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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

6 March 2024

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 14 March 2024 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

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

Chief Executive

Planning Committee Membership:

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

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 22 February 2024 (to follow).

5 **ITEMS DEFERRED** (Page 6)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 7-11)

6 **APPLICATION NO DOV/23/00690 - LAND SOUTH SIDE OF FERNE LANE, EWELL MINNIS** (Pages 12-20)

Change of use of land for the keeping of horses and erection of stable building and installation of planted bund (Retrospective)

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

7 **APPLICATION NO DOV/23/01113 - DOLITTLE FARM, WESTCLIFFE PADDOCK, DOVER ROAD, WESTCLIFFE** (Pages 21-29)

Temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use; construction of a hard surface and associated landscaping (Retrospective)

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

8 **APPLICATION NO DOV/23/00679 - THE OLD RECTORY, CHURCH HILL, EYTHORNE** (Pages 30-59)

Variation of Condition 2 (approved plans) for amendments to DOV/17/00246 relating to pedestrian access, creation of opening in listed wall and repositioning of plots 1, 2 and 3 (S73) (Erection of 9 detached dwellings, landscaping, creation of vehicular access and parking)

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

9 **APPLICATION NO DOV/23/00918 - 2A CANADA ROAD, WALMER** (Pages 60-68)

Erection of detached dwelling with 2-metre fencing and associated parking (existing building to be demolished)

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

10 **APPLICATION NO DOV/23/01128 - THE SARACEN'S HEAD, 1 ALFRED SQUARE, DEAL** (Pages 69-81)

Change of use and conversion to residential dwelling, with associated internal

and external alterations (existing rear extension to be demolished)

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

- 11 **APPLICATION NO DOV/22/01341 - LAND NEXT TO 95 ST GEORGE'S ROAD, SANDWICH** (Pages 82-103)

Erection of a detached dwelling, new vehicular access, associated parking and landscaping

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

- 12 **APPLICATION NO DOV/24/00038 - 11A THE MARINA, DEAL** (Pages 104-112)

Erection of a second-floor extension with front terrace and balustrade, replacement door/windows and alterations to external finishes

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 13 **APPEALS AND INFORMAL HEARINGS**

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

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

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

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and (h) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

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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.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

PLANNING COMMITTEE – 14 MARCH 2024

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

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

DOV/23/00679

Variation of Condition 2 (approved plans) for amendments to DOV/17/00246 relating to pedestrian access and creation of opening in listed wall (Section 73 application) – The Old Rectory, Church Hill, Eythorne (Agenda Item 10 of 25 January 2024)

This application appears elsewhere on the agenda

Background Papers

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

SARAH PLATTS

Head of Planning and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Plan (2015)
The Adopted Minerals & Waste Local Plan (forming the Early Partial Review of 2020 and the Kent Mineral Sites Plan 2020)
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.

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23/00690

Land South Side Of Ferne Lane, Ewell Minnis, Kent, CT15 7FF

ALKHAM

Scale: 1:1,250

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



- a) **DOV/23/00690 - Change of use of land for the keeping of horses and erection of stable building and installation of planted bund (Retrospective) - Land South Side of Ferne Lane, Ewell Minnis**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policy and Guidance**

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

Dover District Local Plan 2002: DD21

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. Proposed policy PM1 and the need for high quality design is relevant. Policies NE1 and NE2 seeks to conserve or enhance landscape character.

National Planning Policy Framework (NPPF) (2023): Paragraphs 8, 135, 180 and 182.

Kent Downs AONB Landscape Character Assessment Review 2020

Kent Downs AONB Management Plan 2021-2026 – Policies SD1, SD2 and LLC1 apply

- d) **Relevant Planning History**

There is no planning history relating to this site.

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

The planning proposal was amended through the submission of new/more accurate drawings reflecting the current position on site. Consequently, a further round of consultation has taken place. Some of the responses from the first consultation have been re-submitted and emphasised following the second consultation. In combination, these are:

Kent Downs AONB Unit: No objections are raised to the stable building. Objections are raised against the bund.

Parish Council: No objections are raised to the stable building. Objections are raised against the bund.

Environment Agency: No objections are raised. If permission is granted a condition with regard to the storage of manure is suggested.

Kent PROW Team: No objections are raised.

Kent Flood Authority Team: The development is considered low risk.

Third party Representations:

No further responses were received following the second consultation. For the first consultation, 2 objections were received raising the following concerns:

- The bund is not necessary for the use of land
- The fences, gates and on site storage of caravans are not necessary for the keeping of horses on the land
- The bund would set a precedent and, if repeated, would change the character of the AONB

9 support comments were received, as summarised below:

- The use of the land for grazing
- There are other stable buildings in the area
- There is a need for stable buildings
- The visual benefit of the planting/landscaping on the bund

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

1.1 The application site comprises a roughly rectangular area of land that extends from the back edge of Ferne Lane to Green Lane (to the south). The land is relatively flat, with a gentle fall in the topography of the land from north to south. The land is located in the countryside and away from the nearest rural settlement at Alkham, and is located on a plateau of mostly arable land within the Kent Downs National Landscape (formerly AONB)

1.2 Originally, the site had a hedgerow along its northern and eastern boundaries, but was otherwise 'open' and formed part of the existing open and arable landscape along the plateau.

