stage in the process and could not be considered material to an application. At this stage in the plan making process the policies of the draft can be afforded moderate weight, but this depends on the consistency with the NPPF and the evidence base. The relevant policies are: SP1; SP2; SP3; SP4; SP5; SP11; SP13; SP14; CC1; CC2; CC4; CC5; CC6; CC8; PM1; PM2; PM3; PM4; PM6; PM5; H1; T11; T12; T13; NE1; NE3; NE4; and HE3.
- 1.8 The evidence base being used to support the emerging plan and draft Local Plan policies do, however, alter the position on the need to provide affordable housing on the site and the required financial contributions that now need to be sought to make the development acceptable. Other third party contribution calculations and the required figures have also been updated within this 2 year period. These material considerations will be discussed in detail below.

Response to Additional Information and Policy Position

Ecology

- 1.9 The resolution of the Planning Committee was to approve the application, subject to conditions and the completion of a S106 agreement. Before the S106 agreement was resolved, third parties submitted new information in relation to reptiles on site, which was material to the assessment of the application, and had not been taken into account at the time that the application was considered at Planning Committee. It was therefore considered by officers that proceeding to the formal determination of the application would be open to legal challenge and the appropriate course of action would be to withhold the determination until such time as the impact on reptiles had been fully considered. Given that the authority for determining the application rests with Planning Committee, the application is now reported back to Planning Committee for assessment.
- 1.10 The applicant was asked to provide additional ecological information to support the application. The application is now supported by a Preliminary Ecological Appraisal Report, (April 2022) and a Reptile Mitigation Strategy (January 2023). These reports have been reviewed by DDC's Senior Natural Environment Officer (SNEO). Slow-worms and common lizards are confirmed as present on the site. Whilst present in low numbers, the SNEO has advised that mitigation will be required to ensure there are no protected species offences as a result of the proposed development. The strategy recommends that the reptiles are translocated off-site to a reptile receptor site, due to insufficient habitat being retained following development, to accommodate displaced reptiles. This mitigation approach has been accepted; however, it is necessary to agree the details of the reptile receptor site, which will need to meet the requirements outlined in the submitted report, prior to determination of the application. This will need to be secured through the S106 agreement, including appropriately funded long term management. The applicant submitted an update to the Reptile Mitigation Strategy (March 2023) which identifies a translocation site near Folkestone, which is considered capable of supporting the reptile populations from the site. The SNEO has advised that the Strategy will adequately protect reptiles on the site from harm and provide a suitable location into which they can be translocated. The use of the proposed site in Folkestone and Hythe District for the purpose of a reptile receptor site must be secured by legal agreement. Subject to the reptile translocation being secured by legal agreement, it is considered that the development would not have an unacceptable impact on reptiles. The updated report and mitigation measures accord with the relevant legislative requirements, national policy and guidance, along with paragraphs 174 and 180 of the NPPF and also draft policy SP14 of the Local Plan.



Figure 1 – Proposed layout plan (as previously considered by Members)

Updated Development Contribution Requirements

- 1.11 The development will also need to deliver the infrastructure necessary to make the development acceptable in planning terms. The previous report to Planning Committee outlined the developer contributions which would be required. However, due to the passage of time, these figures now require refreshing. The NHS, KCC Infrastructure and DDC Planning Policy have been reconsulted and were asked for updated information to identify the contributions and projects required. The recommendation requires that these contributions are secured by legal agreement.
- 1.12 The open space requirements have changed since the previous application was considered. DDC Planning Policy have advised that the following should be sought: £13,646.79 towards children's equipped play space, if a LAP is not provided on site; £9,916 to improve the bowling green at Dover Bowling Club and £15,275 towards a sports hall in Dover. In relation to children's equipped playspace, the application proposes a LAP within the centre of the site and, as such, a contribution towards off site play space is not necessary.
- 1.13 Policy SP12 of the Draft Local Plan now requires new development to contribute towards mitigation proposed on the Strategic Highway Network at Duke of York and Whitfield Roundabout. The tariff for the urban area of Dover is £1000 per dwelling due to the level of trips generated from new development on these junctions. Accordingly, the total contribution requirement for this scheme is £32,000.

- 1.14 In terms of the KCC Contributions, greater applicable contributions are required in comparison to the 2020 contribution requirements. The following is sought: £170,536.64 towards secondary education extension; £17,914.56 towards Special Education Needs & Disabilities; £1,094.72 towards Community Learning and Skills; £2,369.60 towards Integrated Children's Services; £2,004.16 towards Library, Registration and Archives Services; £5,788.16 towards Adult Social Care and £1,664 towards Waste.
- 1.15 The updated applicable NHS consultation response sets out that a financial contribution of £29,304 is required towards healthcare services provided in the community to mitigate the impact of the development upon delivery of healthcare services.

Affordable Housing

- 1.16 Policy SP5 of the Draft Local Plan requires the provision of 30% affordable housing on schemes of 10 dwellings or more, with the exception of the Dover Urban Area, where there is no requirement for affordable housing to be provided, due to the difficulties with site viability and following a detailed viability assessment to support the emerging Local Plan. The original scheme proposed an adopted Policy DM5 complaint provision for affordable housing to be secured through the s106 agreement. Given the status of the Submission Draft Local Plan, Draft and an up to date evidence base, Policy SP5 can be afforded significant weight and is considered to supersede the requirements of adopted Policy DM5. As the application site is located within the Dover urban area, the provision of affordable housing is no longer required for this scheme and accordingly it is appropriate that the s106 agreement is revised to reflect this.
- 1.17 The applicant has been advised of this position and officers are in the process of confirming that they would be willing to meet the revised applicable financial contributions, to be secured by an updated S106 legal agreement.
- 1.18 It has also been identified by officers and considered necessary, due to the policy changes, and particularly the revised position on affordable housing provision on the site that now requires nil provision, to undertake a further period of public consultation. This is due to the provision, or otherwise, of affordable housing being a material planning consideration and the public need to be given the opportunity to be advised accordingly. This is a further site and press notice and notification to Dover Town Council for a statutory 21 day period.
- 1.19 As this re-consultation requirement was identified at a late stage in the revised assessment process, the recommendation to Members will also need to be updated to reflect the ongoing public consultation process, which although commenced, will expire after the application is reported to planning committee. The proposed recommendation therefore asks Members to delegate the final decision to the Head and Planning and Development, notwithstanding any additional third party representations that may be received. However, this would be on the basis that no new and/or significant material planning considerations are raised and no substantive objections to the loss of affordable housing provision on the site are received. This is considered appropriate on this case, as most material planning considerations were either addressed in the 2020 planning committee report at (Appendix 1) where Members resolved to approve the application or have been amended accordingly within this update report. It should also be noted again that the provision of affordable housing on the site cannot now be required or justified

on material planning grounds, and this is the only reason why a re-consultation is now considered to be required.

Update to Planning Conditions

- 1.20 The original report also recommended a number of suggested planning conditions. Including that EVC cabling be secured. However, this is now addressed by Building Regulations and, consequently, this condition has been removed. Additionally, a number of other conditions have been amended and wording adjusted to reflect ongoing changes to guidance and established practice.

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

- 1.21 It 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. A Strategic Access Mitigation and Monitoring Strategy (SAMMs) has been adopted 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.
- 1.22 The previous position on the application was to secure a contribution towards the SAMMs mitigation. However, the Emerging Local Plan has now been through the Regulation 19 consultation process and the Local Plan inquiry has commenced. Emerging policy NE3 is identified to have significant weight and supersedes to requirement for all housing in the district to make a contribution, as the evidence base has been updated. This draft policy now requires that only housing developments within a 9km zone of influence around Thanet Coast and Sandwich Bay are required to provide contributions towards mitigating impacts. This site is outside of the identified zone of influence and so would not have a likely significant effect and, consequently, a contribution towards mitigation is not now required. The updated s106 legal agreement terms will reflect this policy update.