1.3 In late 2022, changes were made to the land through the erection of timber fences and gates behind the altered access from Ferne Lane, which are not the subject of this application, the provision of an earth bund (that had some grass cover) some 2m-3m in height around the four boundaries of the site, the erection of a timber stable building, for two horses, with a fenced enclosure, and the stationing of 4No. tourers and 1No. static caravan on the land, along with the parking of 2 cars and 2 vans were observed.



Fig 1: Location Plan



Fig 2: Block Plan



Fig 3: Elevations and Floor Plan

- 1.4 At the time of the officer's site visit, the caravans were not in residential use, as such and appeared to be being used for storage of domestic items or retained what would have been within a functioning tourer, such as a kitchen area, cupboards etc. Some of the caravans did not appear fit for any purpose and appeared to be just stored on the land. The stable building had not been completed and appeared to be 'fire damaged'. A shed had been erected next to the stable building.
- 1.5 The proposal seeks to change the use of the land for the keeping of horses, to erect a stable building and to retain the landscape bund around the perimeter of the site. The application is retrospective, with only the stable building not quite completed. The stationing/storage of caravans and storage of vehicles and other operational works are subject to investigation.
- 1.6 To the west of the site is a PROW. It leads in a north-south direction and connects with the existing network of rights of way in the area. The bund is clearly visible from this PROW for its entire length.
- 1.7 The application site is within and forms part of the Kent Downs Area of Outstanding Natural Beauty (AONB) (now called Kent Downs National Landscape). The importance of the landscape and its beauty along this section derives from its distinctive dry valleys. Dry valleys of the Kent Downs, along with the escarpment of the North Downs, being the main target for the

designation of the Kent Downs AONB. The pattern of ridges and dry valleys gives the landscape a rolling rhythmic feel.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on landscape character and appearance of the countryside
- Impact upon residential amenity

Assessment

Principle of Development

2.2 The change of use of the land from agriculture to the keeping of horses is acceptable in principle as it is a use that would demand a rural location subject to the consideration of other material planning considerations. In turn, the area of land is suitable for the keeping of the number of horses that would be housed in the proposed stabling. Under Policy DM1, the proposal should functionally require such a (countryside) location, or it should be ancillary to existing development or uses. The stable building is considered to be functionally required for the keeping of horses. However, it has not been demonstrated that the bund is either functionally required for the proposed use of the land or is ancillary to the existing agricultural (lawful) use. As such, the bund is contrary to Policy DM1 of the Core Strategy.

2.3 Policy DD21 of the Saved Local Plan recognises the need to provide shelter for horses against inclement weather and does not rule out locations within the National Landscape/AONB. The pre-ambule also identifies that advantage should be taken in siting buildings and facilities, of natural screening – such as hedgerows and landform. Also set out is that privately owned horses should be kept close to their owner's homes so that maximum care and security can be provided without frequent journeys. The stables provide safety and security for the horses kept on the land, which is in reasonable proximity to the landowner's home addresses.

Impact on Landscape Character and Appearance of the Countryside

2.4 The site lies on top of a plateau that is wholly consistent with the surrounding local landscape character, characterised by a series of valleys interspersed with flat plateau on higher ground. The bund introduces a substantial, alien, unnatural, artificial landscape feature, entirely at odds with the flat plateau nature of the site, altering the natural local landform. The length and height of the bund amounts to a sizeable, engineered intrusion that appears as a conspicuous arbitrary feature, which neither integrates with the existing hedgerow boundaries, nor assimilates with the flat local landscape.

2.5 The bund is clearly seen from public vantage points along the PROW located to the west of the site. The view of the bund is clear for a significant stretch of the PROW. It appears as an unnatural visually contrived addition to the land that changes its natural landform and appearance. The construction and provision of a bund, of a significant scale and proportion, is unjustified, in conflict with Policies DM15 and DM16 of the Core Strategy and Policy NE2 of the Draft Local Plan. The bund is a significant intrusive and harmful sprawl of

development along this part of the plateau and open landscape. It fails to meet the key test of conserving and enhancing the National Landscape (AONB). As a result, it presents as an unattractive, unsuitable form of development in the landscape which is given the highest level of protection by NPPF.

- 2.6 The Landscape Character Assessment identifies the pressure/sensitivity to change from equine development that can impact upon the landscape character of an area. This is considered a potential 'threat' to the landscape. It is considered, however that the stable building is not significant in scale, is reasonably well-designed and would ordinarily be screened from views from Ferne Lane by the hedgerow. It is on the far side of the field furthest from the PROW and as such it would not appear prominent.
- 2.7 Notwithstanding, the stable building projects into the open field and, in design and impact terms, it would be more suitably located if placed parallel with the northern boundary, behind the hedgerow, so as to reduce the projection of the built form into the open landscape. If the other aspects of the proposal were considered acceptable, officers would have sought to negotiate the re-positioning of the stable building so that its length ran within and alongside the hedgerow. As such, the stable building as currently proposed and erected fails to conserve or enhance the landscape and natural and scenic beauty of the Kent Downs National Landscape.
- 2.8 As such, the proposal is poorly designed and conflicts with Policies DM15 and DM16 of the Core Strategy, Policy NE2 of the Draft Local Plan and Paragraphs 135, 180 and 182 of the NPPF. It also runs counter to the principles of the AONB Management Plan.

Impact on Residential Amenity

- 2.9 The proposal is suitably separate from the nearest residential properties to avoid causing any harm. Having said that, although there is no immediate harm to an individual residential amenity, the visual quality expected from this surrounding landscape has been harmed, interfered with and spoilt to an unacceptable degree.

3. Conclusion

- 3.1 The proposed development, for the above reasons, fails to conserve or enhance the natural beauty and unspoilt quality of the National Landscape and the level of harm arising from the proposal and other paraphernalia outweighs a 'notional' need to help protect or safeguard the keeping of horses on the land.
- 3.2 Not subject of this application are the stationing/storage of caravans and the parking/storage of cars and vehicles on the land – not ancillary to the lawful use of the land. Furthermore, it appears from using Google Imagery that the formation of or alteration to access from Ferne Lane along with the erection of gates and fences to form or supplement the access and the use of the site are recent additions to the site, which are the subject of enforcement investigations.

g) Recommendation

- I PERMISSION BE REFUSED for the following reasons:
- 1) The proposed development is not necessary or functionally required on the land, nor is it ancillary to the existing lawful agricultural use of the land. As such, the proposed bund by reason of its location, form, scale and appearance is incongruous, alien and poorly related to the open and visual context of the land, unsympathetic with the surrounding open countryside and fails to conserve or enhance the natural beauty and quality of this nationally designated and protected landscape (AONB). As such, the proposed development is in conflict with Policies DM1, DM15 and DM16 of the Dover District Core Strategy; Policies PM1 and NE2 of the Draft Local Plan; it is contrary to the aims and objectives of the Kent Downs AONB Management Plan 2021-2026 at paras SD1, SD2 and LLC1, and comprises an unsustainable form of development in conflict with Paragraph 8 and the aims and objectives of Paragraphs 135, 180 and 182 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Planning and Development to settle any necessary reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester

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23/01113
 Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe, CT15
 ST MARGARETS AT CLIFFE

Scale: 1:1,250

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



- a) **DOV/23/01113 - Temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use; construction of a hard surface and associated landscaping (Retrospective) - Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe**

Reason for report – Number of contrary views (7)

- b) **Summary of Recommendation**

Planning permission be granted for a temporary period.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM7, DM11, DM15 and DM16

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, H4, NE1, NE2 and NE3.

National Planning Policy Framework (NPPF) (2023): Paragraphs 8, 11, and Sections 5, 9, 12 and 15.

Dover Landscape Character Assessment (2020)

5 Year Supply of Gypsy/Traveller Sites

The LPA's position is that there is a current 9-year supply of gypsy/traveller pitches. There are 9 vacant/available pitches. This follows a May 2023 survey of sites. Cultural need and Gypsy/traveller need have been included in the supply.

Planning Policy for Traveller Sites (2023) (PPTS):

The PPTS is a material consideration. It seeks to ensure that the needs of travellers (including gypsies) are identified and assessed to gather robust evidence to plan positively and manage development. Policy B states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Policy H provides guidance on determining planning applications for traveller sites and considers the following issues to be assessed amongst other relevant matters when considering planning applications for traveller sites:

- The existing level of local provision and need for sites.
- The availability (or lack) of alternate accommodation for the applicants.
- Other personal circumstances of the applicant
- That the locally specific criteria used to guide the allocations of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- The decision-maker (sic) should determine applications for sites from any travellers and not just those with local connections.

Gypsy and Traveller Accommodation Assessment (GTAA) 2018 (updated 2020):

The latest evidence of the local planning authority as set out in the GTAA is that for the plan period 2020 to 2040 there is a cultural need for 26 pitches and a PPTS need for 16 pitches.

d) **Relevant Planning History**

DOV/23/01430 – Prior Approval for the erection of a barn (on the field adjoining the current application site). Refused.

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

Kent Downs National Landscape (AONB) Unit: Objections are raised to the harm to the National Landscape.

St Margaret's Parish Council: Objections are raised against the harm to the AONB, the unsustainable location of the site, the lack of sustainability and the uncertainty over how the land would be restored at the end of the proposed 3-year period.

Kent Highways: The development does not meet the criteria to warrant involvement with the Highway Authority.

Third party responses:

There have been 7 responses raising objections and 9 responses supporting the application.

The responses which raise objections can be summarised as follows:

- Harm to the AONB, out of place;
- Unsustainable location, the site is not accessible other than by vehicle;
- There are alternative sites;
- Uncertainty to where the occupiers will move to after the 3-year period and uncertainty to how the site could be restored;
- Lack of suitable drainage provision;
- Contrary to the development plan.

The responses in support of the application can be summarised as follows:

- It is a more suitable use of the land than other potential development;
- The development is screened and has limited visibility from the countryside;
- The coinciding business is good for the area;
- The proposal forms part of the on-going development of the area.

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

1.1 The application site comprises a 0.1 hectare parcel of land, with an access onto Dover Road. The site forms part of a wider area of land, owned by the applicant, to the west and south west, which is an open field containing chickens, ponies, sheep and pigs. The topography of the land falls from north to south and has a gentle slope from west to east. The site is currently occupied by the applicant and his wife in 1No. static caravan and by their daughter and her two children in another static caravan. The site has been fenced on its northern, eastern and southern boundaries with 2m high close boarded fencing, along with a set of 2m high timber gates slightly behind the access onto Dover Road. There has been some planting undertaken behind the boundary fences. The site has been hardsurfaced, which has involved the 'scraping off' of the top level of the land and its replacement with hardcore/stone chippings. The scraping

of the land means that the static caravans are positioned on the land slightly below the level of the adjoining field to the west. There is a field gate to the remaining part of the applicant's holding along with some additional planting along sections of the western boundary of the site.