2. Conclusion

- 2.1 Planning Committee previously resolved to Approve the application, subject to a S106 agreement and conditions. However, due to delays in the submission and agreement of the S106 and due to new material considerations being identified by third parties, it was considered that there had been material changes in circumstance which necessitated the application being brought back before Planning Committee.
- 2.2 Notwithstanding the conclusions reached in the original committee report, it has been identified that the site contains reptiles. A mitigation strategy has been proposed which would appropriately and satisfactorily address the reptiles on site, subject to a legal agreement. It is therefore considered that, subject to amendments to the recommendation set out below, the application can be recommended for approval, with delegated authority passed back to the Head of Planning and Development to consider any further representations that may be received following Planning Committee.
- 2.3 Due to the passage of time, it is necessary to have regard to the emerging Local Plan which attracts moderate to substantial weight in the planning balance. Whilst this includes a number of policies relevant to the determination of this application, it is not considered that its policies alter the overall conclusions reached, beyond

the need for the s106 to be revised to reflect the current policy situation and in order to secure the updated financial contributions.

- 2.4 The proposed development of 32 dwellings and associated works would continue to provide a valuable contribution to the districts housing land supply and would deliver a policy complaint scheme. These benefits should carry significant weight. Notwithstanding the updated position regarding ecology and affordable housing (which are now acceptable, subject to a s106), the development would on balance be acceptable in other material respects, for the reasons set out in the previous committee report.

d) **Recommendation**

I PLANNING PERMISSION BE GRANTED subject to:

i) a S106 legal agreement being entered into to secure the translocation of reptiles to a receptor site and the maintenance of that site, the necessary planning contributions identified above, and provision, retention and maintenance in perpetuity of the amenity open space, equipped children's play area and accessible green space; and ii) subject to the following conditions to include:

- 1) Time limit
- 2) Approved plans
- 3) Construction Environmental Management Plan
- 4) Specialist UXO risk assessment
- 5) Construction Management Plan
- 6) Completion of the highway alterations in Stanhope Road shown on plan number 13859/H-01 Rev. P2 prior to commencing (TRO)
- 7) Contamination safeguarding
- 8) Measures to prevent discharge of water onto highway
- 9) Bound surface treatment for first 5m
- 10) Retention of car parking
- 11) Cycle parking
- 12) Completion of access
- 13) Completion of internal access roads and footways
- 14) Provision and retention of visibility splays
- 15) Surface water drainage with no infiltration other than approved
- 16) Details of foul water drainage infrastructure and verification
- 17) Details of external lighting
- 18) Details of amenity greenspace and LAP provided and maintained
- 19) Provision of refuse and recycling
- 20) Scheme for secured by design
- 21) Samples of materials, bricks, roof tiles, metal & timber cladding
- 22) Sectional eaves details
- 23) Hard and soft landscaping which shall include planting/details of fences
- 24) Windows to be set in reveals
- 25) Removal of permitted development rights for porches/roof extensions
- 26) Ecological mitigation and enhancements
- 27) Broadband provision
- 28) Noise impact mitigation measures

- II Powers to be delegated to the Head of Planning and Development to determine if any additional representations received raise new and/or substantive material planning considerations that require the case to be reported back to Planning Committee for further consideration and to settle any necessary planning

conditions, obligations and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Jenny Suttle

- a) **DOV/19/01025 – Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping - Land adjoining 74 Stanhope Road, Dover**

Reason for report: Number of contrary views (117)

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,600 (around 10%) is identified for Deal.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Development which would result in the loss of open space will not be permitted unless it meets one of five exceptions and where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within

the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - 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.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. 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.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible, and supports the use of under-utilised land, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that development which has the potential to impact upon heritage assets should be supported information to describe the significance of the assets which may be affected. Where this relates to potential archaeological features, a appropriate desk-based assessed and, where necessary, field evaluation should be submitted. Any harm caused to assets should be weighed against the benefits of the scheme and the more important the asset, the greater the weight should be.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development.

The National Design Guide (NDG)

The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

CH/2/54/0126 The erection of houses. Refused.

CH/2/57/0039 Use of land for education purposes. No objections.

CH/2/64/0075A Erection of 3 lock up garages Approved.

CH/2/73/0327 Provision of a playing field. Approved.

DO/78/1071 Renewal of Planning Permission CH/2/73/0327. Approved.

DO/83/1060 Use of land for playing field. KCC resolved to carry out.

DOV/89/01773 Provision of playing field. Approved.

DOV/94/00062 Outline planning application for 29 dwelling residential development. Refused and Appeal dismissed.

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

Dover Town Council – *Initial response received on 09 October 2019*

Support, subject to the provision of electric vehicle charging points and a resolution to the issues raised by County Highways.

Subsequent response received on 09 July 2020

Neutral

KCC Contributions – The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. In light of the above, requests for financial contributions towards Secondary Education, Community Learning, Youth Service, Libraries and Social Care.

Subsequent request received on 29 January 2020

Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now Dover Christ Church Academy expansion.

The following contributions are being sought:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

DDC Ecological Officer - I have reviewed the ecological appraisal and support its recommendations for ecological enhancements to provide a biodiversity net gain in line with the requirements of the NPPF.

Environment Agency – the application has been assessed as low environmental risk.

DDC Infrastructure Delivery Officer - *Initial response received on 13 November 2019*
It is considered that the current proposal would be contrary to Policy DM25 of the Core Strategy and that a significant contribution towards open space would be necessary to overcome a potential policy objection under Policy DM27.

Notwithstanding the above, a compromise solution could be achieved were the layout to be redesigned in a manner that maximised the onsite open space provision. In particular, it should be explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward.

Subsequent response received on 15 June 2020

When I previously commented we did not have the benefit of the KPP Open Space work which we do now, albeit as draft and as part of the emerging Local Plan evidence base. The application site has been identified as amenity greenspace within this study. Within the Dover analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which loss of this site would erode further. It is however accepted that this is an emerging standard for which limited weight may be given at present.

Notwithstanding the above, DM25 is a multi-stepped policy which also requires consideration of quality of provision. In this regard, the KPP has identified deficiencies within the locality. It is therefore extremely disappointing little additional consideration has been given to improve the qualitative open space provision. In particular, it is disappointing that it has not been explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward. In the absence of such, or appropriate financial contribution to improving the qualitative provision in the locality, it is considered that this application remains contrary to DM25 and DM27.

To overcome this objection, in the first instance it remains that onsite provision of a LAP with appropriate ongoing maintenance be provided. Were the applicant to explore overcoming this objection by way of off-site open space contributions, an indicative amount of £57,231.51 based on the below split and calculation, accounting for the loss of existing provision, should be sought. If the applicant did wish to explore this option, this would be subject to agreeing the most appropriate CIL compliant projects within the necessary accessibility standards.

Further response received on 17 July 2020

To overcome this, the applicant has now amended the scheme so that the proposed central amenity green space includes a Local Area of Play which is to accord with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm). It is stated that the area is to have an appropriately sized buffer zone to the nearest residential houses and will be fenced.

It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children's play space and offering public access to the site. It is also considered there is not an overall shortfall

of accessible greenspace within this analysis area when considered against the adopted DM27 requirements and limited weight can be given to the emerging KKP recommendations at this time.

Notwithstanding the above, the policy requirements of Land Allocations policy DM27 must also be met. An area of on-site accessible green space should be secured within the legal agreement. Based upon the provided layout this should be no less than 0.1754 ha. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Outdoor sports facilities - A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, should therefore be sought towards Improved pitch quality at Danes Recreation Ground.

Children's Equipped Play Space - As discussed above in relation to DM25, the revised site layout shows a Local Area of Play which is to be provided on site. If the officer is minded to approve the application, it is considered the permission should be appropriately conditioned to ensure details of the Local Area of Play can be fully considered. This should include the location, layout, design of the playspace; and equipment/ features. Further, the provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement.