- 1.2 The site forms part of a small hamlet of residential and farm buildings, with St Peter's Church a short walk along Dover Road. To the east is Wallett's Court and its former curtilage and outbuildings – which are in residential use. Within the former grounds of Wallett's Court adjoining the application site a new house has been erected, which was first granted on appeal in 2017, but has been erected under a 2021 planning permission. This house is located to the south east of the application site.
- 1.3 The wider landscape includes dry valleys on the underlying chalk geology and the site and its neighbours sits on or near to a ridge and hence is visible from the south, where there is a PROW on the other side of the valley bottom.
- 1.4 From Dover Road, the gates across the access and the eastern and northern boundary fences are visible across the open front garden of the adjoining house and from Dover Road. In addition, the top sections of the caravan nearest to the northern boundary are also visible from Dover Road. There is some vegetation within and adjoining the northern section of the site and this helps to screen the visibility of the boundary fences and caravans, in particular from views from the west.
- 1.5 From the footpath to the south, the caravans are visible (from a distance). However, they do not project beyond the extent of the western boundary of the new house and are located in part behind the new house. This ensures that although visible from some public vantage points, the caravans do not encroach into the more open landscape and are visually contained within the overall built envelope of the hamlet. The new house screens the visibility of the caravans from some views from sections of the footpath, closer to the village.
- 1.6 The proposal seeks a 3-year temporary planning permission to use the land for the stationing of two residential caravans, with associated development, to accommodate a gypsy family. The use of the land is to enable the occupier's farming business on the adjoining land to become established.