Core Strategy CP6

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. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £1,654.96 therefore necessary for this site to be considered policy compliant.

The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. A proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought.

Network Rail - Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works. As well as contacting Network Rail's ASPRO Team, the applicant will also be required to follow the attached Asset Protection Guidance (compliance with the guidance does not remove the need to contact ASPRO).

KCC Fire and Rescue - I can confirm that on this occasion it is my opinion that the access requirements of the Fire & Rescue Service have been met.

Housing Development Manager - There is a need and demand for all types of affordable housing across the District, and this application provides 10 units of family housing for affordable rent. Our usual requirement is for 30% of the affordable housing to be for shared ownership, which on this site would be 3 of the 2 bedroom houses. However, there is a high need and demand for affordable rented houses in this location,

and I would support a deviation from the usual requirement for shared ownership in this case.

KCC Local Flood Authority – *Initial response received on 19 September 2019*

In principle, we are satisfied with the drainage arrangements including the proposed soakaways. Desk-based BGS information indicates freely draining bedrock geology and no superficial deposits present. Therefore, we would have no objection to the approval of this development. However, as an advisory, we would recommend that further information is provided at detailed design to support the operation of the soakaway system, such as:

1. The exact location of the 2 proposed soakaways- There is no indication on the drainage strategy drawing D-02 P1 (dha, August 2019) of the locations. Therefore, no confirmation that appropriate separation distances have been considered, such that there is a minimum of 5m between buildings and soakaways. There should be sufficient green space and parking area to accommodate this separation distance.
2. The location of infiltration testing- Unfortunately Appendix C does not state where ground investigation had been completed on site. We would recommend that a map is submitted. Pre-commencement conditions in relation to Sustainable drainage system are recommended to be attached to the permission.

Subsequent response received on 07 October 2019

We have reviewed the updated information and satisfied that the location of the infiltration testing has been provided.

DDC Environmental Health – Initial comments received on 26 September 2019.

No objection subject to conditions in relation to Construction Environmental Management Plan, Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works, electric charging points, land contamination and unexploded ordnance.

Subsequent response received on 06 June 2020

Note the amended plans and have no comments to make in this respect. Our previous comments, however, omitted recognising the contents of Pace Consult Noise Impact Assessment ref PC-19-0126-RP1 dated June 2019. The recommendations made within section 7: Building Envelope Sound Insulation are approved and must be employed on all dwellings within the development.

DDC Waste Officer – no objection.

Natural England – *Initial response received on 23rd September 2019.* No objection.

Subsequent response received on 21 October 2019

I note from the planning documents that the Ecology Report (attached) was carried out on 24th June 2019 and that '*No further protected species surveys have been recommended*'. Paragraph 3.2.1 of the Report states that '*The Site consists of an area of unused waste ground that has been periodically cleared down to the ground and then become densely vegetated, at the time of the survey the site had been cleared to the ground during the winter 2018/2019*'.

The standing advice (see 'When applicants need a species survey') states that '*The standing advice explains when and how to carry out a survey for a particular species. You can refuse planning permission, or ask for a survey to be redone, if: you don't have enough information to assess the effect on a protected species*'. You may therefore wish to seek advice from your in-house or County ecologist in relation to this matter.

KCC Highways – Initial response received on 26th September 2019

I refer to the above planning application and would comment as follows:

1. The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the three years to the end of September 2018. There is also currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility.
2. The proposals will also increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals will make passing more difficult, so passing arrangements should be formalised. Parking restrictions should therefore be provided for 10 metre lengths on one side of the road in the following locations:
 - Outside nos. 22/24
 - Outside no. 54 (partly replacing existing 'dog-bone' markings)
 - Outside no. 74These restrictions would result in 5 spaces being lost and replacement parking spaces could be provided within the new development.
3. I note the proposals would increase the number of dwellings served off Stanhope Road to one hundred, with no secondary emergency access available. The views of the Fire Service should therefore be sought in relation to the access proposals.
4. I note the new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
 - The proposed footway on the western side of the access road should be extended southwards to connect with the existing footway in Stanhope Road
 - The footway should continue completely around the adoptable turning head
 - Clarification of proposed carriageway and footway widths is required and should be shown on the plans
 - A speed restraint measure is required at the site entrance. If the road layout is fixed I suggest a raised table could be utilised encompassing the accesses to plots 1 and 28-30
 - The refuse vehicle must be able to make a suitable turning manoeuvre within the adoptable turning head, i.e. not need to overrun or overhang the private drives
 - Pedestrian visibility splays of 1 metre x 1 metre are required behind the footway on each side of each private drive access onto the adoptable highway. It appears this will not be achievable for plots 14-17 with the required footway in place
 - Block paved vehicle crossings in adoptable tarmac footways will not be acceptable
 - The access to plots 28-30 should be widened to the full width of the forecourt, to provide suitable manoeuvring room for the parking spaces to plot 30
5. In relation to the adoptable highway, the proposed parking arrangements require amendment as follows to deter unacceptable parking on the highway:
 - 4-bedroom dwellings (units 1 and 2) should have independently accessible spaces or be provided with an additional unallocated space in close proximity
 - 3-bedroom dwellings (units 3-5 and 14-17) should have only one allocated space each, with an additional 0.5 unallocated spaces each. If the tandem arrangements are to remain, an additional 0.5 unallocated spaces each are still required in close proximity

- Whilst the total amount of visitor parking is acceptable, its distribution is such that there is no such parking serving units 1-6, 14-17, 31 and 32. Visitor parking should ideally be located in the highway
- Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway.

I wish to place a holding objection until matters 2-5 above have been satisfactorily resolved.

Subsequent response received on 22 May 2020

I refer to the amended plans submitted for the above and note that the Fire Service have confirmed the access arrangements are acceptable to them. I would comment further as follows:

1. My previous request for formal passing places in Stanhope Road through the provision of parking restrictions does not appear to be included in the latest submission of plans and details of the same should therefore be provided, including replacement spaces within the site for those lost if possible.
2. I believe the revised new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
 - The kerb alignment opposite no 74 Stanhope Road should be a smooth transition from the existing road to the new and not as shown.
 - Forward visibility of 18 metres is required around the bends opposite no. 74 Stanhope Road, plots 1/2 and 6, with no obstructions over 1 metre above carriageway level.
 - The adoptable footway should run parallel to the carriageway rather than behind the private parking spaces P3-P11. This should assist with item 2 above.
 - The adoptable footway should also continue completely around the turning head.
 - Clarification of proposed carriageway and footway widths is required and should be shown on the plans, together with the proposed extent of areas to be adopted.
 - Swept path diagrams are required to demonstrate that an 11.4 metre refuse vehicle can suitably negotiate the proposed access road and turning area. Swept paths are also required to show that two cars can suitably pass each other through the 'S' bend in the initial section of access road.
- a. The amount of parking shown overall is acceptable and above the minimum required in policy DM13. There appears to be an excess of visitor parking across the site and therefore space P7 and three of spaces P57-P61 could be removed, the former helping to move the remaining spaces away from the bends in the access road. However, Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. A note should be added to the drawing confirming these dimensions are provided.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

Further response received on 30 July 2020

I refer to the amended plans submitted for the above on 14th July and confirm the proposals are now acceptable in respect of highway matters.

The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the five years to the end of 2019. The junction is protected by existing double yellow lines. Whilst it was noted on site that the lower section of Stanhope Road is used by some parents to park whilst dropping off children at the nearby primary school, the junction still operates satisfactorily.

The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult, so the proposals include mitigation to formalise regularly-spaced passing arrangements.

Parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations:

- Outside nos. 22/24
- Outside no. 54 (partly replacing existing 'dog-bone' markings)
- Outside no. 74

This will result in the loss of five existing on-street spaces, however 6 additional unallocated spaces are provided within the site as replacements, as well as the visitor spaces required for the development itself. Kent Fire and Rescue Service have confirmed that the access is considered satisfactory.