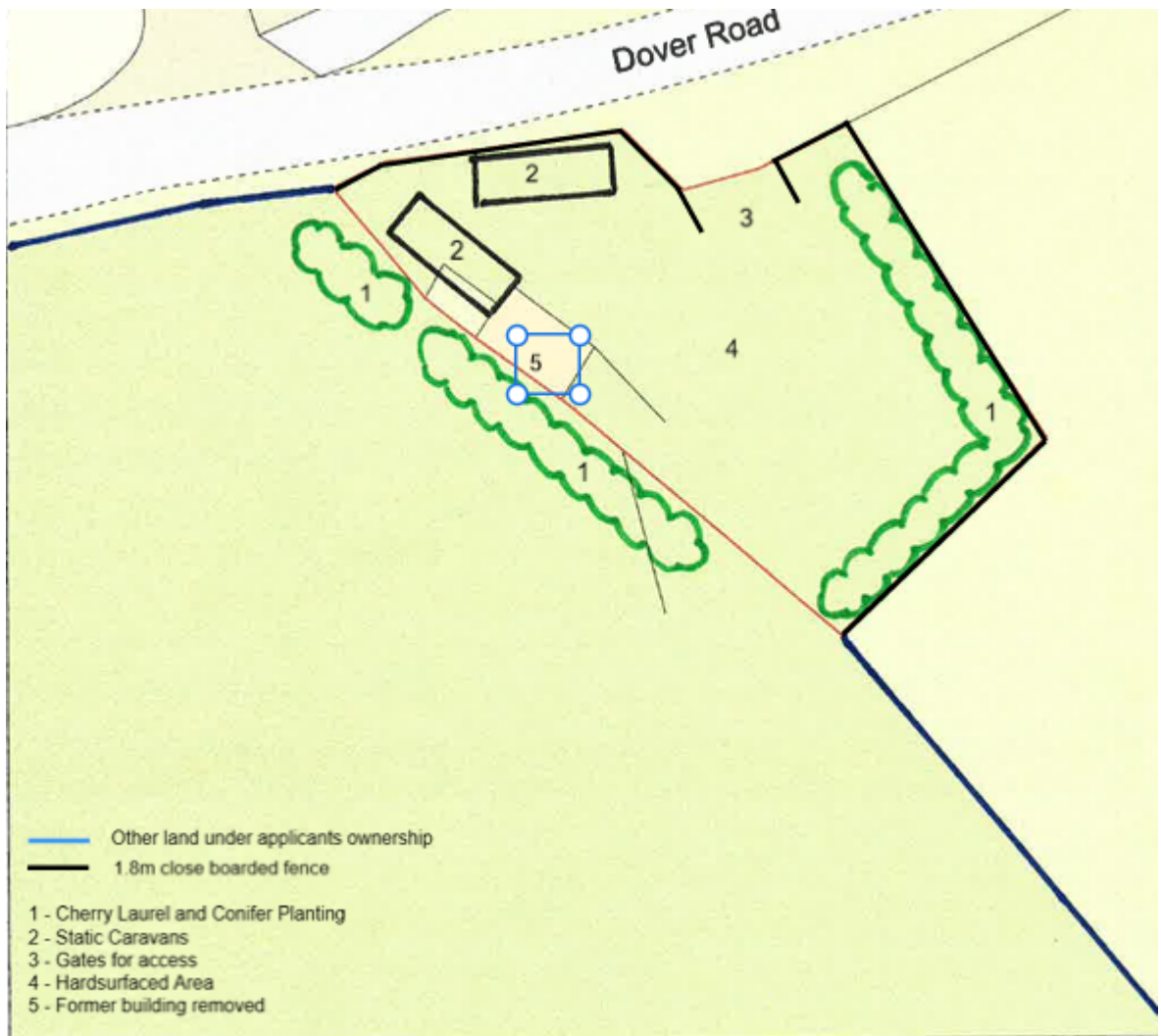


Fig 1: Site Layout Plan

In support of the proposed development the application says that a temporary period of 3 years is sought to allow time to be spent setting up the agricultural business on the land to the west, keep their children in the local schools and allow time to seek an alternative use.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the character and appearance of the countryside
- Impact on residential amenity
- PPTS and Other Material Considerations

Assessment

Principle of Development

2.2 Whilst Policy DM1 is out of date and DM11 is afforded reduced weight due to their level of inconsistency with the wording of the NPPF, restricting development principally to the settlement confines should still be considered relevant and carrying some weight

in the outcome of the decision, as achieving a sustainable pattern and form of development is one of the central aims of the policies which, in substance, would meet the requirements set out in the NPPF.

- 2.3 However, the most important policy in the Core Strategy, with regard to the principle of development for accommodation for gypsy/travellers, is Policy DM7. This Policy does not require such accommodation to be provided within settlements.
- 2.4 Paragraphs 14 and 25 of the PPTS implicitly accept that sites may be located in rural areas but that their scale should not dominate the nearest settled community and should avoid placing undue pressure on infrastructure. Development in open countryside away from existing settlements or outside areas allocated in the development plan should be very strictly limited.
- 2.5 It is considered that the total number of pitches (2) would not amount to a scale of development that would dominate the hamlet or the nearest settled community of St Margaret's at Cliffe. Furthermore, whilst the site is outside the nearest settlement, the distance to St Margarets is not significant and access to the village by road does not require the use of rural lanes – Dover Road is used as a bus route and serves a number of other residential and farming developments. In addition, the site is not located too far from Dover, such that there are likely to be short trips to access public amenities and facilities and shops. Therefore, the distance to nearby facilities and amenities and their accessibility do not make the site unsustainable when factoring in that a countryside location for gypsies and travellers is not considered unacceptable in principle.
- 2.6 Having less weight in the consideration of this application are the policy provisions in the Submission Draft Local Plan. Proposed Policy H4 seeks to provide the LPA's policy provision in respect of applications for gypsy and traveller windfall sites, such as this. Amongst other matters, the Policy seeks to conserve and enhance landscape character and biodiversity.
- 2.7 In conclusion, whilst there is some conflict with DM1 and DM11 of the Core Strategy, the proposal is not in conflict, in principle, with policy criterion i) of DM7 and PPTS and should be supported as being in a suitably sustainable location.

Effect on Character and Appearance of the Area

- 2.8 The caravans are visible from public vantage points along Dover Road and the PROW to the south. The fences and gates are visible from Dover Road.
- 2.9 Although there is some road-side and on-site vegetation that helps to screen the caravans, the visibility of the caravans in combination with the wooden fences and gates comprise a form of development that appears alien within the context of the pre-existing street scene and the overall rural character of the area. In his appeal decision letter for the house on the adjoining land, the Inspector made reference to the importance of the setting and garden areas serving the house. The 'informal' and open front garden area serving the house and forming part of its setting is harmed by the boundary fence that has been erected along the eastern boundary of the application site – as it extends for the depth of the site and is clearly visible from Dover Road across the front garden of the adjoining property.
- 2.10 The caravans and boundary enclosures are also unsympathetic with the design and appearance of buildings close by, and the external finishes of these buildings.

- 2.11 The application site formerly had a building on the land, but this did not stand out as conspicuously as the current layout and associated development on the site.
- 2.12 With regard to Policy DM7, the proposal is partly screened, with the potential for improved screening, by vegetation and hedgerow planting, but there are elements of the proposal that cannot be suitably screened.
- 2.13 The application site forms part of the wider landscape and is located on one of the localised ridges that make up the overall character of the AONB. However, the site is considered part of the edge of the hamlet and is located within the context of the buildings and building envelope and not the open and more rural landscape to the west and south.
- 2.14 On balance therefore, the proposal as a whole is considered to be unduly incongruous within the rural landscape and the visual context of the street scape, contrary to Policies DM7, DM15 and DM16 and Paragraph 180 and 184 of the NPPF. In addition, the proposal would fail to meet the requirements of Policy H4 and NE2 of the Draft Local Plan.

Effect on Residential Amenity

- 2.15 The application site is suitably separate from the nearest residential properties to avoid having any material impact upon them.
- 2.16 The proposal would not lead to the reduction of the residential amenities of the occupants of any nearby dwellings and satisfies the requirements of criterion iv) of Policy DM7

Biodiversity Net Gain

- 2.17 The proposal does not seek to provide any ecological assessment of the site nor is there any assessment of impact upon the natural environment or biodiversity net gain. The layout of the site does not appear to require the loss of any hedgerows and only the loss of pasture. The site already accommodates some landscaping along boundaries and on part of the site where the pitches are not proposed. There would appear to be opportunities for improving the vegetation along boundaries, through new hedgerow planting. As such, the proposal could help meet the objectives of Policy NE1 of the Draft Local Plan.

Planning Policy for Traveller Sites and Other Material Considerations

- 2.18 The PPTS advises that relevant matters to take into account when considering planning applications include the existing level of local provision and need for sites, the availability of alternative accommodation for the applicants and the personal circumstances of the applicant.
- 2.19 The Council can currently identify a 5-year supply of gypsy pitches within the district and provision for meeting the identified need up to 2040 is set out in the Draft Local Plan. Although the achievement of the 5-year supply of gypsy pitches is met, this figure is not a 'ceiling' that means other sites should not come forward. The 5-year supply is the 'expected' level of supply to meet needs. However, the achievement of the 5-year supply means that full weight can be attributed to Policy DM7 of the Core Strategy and other policies that are important for the determination of the application. The PPTS is important for the determination of this application and post-dates the Core Strategy.

- 2.20 With regard to the availability of alternative accommodation, officers are aware that there are vacant pitches within the district that could be considered to represent alternative locations. However, it is not known at this stage whether a family group, such as this, could be accommodated on one site.
- 2.21 The Examination Hearings for the Draft Local Plan ceased in December 2023. The Examination Inspectors have issued their “initial findings letter” although this does not make reference to the proposed gypsy and traveller policies. In view of the case put forward at the Examination that there is more need for gypsy and traveller accommodation than has been calculated in the GTAA 2018 and identified by the Council, it has raised the question of whether firstly should there be a higher figure to be met and secondly, what level of need for the duration of the Local Plan might the Inspectors identify.
- 2.22 Little information has been provided to support the proposal in the “best interests of the child”. There are children on the site. Officers consider that there is a case for retaining the children on site and providing them with a settled base at least for the time being.
- 2.23 Finally, in terms of personal circumstances, the applicant is seeking a 3 year personal permission to enable the ‘farming’ business he has just commenced, to become established. The PPTS and development plan policy DM7 are only applicable to the residential use of land for gypsies/travellers. The proposed ‘farming’ use is not covered by the PPTS or policy. It is not considered appropriate (as a personal circumstance) to justify a temporary planning permission on the basis that the occupation of the site by a gypsy family is necessary to enable the farming business on the adjoining land to become established. However, the connection is capable of being a material consideration, to be considered in the round and in the planning balance. The main consideration, as set out above, is the current transition to the new Local Plan and the settled position on need and supply. As such, the applicant’s approach to a ‘personal’ permission in this case is not a definition officers would normally accept and would not be a PPTS or a development plan policy approach.

3. Conclusion

- 3.1 The proposal seeks to accommodate 2 gypsy pitches on the site.
- 3.2 There is harm to the landscape and natural beauty of the Kent Downs National Landscape and equally to the visual quality of the street scape – in particular from the associated development – fences and gates.
- 3.3 The application is for a limited period of 3 years. From the date of the application, this would be until September 2026. Ordinarily, with these types of applications, if permanent planning permissions cause harm to the public interest – such as landscape beauty and visual amenity, as set out above, then a planning permission for a temporary period should also be assessed as part of the application. By September 2026, it is expected that the Local Plan would have been adopted, and the most relevant and up to date information on gypsy need and supply would have been established.
- 3.4 In view of the above considerations, and the length of time that the applicant is seeking for a permission (3 years), it is considered that the application should be granted for a 3 year period, starting with the date of the application.

g) **Recommendation**

I PERMISSION BE GRANTED

- 1) Limit occupation to Gypsies and Travellers
- 2) Approved plans
- 3) No more than two gypsy pitches on the site, and no more than two static caravans on site. Only the static caravan on each pitch shall be occupied for a primary residential use.
- 4) Use to cease by end September 2026 with all caravans and development removed from the land and the land restored to open grass.
- 5) Landscaping condition, to require details to be submitted within 3 months
- 6) No commercial activity, including storage
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site
- 8) No external lighting, other than that which is approved

II Powers to be delegated to the Head of Planning and Development to settle any necessary conditions and legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester

N



23/00679
 The Old Rectory, Church Hill, Eythorne, CT15 4AE
 EYTHORNE
 Scale: 1:1,250

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



- a) **DOV/23/00679 - Variation of Condition 2 (approved plans) for amendments to DOV/17/00246 relating to pedestrian access, creation of opening in listed wall and repositioning of plots 1, 2 and 3 (S73) (Erection of 9 detached dwellings, landscaping, creation of vehicular access and parking) - The Old Rectory, Church Hill, Eythorne**

Reason for report: Deferred from January Planning Committee

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Addendum to Committee Report of 25 January 2024**

Introduction

- 1.1. This application was presented to the Planning Committee on 25th January 2024, where officers recommended that planning permission be granted, subject to a number of conditions.
- 1.2. At the meeting, members resolved to defer determination of the application for the following reason:
- “Officers to consult with the applicant on the relocation of parking spaces provided for residents of the disability bungalows”.*
- 1.3. A copy of the January Committee Report, which addresses all the relevant material planning considerations, is attached (Appendix 1).
- 1.4. Following a further consultation period given the receipt of amended plans, additional comments have been received since the case was reported to the January planning committee, and are summarised below:

Eythorne Parish Council

- Condition 18 requires a pedestrian crossing, concern is raised over the sufficiency and safety of a dropped kerb crossing (uncontrolled crossing) for pedestrians.
- Removing on-street parking will exacerbate the problem of speeding traffic along Church Hill. The Parish Council have attached recent data of a speed survey (January 2024) indicating volume & speed of traffic in this vicinity.
- If permission is given to the removal of Condition 17, the residents of Rectory Bungalows will lose on street parking on Church Hill.
- Concern raised over route that elderly and/or disabled residents would be required to take to re-provided spaces on site.
- Care providers and District Nurses are frequent visitors. Concern that residents have been discriminated against.