The proposed site layout provides suitable vehicular and pedestrian access and is laid out to be suitable for adoption by the highway authority. There is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.

The amount of parking, at 72 spaces, is acceptable and in excess of the minimum requirements under Policy DM13 of the Local Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network or an unacceptable impact on highway safety, and I would not therefore recommend refusal on highway grounds. The following should be secured by condition:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking/turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries (these will be restricted during school drop-off/pick-up times)
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Gradient of private accesses to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - o Footways and/or footpaths, with the exception of the wearing course;
 - o Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Whilst not currently a formal policy in the Local Plan, I would request that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepointmodel list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Kent Police

Having reviewed the application on-line the following issues need to be addressed including:

1. Development layout – The communal green and SUDS areas need a boundary treatment to stop them being parked on.
2. Permeability The narrow footway alongside no. 57 is of concern. It is neither straight enough nor wide enough. If retained, it should be opened up and straightened to avoid recessed areas thus helping enable a safer route. The boundary treatments must not detrimentally affect no. 57.
3. The perimeter treatments to the boundary along the railway must be a min of 1.8m in height, reinforced with defensive planting or regularly maintained in order to help ensure no access to the railway.
4. Divisional treatments (fencing between rear garden spaces) to be min. 1.8m in height for privacy and security.
5. All gates to rear garden areas to be 1.8m high, lockable from both sides and as far forward to the building line as possible to avoid creating recessed areas.
6. The route from nos. 24-27 is of significant concern as it leads to an ungated route behind the 1.8m fence and the boundaries of the properties on Astley Avenue thus potentially reducing security to both sides. It needs to be designed out, moved or securely gated for use by nos. 24-27 only. The gate for Unit 8 should be brought forward unless the area of green space alongside its eastern boundary is communal.

7. Parking spaces should have maximum natural surveillance opportunity from ground floor "active" windows. For parking spaces including those for visitors, we strongly advise that residents have allocated spaces and all visitor spaces are marked as such with enforceable regulations to ensure they do not become additional parking for the nearest dwelling. Failure to address these issues result in nuisance especially if any vehicles are larger and affect the views and natural surveillance and can easily lead to conflict. It is important that at least one ground floor active window can see each tandem parking area.
8. External doorsets should meet PAS 24: 2016 UKAS certified standard, this includes the concertina doors.
9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
10. Landscaping should enable natural surveillance with new shrubs maintained at 1m max height and new tree planting fastigiated - tall slim trees rather than low crowned species. If the plan requires the removal of on street parking spaces lower down the road, it is likely that flat landscaped areas near the entrance to this development would be ideal for parking on whether formal and designed in or not.

Public Representations

117 letters of objection received raising the following relevant matters:

- In 1954 the then SoS declared this small piece of land unsuitable for housing.
- In 1994 the then SoS refused planning applications for building on the land on the East side of Stanhope Road.
- Stanhope Road is a steep gradient and there is a high incidence of "on street" parking as few houses have garages or parking spaces.
- The plans originally submitted in 1994 indicated a total of 32 dwellings but were amended to 29 houses and 49 car parking spaces subsequently rejected.
- the situation in Stanhope Road has worsened with more cars per household as car ownership has increased significantly.
- Car ownership has increased per family with up to 4 cars associated with one residence, in one case there are five with many now bringing their work vehicles/vans home.
- Will add to existing congestion.
- The additional traffic from the proposed development will exacerbate an already problematic situation of people trying to exit and access Stanhope Road into the arterial Barton Road which is particularly troublesome given this area is already heavy.
- Cars parked on double yellow lines.
- This land is home to various wildlife which include slow worms which are protected under the Wildlife and Countryside Act 1981. Foxes, rabbits, bats and other small mammals are also inhabited within. Clearance of this site has already seen a decline in such wildlife as existing trees and shrubs used for nesting etc have been excavated in anticipation of building.
- Serious impact on our standard of living
- This is a sloping land and it could have potential issues with the water drainage.
- Local drainage problems in the area.
- Loss of privacy
- Loss of wildlife habitat
- Overdevelopment
- Would overlook Astley Avenue
- Loss of protected open space
- Risk of damage to the properties and cars
- Could give rise to hazardous situations during construction phase

- Further impact parking issues in Stanhope Road, Astley Avenue and surrounding roads
- The noise and pollution of dumper trucks and cranes etc going up and down the road will be unbearable.

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

- 1.1 The application relates to a triangular parcel of land which is located within the settlement confines of Dover and allocated on the Proposals Map as Open Space. Dover is identified as the 'major focus for development' in the District; suitable for the largest scale developments. The application site is located around 1.2km from the town centre, around 2km from Dover Priory Train Station and around 300m from the closest bus stops which provide regular services.
- 1.2 The site is located at the end of Stanhope Road in Dover. The site extends towards Astley Avenue to the west, backing on to the rear gardens of properties in Astley Avenue. A public footpath forms the southern edge of the site running between the western end property in Stanhope Road and between two pairs of semi-detached properties in Astley Avenue. The northern boundary of the site is formed by the railway line. To the east are detached post war properties in Danes Court. The slope of the site steeply rises from south to north; southwest to northeast and southwest to southeast. The terrain of the site is such that substantial part of the site towards the northeast and southeast are at a higher level than the properties within Danes Court to the east.
- 1.3 To the east of Stanhope Road and to the south of Danes Court is St Edmunds Catholic School and Charlton Church of England Primary School. The properties in Stanhope Road and Astley Avenue are predominantly terraced or semi-detached two storey properties. The area is predominantly residential. To the north of the railway line are allotment gardens and industrial uses including a skip/building business. The site extends to 0.87 hectares (or 2.16 acres). The site is currently vacant land. It is apparent that the site has recently been cleared of vegetation. There is a public footpath which runs between Stanhope Road and Astley Avenue to the north of No.57 Stanhope Road, but the footpath is fenced off and entirely separate from the Stanhope Road site.
- 1.4 It is relevant to note that the site was subject to a previous planning application (DOV/94/00062) i.e. approximately 25 years ago for 29 dwellings. The application was refused and dismissed at appeal. Since then there have been significant changes on the policy front. It is understood that the site was previously owned by KCC, who had aspirations at one time to develop it as playing fields for school use however, that development never transpired and the site was sold off and is currently under private ownership with no public access.
- 1.5 The proposal seeks permission for the erection of 32 dwellings with associated access and parking. The mix of housing for this proposal includes 12 x 2-bedroom dwellings, 18 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. The proposed dwellings would be two storeys in height and would incorporate a consistent palette of materials including brick, timber cladding, metal cladding, UPVC fenestration and artificial slate tiled roof. The proposed development would utilise the existing access from Stanhope Road albeit it would be widened to 5.5m. In total, 74 car parking spaces would be provided within the site.

2. **Main Issues**

2.1 The main issues are:

- Principle of the development
- Protected Open Space
- Open Space Contributions
- Housing Mix and Affordable Housing
- Character and Appearance
- Impact on Residential Amenity
- Highways
- Impact on Ecology
- Contamination, Drainage and Utilities
- Developer Contributions

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Dover and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supports development within existing urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services and social integration. Insofar

as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.

- 2.7 Policy DM25 seeks to prevent the loss of open space unless one of five exceptions are met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. This approach is closely reflected by paragraph 97 of the NPPF, which also seeks to avoid the loss of open space unless one of three criteria are met, one of which is where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. Given the degree of consistency between Policy DM25 and paragraph 97 of the NPPF, it is considered that DM25 is not out-of-date and continues to carry significant weight.
- 2.8 It is considered that policies DM1, DM11 and DM25, which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be determined in accordance with the development plan and any other relevant material considerations.

Protected Open Space

- 2.9 The site is designated as open space and is protected by Policy DM25 of the Dover District Council Local Development Framework Core Strategy 2010 (the Core Strategy). Policy DM25 states any proposal that would result in the loss of public open space will not be permitted, subject to certain exceptions. These exceptions include the situations where there is an identified deficiency of public open space, but the site is incapable of contributing to making it good; or where there is a deficiency that the site is capable of contributing to making it good, but where an alternative suitable area can be made available.
- 2.10 Further, Paragraph 97 of the National Planning Policy Framework requires that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 2.11 Whilst it is noted that the site is not currently accessible by the general public, the Dover District Council Land Allocations Local Plan 2015 (the Local Plan) states in paragraph 2.39 that "Non-accessible open space with current or potential amenity value is also recognised on the map" and that this can include land in private ownership "if it is the only remaining open space in an urban environment".
- 2.12 As part of the emerging Local Plan Evidence base, consultants Knight, Kavanagh & Page (KKP) have recently completed an assessment of all open spaces within the District to inform the emerging Open Space Standards and Playing Pitch Strategy. Whilst only limited weight may be given to what is an emerging strategy at this time, the underlining methodology is nonetheless considered robust and constitutes the most up-to-date quantitative and quality analysis of the districts open space.
- 2.13 As part of the emerging strategy, KKP are recommending that open space that is currently classified as accessible greenspace should be further refined to make the distinction between accessible greenspace which is more formal parks and gardens and accessible greenspace which is less formal amenity greenspace. The application site has been identified as amenity greenspace within this study. Within the Dover Analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying

an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which the loss of this site would erode further.

- 2.14 To overcome the policy concerns in relation to the open space, the proposal was amended to provide the proposed central amenity green space which includes a Local Area of Play in accordance with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm).
- 2.15 It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children's play space and offering public access to the site. While there is not an overall shortfall of accessible greenspace within this analysis area when considered against the adopted DM27 requirements, there would be a quantitative shortfall relative to the emerging KKP recommendations, albeit they can only be given limited weight as a material consideration at this time and any such quantitative loss must also be weighed against the qualitative improvements identified through this proposal. Set against these considerations, it is considered that the impact of the proposals on open space provision can, on balance, be accepted.

Open Space Contributions

- 2.16 Land Allocations Local Plan Policy DM27 states planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

Accessible Green Space

- 2.17 Additional need arising from residential developments is calculated using average occupancy rates. Based on the provided housing schedule, 79.01 new residents will be generated by the proposed development on the following basis.

Number of New Residents			
Dwelling type	Number of each type	Average number of people per new dwelling*	Estimated number of people
1 bed	0	1.25	0.00
2 bed	12	2.11	25.34
3 bed	18	2.62	47.18
4 bed	2	3.25	6.49
Total	32		79.01

- 2.18 Applying the adopted DM27 requirement (applicable on sites of 5 units or above) of 2.22 ha per 1,000 population against the anticipated number of new residents generates an overall accessible green space requirement of 0.1754 ha. The proposed site layout shows Accessible Green Space is to be provided on site. In the event of grant of permission, long term maintenance/management of the accessible green space would be secured by legal obligation.

Outdoor Sports Facilities

- 2.19 Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.09ha.
- 2.20 Whilst on-site provision would be impractical on a site of this size, an appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.09ha natural grass playing pitch need generated by the proposed development equates to 13.21% of a natural turf senior pitch which equates to a proportionate offsite contribution of £13,206.29.
- 2.21 The three adult football pitches at Danes Recreation Ground are currently identified as overplayed and improving pitch quality here has been identified as a priority within the emerging KKP work. A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, towards improving pitch quality at Danes Recreation Ground would be secured by legal obligation.

Children's Equipped Play Space

- 2.22 Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of new residents generates an overall children's equipped play space requirement of 0.0047ha
- 2.23 The proposed site layout includes a Local Area of Play to be provided on site. In the event of grant of permission, appropriately worded conditions would be attached requiring submission of the details of the Local Area of Play including layout, design of the playspace, and equipment/features etc. Finally, the provision and long-term maintenance/management of the Equipped Play would be secured by legal obligation.
- 2.24 In conclusion, subject to conditions and all the contributions detailed above secured via a S106 legal agreement, the proposed development is considered to comply with policies DM25 and DM27 of the Core Strategy.
- 2.25 Regard should also be had to paragraph 97 of the NPPF which resists development on open space unless one of three criteria is met. Annex 2 of the NPPF defines open space as, "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for recreation and can act as a visual amenity". It is considered that the site has the potential to make a valuable contribution towards the needs of the community (public value) and has limited visual interest. The loss of open space resulting from the proposed development would be replaced by a qualitative Local Play Area and Accessible Amenity Green Space in a desirable location and would provide access to the members of the public. Having regard for the above, the proposed development would comply with paragraph 97 of the NPPF.

Housing Mix and Affordable Housing

- 2.26 The proposal would provide 32 dwellings comprising: 14 x 2-bedroom dwellings, 16 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

- 2.27 Policy CP4 recommends the following housing mix: one-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017, updated December 2019, (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

	Owner Occupied	Shared Ownership	Affordable/Social Rent
One-bed	5.3%	25.7%	32.7%
Two-bed	22.9%	34%	11.3%
Three-bed	38.7%	26.4%	23.5%
Four-bed	33.2%	13.8%	32.6%

The housing mix proposed by the current application is as follows:

Number of Bedrooms	Owner Occupied	Affordable Rent/Shared ownership (Tenure to be decided)	As can be seen from the tables
One	0 (0%)	0 (0%)	
Two	12 (37.5%)	10 (83.33%)	
Three	18 (56.25%)	0 (0%)	
Four	2 (6.2%)	0 (0%)	

above, the development does not provide any one bedroom dwellings which, whilst few such units are required for owner occupiers, they are required across the district for affordable tenures. Another noticeable variance is the over provision of two and three bedroom dwellings against the more recent identified need within the 2019 update of the SHMA.

- 2.29 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, whilst reasonably well aligned to the housing mix advocated by the 2010 Core Strategy, is more divergent from the more up-to-date SHMA mix. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, whilst the development would not deliver the optimum mix of housing which is required to meet the needs of the district, it is considered that the housing mix proposed is not unreasonable, particularly given the family housing which is prevalent in the locality. Whilst it doesn't necessarily follow that no one-bedroom dwellings should be provided, the lack of which weighs against the scheme to a degree, overall it is considered that the housing mix can be accepted on this site.
- 2.30 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required, albeit the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.31 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the locations for 10 affordable dwellings (31%). These dwellings would be provided in one group to the west of the site. The dwellings would comprise 10 two bed dwellings. The Council's Housing Development Manager has advised that the provision of 30% affordable housing aligns with the councils policy and supports the need in this location. Details regarding the specific tenure of the affordable housing has not been finalised which will likely follow further discussions with registered providers.

Whilst it would be necessary to secure the provision of affordable housing, it would be appropriate to require, by legal obligation, the submission for approval of full details of how the affordable housing will be delivered and in what form, including justification for any variance from the councils identified preferred mix. Subject to the details of the affordable housing provision being secured by legal agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.