KCC Highways – No response received to date.

DDC Tree officer- No objection subject to a pre-commencement condition requiring an arboricultural method statement to demonstrate how the pedestrian pathway, retaining walls and surface for parking will be constructed without causing damage to the adjacent trees.

- 1.5. This addendum will provide an update regarding the subsequent negotiations and information submitted following the January planning committee.

Summary of Amendments to Proposal

- 1.6. The layout of the proposed scheme has been amended to address the concerns of the planning committee regarding the location of the 4 no. parking spaces to be provided on the site (in lieu of on-street parking being displaced on Church Hill).
- 1.7. These 4 no. parking spaces have been moved closer to the access onto Church Hill. In addition to this the route of the pedestrian access has also been amended to provide a more direct and convenient route to the parking spaces and into the site for future residents.
- 1.8. In order to minimize impact of the rerouted pedestrian access on the mature trees on the site (subject of a TPO), the dwellinghouses on plots 1, 2 and 3 have been moved slightly to the southwest of the site. The footprint of plots 1 and 2 have been moved by approximately 2 metres and plot 3 by approximately 1 metres. The description of the S73 application has been amended to reflect this adjustment to the layout of plots 1,2 and 3. The amended description has been revised to "Variation of Condition 2 (approved plans) for amendments to DOV/17/00246 relating to pedestrian access, creation of opening in listed wall and repositioning of plots 1, 2 and 3 (S73) (Erection of 9 detached dwellings, landscaping, creation of vehicular access and parking)"
- 1.9. It is considered that these changes are non-material, given the distances proposed in relation to the overall site plan. It is not considered that these changes would have any impact on character and appearance or neighbouring living conditions, or any other planning implications.
- 1.10. As per the previous scheme pedestrian access would be on a gradient and would be provided by a ramped footpath. Conditions relating to details of earthworks and finished levels were imposed on the original full planning permission (17/00246). It is considered that these should be reimposed, and revised details approved by condition, in order to secure an appropriate gradient for the ramp.
- 1.11. The position of the new pedestrian crossing to Church Hill and opening in the listed wall remain the same as presented at the January planning committee.
- 1.12. The amendments described above can be seen in the amended site plan, shown in figure 1 below.



Figure 1 - Amended Proposed Site Layout (4 no. compensatory parking spaces highlighted in green)