Impact on Character and Appearance of Area

- 2.32 The site lies on the edge of open countryside. It is adjoined by existing residential development on three sides, with the Dover to Sandwich railway line forming the northern boundary. Regard must be had to Policy DM15 of the Core strategy which states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.33 By virtue of the terrain and location of the site, the site is considered to lie in a prominent location. Therefore, it is necessary to consider whether the proposed development is likely to result in unacceptable landscape impacts and whether these impacts could be effectively mitigated.
- 2.34 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). It is noted that various viewpoints have been considered and the varying degree of harm ranging from moderate adverse to minor adverse has been identified. The LVIA concludes that the sensitivity to change would be low, as a result of the urban fringe nature of the site and the lack of existing landscape features within it. It goes on to state that the proposed development would not be discordant within the largely residential context and the limited visibility of the site from the surrounding area. It makes reference to the site being vacant and disused and considered to make no positive contribution to local landscape and townscape character and quality. Whilst it is acknowledged that the site has been vacant for several years, it is not agreed that the site makes no contribution to the local landscape. It is considered that by virtue of its exposed location, it does make some positive contribution (albeit limited) to the open countryside by retaining that soft edge to the countryside. On balance, it is considered that infilling of a green site with buildings is likely to result in some harm to the landscape, however, it would only be evident in very limited long range views. It is noted that the site can be seen from a broad area of higher ground around the fringes of the town, the views of the site from that higher ground are distant and in the context of a wide, expansive view which already includes much of the urban area. Therefore, whilst there would be some limited visual harm, the visual impact arising from the proposed development could be satisfactorily mitigated by a high quality landscaping scheme. In the event of grant of planning permission, an appropriately worded condition could be attached requiring the submission of a high quality landscaping scheme. Overall, the proposed development would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.35 Regard must also be had to whether the proposed development would cause visual harm to the street scene. The application as originally submitted presented with numerous challenges. The initial proposal submitted lacked provision of qualitative open space on the site (contrary to policies DM25 and DM27), lack of general coherence, cluttered appearance, tandem parking and very limited thought had been given to the residential amenity impact. The initial layout also made no provision for usable open space and the overall layout did not respect the grain of development in the area whilst the houses in Stanhope Road have a strong street frontage character. The applicant's

agent was advised that given the shape of the site, there was an opportunity here to create a gateway to the new development of a fairly open and inclusive character. Given the terrain of the site, the site was considered to lie in an exposed location. Therefore, officers were of the opinion that this was an opportunity to achieve a residential scheme that would uplift and enhance the overall character of the area. Several discussions were had during the application process and various layouts were considered to ensure that the scheme, whilst high density, was good quality with qualitative open space designed to ensure it is safe, social and inclusive and integrated with the built form, in line with the guidance contained within the National Design Guide and the NPPF.

- 2.36 Policy CP4 seeks development to maximise density where possible, having regard for the design process (i.e. whilst achieving good design). In this respect the policy seeks development to achieve at least 30dph and, wherever possible exceed 40dph. This approach is also advocated by the NPPF which requires development to make efficient use of land, whilst taking account of the desirability of maintaining an area's prevailing character. The proposed scheme would be built at a density of around 36 dwellings per hectare (dph). This is significantly lower than the prevailing density in the immediate areas including Stanhope Road and Astley Avenue which have an approximate density of 50dph. Although it is noted that density of housing to the east of the site is significantly lower at approximately 15 dwellings per hectare. However, for the purposes of comparison, consideration of the prevailing densities within Stanhope Road and Astley Avenue is more appropriate as the pattern of development in the area is comparable (i.e. two storey semi-detached high density housing). On balance, it is considered that the proposed density strikes the right balance and is acceptable.
- 2.37 The layout of the development departs, to a degree, from the long, relatively straight roads of street frontage development which characterise the area. Instead the dwellings are arranged around a central open space with access to the development via Stanhope Road. The central open space would comprise an Equipped Play Area, the maintenance (in perpetuity) of which would be secured via a S106 legal agreement. The layout ensures that the front elevations of dwellings face towards the road, with the instances of blank side or rear walls/fences being visible from the street being limited. In respect of the car parking layout, the amended layout includes a significant reduction in tandem parking spaces. Overall, whilst some elements of the layout are less successful, generally the layout responds to the prevalent layout in the area, is legible and provides attractive viewpoints throughout the development.
- 2.38 The design of the dwellings proposed seeks to provide a contemporary character, albeit within a typical residential form. Given that the architectural style of the housing around the site is reflective of when they were built, it is considered that adopting an identical approach on this site would not be an appropriate response. The design approach utilises brickwork, a band of timber cladding near the base of the dwellings, dark grey metal cladding to accentuate the window projections (the intent of which is to emulate the bay window feature in the locality, albeit in an abstract form).
- 2.39 Detailed landscaping plans have not been submitted at this stage, although the layout plan does indicate where trees will be planted. The deep gardens offer opportunities for the planting of trees of a scale commensurate with their proximity to houses. However, the more strategic areas of open space, such as the central amenity space, and the area to southwest, near the site entrance, provide opportunities for more substantial specimens. The provision of a significant number of trees and in strategic locations, more substantial trees, is considered to be particularly important along with the choice of a muted materials palette. The choice of materials and finishes to the hard landscaping will be equally important. It is therefore considered that details of hard and soft landscaping must be secured by condition.

- 2.40 Having regard for the density of dwellings, the layout of the scheme, the design of the buildings and the opportunities for meaningful planting within a high quality landscaping scheme, it is considered that the development would not harm the character of the area, whilst producing a scheme which would have a strong character of its own. The proposed development is therefore considered acceptable subject to conditions and would comply with paragraphs 127 and 130 of the NPPF.

Impact on Residential Amenity

- 2.41 The proposed dwellings are generally well separated from neighbouring properties outside the site, with the majority of the proposed dwellings set away from the boundaries of the site by reasonably long gardens, whilst the majority of the neighbouring properties themselves have long gardens. As such, for the most part, the back to back distances between the existing and the proposed dwellings are 30m or more, ensuring no unacceptable loss of light, sense of enclosure or overlooking. However, there are some relationships where proposed dwellings would be sited closer to existing dwellings which requires further comment.
- 2.42 By virtue of the steep slope of the land particularly towards the north and east, it is necessary to assess the likely impacts arising as a result of siting of the dwellings in parallel with detached properties fronting Danes Court. The land levels steeply rise along Danes Court such that the rise in slope is comparable to the rise in slope of land within the application site.
- 2.43 The initial proposal was for a row of two storey dwellings backing onto Danes Court. However, by virtue of the proximity of the proposed units and the terrain of the land, concerns were raised in relation to the loss of privacy and sense of enclosure to the existing occupants of Danes Court. Subsequently, the proposed scheme was amended and the units U27 to U30 (4 units) were amended to Chalet style semi-detached pairs and were sited further away from the dividing boundary with Danes Court properties (no's 8 and 9). The separation distance of the proposed units U27, U28, U29 and U30 with the dividing boundary between no's 8 and 9 is approximately 13.25m whilst the dwellings would lie at a distance of over 14m from their private gardens. Oriel windows to the side elevations have been used as a solution to overcome the concerns in relation to loss of privacy. No windows have been proposed to the first floor elevations of these properties serving habitable rooms. A single casement window has been proposed to the rear elevation of each of the 4 units which would serve the proposed bathroom. Further to this, U25 and U26 whilst two storey, have been sited such that they align with the proposed Chalet style semi-detached pairs, with a view to ensure a consistent building line. Oriel windows have been utilised for consistency and also with a purpose to prevent any potential loss of privacy to the occupants of Danes Court. Having regard for the above, it is not considered the proposed dwellings (U25, U26, U27, U28, U29 and U30) would cause unacceptable or significant harm to the residential amenity of the neighbouring occupiers no's 8 and 9 Danes Court and are found to be acceptable.
- 2.44 Concerns were also raised in relation to the impact of the proposed semi-detached pair U23 and U24. By virtue of the slope of the land, it was considered to cause unacceptable loss of privacy to the occupants of no's 16 and 19 Danes Court. In response to the concerns raised, amended drawings were received which sought to incorporate oriel style windows to the front and rear elevations with one side of the oriel windows to be obscure glazed. Whilst the choice of utilising oriel windows to the front elevation was considered inappropriate, taking into account the limited views that would be achieved of this proposed semi-detached pair, and given the fact that this amendment would

effectively overcome the unacceptable loss of privacy, on balance, it was considered acceptable.

- 2.45 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, its proximity to neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.
- 2.46 Third parties have objected to the application on the grounds that the proposed development would result in harmful impact to the residential amenity. However, following the receipt of amended plans, it is felt that the concerns in relation to the loss of privacy and sense of enclosure have been satisfactorily overcome.
- 2.47 Third parties have also asked whether parts of the site can be purchased by neighbours to reinstate the access to the rear of their properties. These matters are not material planning considerations and, as such, cannot be addressed by the planning process or attributed weight in the planning balance.
- 2.48 Kent Police have drawn attention to a number of considerations which should be taken into account in order to enhance the safety of the development and reduce the likelihood of crime. It is considered that the proposed layout delivers a reasonable balance between delineating public and private spaces, providing natural surveillance (particularly of communal areas such as the equipped play area) and securing perimeters, whilst providing sustainable pedestrian permeability, limiting lighting (having regard for ecological impacts) and ensuring an attractive and inclusive development.

Noise

- 2.49 The site is affected by the railway line located to the rear of the site and road traffic noise along Barton Road (A256) to the south. An Environmental Noise Survey and Noise Impact Assessment was received with the application. The Survey measures the baseline noise levels across the proposed development for new residential properties that were measured over a 24 hour period. The impact of the existing noise sources on the proposed development and the potential adverse impact from the development on the closest sensitive receptors have also been assessed.
- 2.50 A specification for the building envelope has been provided within the Noise Report to give the appropriate amount of sound insulation to follow the internal ambient noise level guidance set out within BS 8233:2014 and the IoA ProPG: Planning & Noise 2017. Calculations indicate that it is possible to meet the internal ambient noise level guidance set out within BS 8233:2014 by using a standard double glazing of 6mm pane, 12mm cavity and an acoustically rated trickle ventilator. In terms of preserving off site residential amenity and noise generated by the construction of the development, it is also considered that construction noise limits are proposed which are provided in line with the ABC method stated in BS 5228-1.
- 2.51 The Council's EHO is content with the recommendations made within the noise survey report. It has been recommended that in the event of grant of planning permission, the recommendations within the noise report be secured via suitably worded conditions.

Impact on Highways

- 2.52 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in an urban location, where: 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 and 4 bedroom houses will be expected to provide 2 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 32 dwellings proposed (12 x 2 bed, 18 x 3 bed and 2 x 4 bed) equates to 50 spaces for occupiers and around 7 visitor spaces. The application proposes 74 spaces for occupiers of the dwellings, which would be delivered in a manner which provides each dwelling with the recommended parking provision. The parking for ten of the dwellings would be provided in a tandem arrangement, which are less convenient to use, however, given the additional provision of parking spaces across the scheme, this arrangement is considered acceptable.
- 2.53 Third parties have raised significant concerns in relation to the intensification of the use of Stanhope Road causing traffic congestion and parking problems. The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult. In response to the above, the proposals have been amended which includes mitigation to formalise regularly-spaced passing arrangements. KCC Highways have advised that parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations: Outside nos. 22/24, outside no. 54 (partly replacing existing 'dog-bone' markings) and outside no. 74. The proposal will result in the loss of five existing on-street spaces, however, 4 additional unallocated spaces are provided within the site as replacements. KCC has also advised that following the adoption of the road, the two layby spaces could also be made available to the residents of Stanhope Road (i.e. totalling 6 spaces). It should also be noted that there is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.
- 2.54 From the review of the Transport Statement (TS) submitted with the application, it is apparent that 16-two-way vehicle movements in the peak hours would be generated. Whilst the development would increase the number of vehicles using Stanhope Road, it is not considered that this increase would cause a severe impact. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. The tracking plans and details of sight lines have been provided for the internal road to demonstrate that it would function safely and efficiently. The plans also demonstrate that appropriate visibility around bends could be achieved. KCC Highways consider the proposed vehicular and pedestrian access suitable for adoption by the highway authority. Further to this, Kent Fire and Rescue Service have confirmed that the access is considered satisfactory. Car and cycle parking would be provided in accordance with the councils recommended standards.
- 2.55 KCC Highways have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated

parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points.

- 2.56 In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraph 109 of the NPPF.

Ecology

- 2.57 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey.
- 2.58 A stand of *cotoneaster horizontalis* was recorded along the eastern boundary of the Site. This is an invasive species and is included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is recommended that this be treated and removed by a qualified individual to prevent it spreading. No further protected species surveys have been recommended. In respect of potential impact on bats, it is recommended that a sensitive lighting strategy should be followed in order to minimise the indirect impacts of the development on the local bat population. Regarding breeding birds, recommendations have been made in relation to the timing of the removal of any of the boundary vegetation; this should be undertaken outside the bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required. Recommendations for enhancing the ecological value of the proposed site as required under the National Planning Policy Framework have been suggested. These include native planting of hedgerows, shrubs, planting of climbing plants and nectar-rich plants and the provision of bird boxes.
- 2.59 It is considered that the findings within the ecological appraisal are sound and that the recommendations are sufficient to ensure that the Council's duties in respect of habitats, protected species and ecology generally will be fulfilled. DDC's Ecological Officer is satisfied with the information provided and recommended that all the recommendations for the enhancements, detailed within the ecological appraisals should be secured via suitably worded conditions.

Habitat Regulations Appropriate Assessment

- 2.60 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment.
- 2.61 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.62 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.

- 2.63 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.64 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.
- 2.65 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). An appropriate off-site contribution of £1,654.96 is therefore necessary for this site to be considered policy compliant. The applicant has agreed to pay the required SPA mitigation contribution. These will be secured via a S106 legal agreement.

Monitoring Fee

- 2.66 The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. The Council employs a dedicated monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought. The applicant has agreed to pay the monitoring fees.

Contamination, Drainage and Utilities

- 2.67 A Preliminary Investigation Report has been submitted with the application with a view to ascertain the risk pertaining to the site in terms of contamination. In terms of the historic development of the site, records show that the site has been open land since 1865 with a period from 1945 to 1962 when the site was utilised as allotments.
- 2.68 With regard to on site potential contamination sources, any potential contamination associated with the former allotment use would have either degraded or have been diluter/leached due to the underlying permeable ground. The contamination report concludes that there is a low to negligible risk of contamination. It is recommended that a watching brief be employed during the construction phase for unexpected contamination. In accordance with guidance presented in C681 'Unexploded Ordnance (UXO) A guide for the Construction Industry' a review has been undertaken of the historic maps and third-party preliminary risk map, has indicated that the site is at moderate to high risk from historic bombing, shelling or has had a military use. Based on the assessment of the historical maps, Environmental Health have recommended that a specialist UXO risk assessment is undertaken to determine the risk to the proposed development.
- 2.69 The site is within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. As such, the application does not need to be subjected to the sequential or

exception tests. However, given the size of the site, it is necessary to consider how surface water will be drained and how foul sewerage will be disposed of. Infiltration testing has taken place to ascertain whether the ground conditions would allow surface water to be discharged to ground, concluding that the ground is not sufficiently permeable to drain the surface water from the site. KCC have confirmed that the information provided by the tests is adequate and is accepted.

- 2.70 The application has been supported by a Drainage Statement, which has considered the potential sources of flooding and has assessed the opportunities of draining surface water. At present there is no planned surface water drainage on the site, with surface water draining to ground or running off the site naturally. As there are no water courses in the area, the only remaining option is to discharge to a public sewer, although infiltration (in the form of permeable paving) will be used to reduce the volume of surface water which needs to be discharged to the public sewer. KCC Flood Authority have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. The application proposes to discharge foul sewerage to the mains sewer. It is considered that, subject to conditions being attached to any grant of permission to require full details of foul and surface water drainage be submitted for approval, the development would not increase the risk of flooding on site or elsewhere.

Developer Contributions

- 2.71 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

- 2.72 The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted. It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):

- Provision of 30% affordable housing
- Provision, retention and maintenance of the 'green', the equipped play area.
- £131,680.00 towards Dover Christ Church Academy Expansion.
- £820.44 towards the Adult Education element of the new Dover Discovery Centre.

- £2096.00 towards Youth Service in Dover.
- £2517.03 towards the library element of the new Dover Discovery Centre.
- £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)

Other Material Considerations

- 2.73 The principle of the development accords with the development plan. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.74 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. The relevant issues within the NPPF have been addressed within the corresponding sections of this report and so will not be repeated in detail here. These sections have concluded that the impacts of the development do not give rise to any harm or harms which would indicate that permission should be refused.
- 2.75 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. The site lies in a location which is wholly consistent with the NPPF's aim to steer development towards sustainable locations, where future occupants can reach (and provide support for) facilities and services, including public transport.
- 2.76 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The site is well linked to all the facilities and services by footpaths. As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.77 The NPPF encourages the development of under-utilised land. Given that the site has not been in active use for several years, there is a sense in which it is under-utilised which weighs in favour of the proposal.
- 2.78 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a modest increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.79 In terms of the social role, the proposal would contribute towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would be slightly skewed from the mix identified as being required by the district which, to a degree, counts against the scheme, whilst 31% of the total number of housing units would be affordable units - a benefit which is given significant weight. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Stanhope Road

however, it is concluded that the impact of additional traffic movements would not warrant refusal. The development would result in the quantitative loss of Open Space. Whilst this space has not been actively used for several years, it has the potential to make good deficiencies in the future, (albeit there is no evidence that the site will become publicly accessible in the absence of this development). However, the application proposes to compensate for the quantitative loss of open space through qualitative benefits, providing accessible green space and Local Play Space.

- 2.80 In terms of the environmental role, the proposal would not cause significant impacts to the character of the area. The development would be visible along the access and in glimpse views between buildings, whilst the access itself would be plainly visible. However, within an urban context, this would not be harmful. Views of the site would be achievable in long range views however, it is not considered that this impact would be significantly harmful. The development would not cause significant harm to ecological interests and would include some enhancements, which will be secured by condition.
- 2.81 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme and that in the round, the proposal is considered to be a sustainable form of development that accords with the objectives of the NPPF.

3. Conclusion

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 The development would provide 32 dwellings in a sustainable location, close to the facilities and services of Dover. 30% of the dwellings would be affordable dwellings. These benefits weigh significantly in favour of the development. The development would also secure the public use of part of the site. It has been concluded that the qualitative benefits of the accessible open space proposed on site provide at least the same quality and equivalent community benefit as the existing site. Whilst the development would increase the number of vehicles using Stanhope Road, the additional vehicle movements generated by the development would not justify the refusal of the application. The development is acceptable in all other material respects, subject to conditions and obligations.
- 3.3 The development accords with the objectives of the development plan and NPPF and is therefore recommended for approval.

g) Recommendation

I SUBJECT TO a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space) PLANNING PERMISSION BE GRANTED, subject to conditions to include:

- (1) Time limit,
- (2) approved plans,
- (3) Construction Environmental Management Plan,
- (4) Specialist UXO risk assessment
- (5) Construction Management Plan
- (6) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO)
- (7) previously unidentified contamination,
- (8) measures to prevent the discharge

of water onto the highway, (9) details of any electric vehicle charging points, (10) use of bound surface treatment for first 5m, (11) provision and retention of car parking for residents and visitors (12) cycle parking and bin storage, (13) completion of access, (14) completion of internal access roads and footways, (15) provision and retention of visibility splays, (16) details of surface water drainage infrastructure with no infiltration other than that which is approved, (17) details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed (18) full details of all lighting, including the lighting for the amenity space, car parking and residential areas, (19) provision of refuse and recycling areas for residential and for the amenity area (20) scheme to be secured by design (21) samples of materials, to include bricks, roof tiles, metal cladding, timber cladding (22) sectional eaves details (23) details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts, (24) windows to be set in reveals, (25) removal of permitted development rights for porches and roof extensions, (26) ecological mitigation and enhancements, (27) contamination safeguarding (28) broadband connection

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Benazir Kachchhi

Appendix 2 – Minutes of Committee Meeting 3rd September 2020

The Committee was shown drawings, plans and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of 32 dwellings. As an update to the report, Members were advised that four further representations of objection had been received which raised no new concerns and did not alter the Officer's assessment. One letter of support had also been received.

The principle of development on the site was accepted as it was within the settlement confines of Dover. As originally submitted, the application had failed to comply with Core Strategy Policies DM25 and DM27 which covered open space. The scheme originally proposed had had a cluttered appearance, with little thought given to residential amenity. Various layouts had been assessed and the one now proposed achieved an integrated, logical and safe layout, incorporating a central area of open space with an equipped children's play area that would be accessible to the public. A number of objections had been raised because of concerns over traffic congestion and parking. However, the existing situation would be improved by the provision of a turning head and the formalisation of passing places. To counter the loss of five on-street parking spaces, four unallocated spaces would be provided within the site, as well as two layby spaces on the internal road that was due to be adopted by KCC Highways. The scheme also offered the provision of 30% affordable housing on site.

Councillor Williams raised serious concerns about the impact the development would have on existing traffic and parking problems. She queried whether there was an alternative access route to the site. Councillor Biggs agreed that traffic and parking were significant issues. Furthermore, he was not convinced that parking spaces provided within the development would be available for Stanhope Road residents. He also raised concerns about the use of tandem parking spaces.

The Planning Officer confirmed that access via Stanhope Road was the only option. A construction management plan would outline how construction traffic would be diverted to the site. She reiterated that there were currently no formal passing places or turning point in Stanhope Road which led to chaos and congestion. The proposed scheme would ease existing problems by providing a turning head, formal passing places and the replacement of lost on-street parking spaces. The applicant's transport statement, which had been reviewed by KCC Highways, indicated that the development would generate an additional 16 two-way vehicle movements during peak hours. It was considered that this would not cause a severe impact. She confirmed that the parking spaces for Stanhope Road residents would be sited close to the entrance of the estate and therefore easily accessible to residents, as would the children's play area. Whilst Officers would not generally look to mitigate existing problems, it was recognised that the situation in Stanhope Road was poor. Whilst there would be a few tandem parking spaces, these needed to be assessed against an overall excess provision of spaces across the whole site.

Councillor Bond raised concerns that not all of the internal road and the turning head would be adopted by KCC Highways, urging Officers to ensure that the road and turning head were built to adoptable standards. To address these concerns, the Principal Planner suggested that condition (14) could be amended to require a scheme to be submitted to show which roads would be publicly accessible and adopted by KCC Highways. It was confirmed that the turning head could be used by refuse vehicles.

RESOLVED: (a) That, subject to a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space), Application No DOV/19/01025 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;

- (iii) Construction Environmental Management Plan;
- (iv) Specialist UXO risk assessment;
- (v) Construction Management Plan;
- (vi) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO);
- (vii) Previously unidentified contamination;
- (viii) Measures to prevent the discharge of water onto the highway;
- (ix) Details of any electric vehicle charging points;
- (x) Use of bound surface treatment for first 5 metres;
- (xi) Provision and retention of car parking for residents and visitors;
- (xii) Cycle parking and bin storage;
- (xiii) Completion of access;
- (xiv) Completion of internal access roads and footways, including the submission of a scheme to show which roads would be publicly accessible and adopted by KCC Highways;
- (xv) Provision and retention of visibility splays;
- (xvi) Details of surface water drainage infrastructure with no infiltration other than that which is approved;
- (xvii) Details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed;
- (xviii) Full details of all lighting, including the lighting for the amenity space, car parking and residential areas;
- (xix) Provision of refuse and recycling areas for residential and for the amenity area;
- (xx) Scheme to be secured by design;
- (xxi) Samples of materials, to include bricks, roof tiles, metal cladding, timber cladding;
- (xxii) Sectional eaves details;
- (xxiii) Details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts;
- (xxiv) Windows to be set in reveals;
- (xxv) Removal of permitted development rights for porches and roof extensions;
- (xxvi) Ecological mitigation and enhancements;
- (xxvii) Contamination safeguarding;
- (xxviii) Broadband connection.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a Section 106 legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.