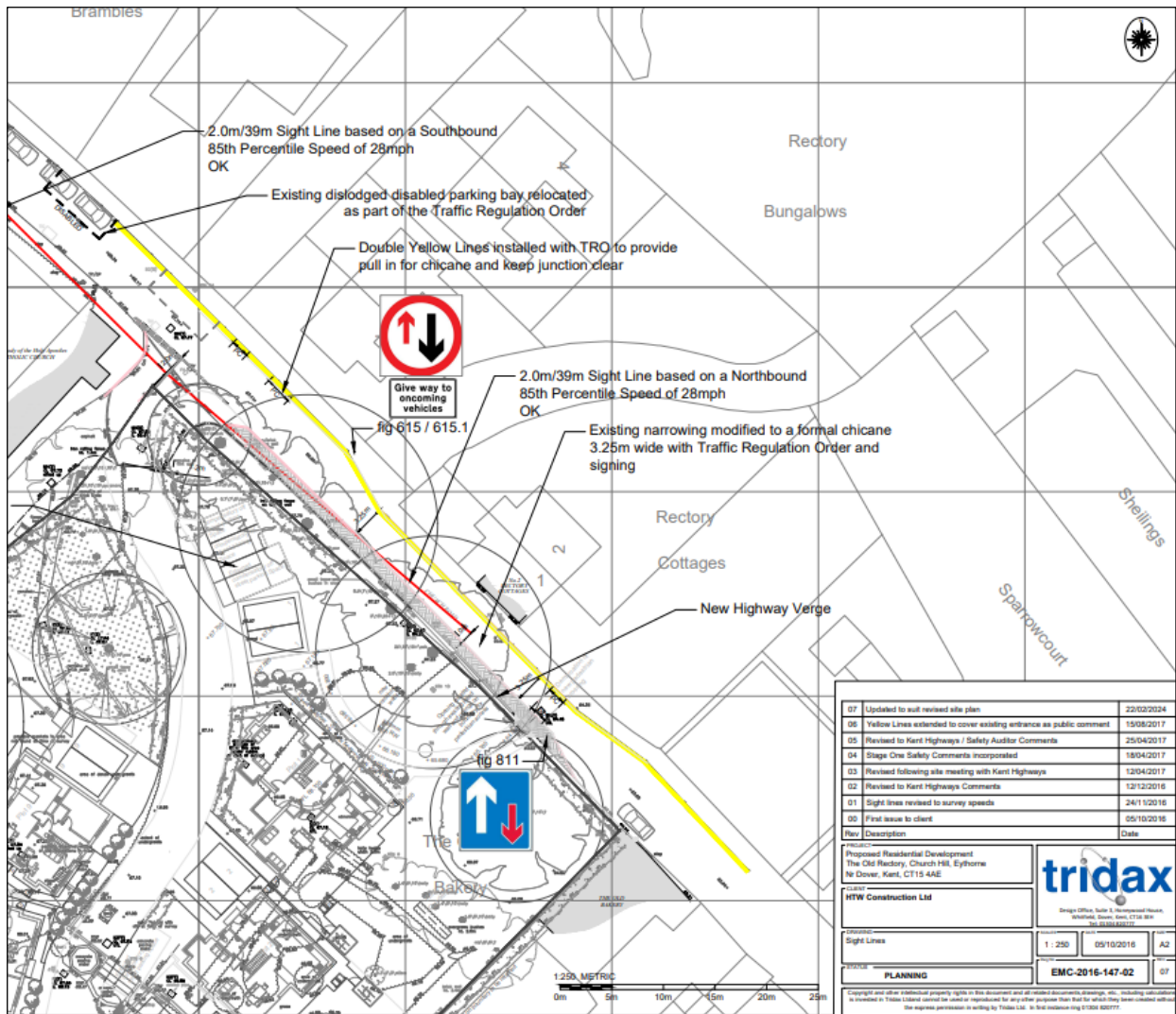


Figure 2 – Amended plan showing sightlines and highways works

- 1.13. The conditions recommended in the January committee report are recommended to be imposed, with the addition of the provision of details of a final arboricultural method statement.
- 1.14. The amended plans are considered to respond to the concerns raised by committee members. It is considered that the amendments would be acceptable in terms of the impact on the character and appearance of the area and would be acceptable in all other material respects, having regard to the conclusions reached in the committee report attached at Appendix 1.

d) **Recommendation**

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

1. Date of approval
2. Approved plans
3. Accordance with previously approved samples of materials
4. Accordance with previously approved construction details
5. No external meter cupboards etc to be installed on elevations fronting a highway

6. Details of earthworks to be approved
 7. Details of finished levels to be approved
 8. Accordance with previously approved details of foul drainage
 9. Provision of parking spaces
 10. Provision of cycle parking and refuse/ recycling store
 11. Accordance with previously approved construction management plan
 12. Removal of some PD rights
 13. Accordance with previously approved programme of archaeological work
 14. Hard and soft landscaping details to be approved
 15. Accordance with previously approved details of surface water drainage
 16. Accordance with previously approved foundation details
 17. Provision of additional four on-site parking spaces for residents of the Rectory Bungalows to be provided prior to occupation.
 18. Pedestrian crossing to be provided on Church Hill. Submission and approval of detailed designs for the pedestrian crossover and all other off-site highway works (Subject to separate S278 agreement).
 19. Provision and maintenance of pedestrian visibility splays
 20. Provision and maintenance of vehicle visibility splays
 21. Proposed external lighting, details to be submitted
 22. Details of guarding for footpath at/ near boundary of site through wall
 23. Approval of final arboricultural method statement and tree protection plan
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Nicola Kingsford

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

- a) **DOV/23/00678 - Creation of 1.5-metre-wide access through boundary wall (Listed Building Consent)**

DOV/23/00679 - Variation of Condition 2 (approved plans) for amendments to DOV/17/00246 relating to pedestrian access and creation of opening in listed wall (Section 73) (Erection of 9 detached dwellings, landscaping, creation of vehicular access and parking) (Variation of Condition)

The Old Rectory, Church Hill, Eythorne

Reason for report – Called in by Cllr. David Beaney (23/00679). The reasons given are highways impact.

- b) **Summary of Recommendation**

Grant planning permission and listed building consent.

- c) **Planning Policy and Guidance**

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

Land Allocations Local Plan (LALP): DM27, LA36

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.

Draft policies SP1, SP2, SP4, SP11, SP13, SP14, SP15, CC2, CC4, CC5, CC6, CC8, PM1, PM2, TI1, TI3, TI5, NE1, NE2, HE1, HE2, HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 12, 47, 48, 55, 56, 57, 60, 96, 108, 114, 115, 116, 123, 124, 128, 135, 136, 139, 140, 162, 180, 186, 200, 201, 203, 208, 209

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

08/00387 - Erection of two detached dwellinghouses with associated garages (existing dwellinghouse to be demolished) – Refused Planning Permission

13/00033 - Erection of two detached dwellings with associated garages – Granted Planning Permission

17/00246 - Erection of 9no. detached dwellings, landscaping, creation of new vehicular access and parking -Granted Planning Permission

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

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

Eythorne Parish Council- Objects for the following reasons:

- The residents of Rectory Bungalows will not have safe pedestrian access from their properties onto Church Hill.
- For the residents of Rectory Bungalows one of whom is disabled - parking arrangements for these properties are not shown on any of the plans. This needs to be addressed before any further development.
- Effect on listed building and conservation area. The wall that the developer proposes to make an entrance from the site into Church Hill has listed wall status, which would cause irreparable damage to the wall and the heritage of the Village.
- The visibility splays for vehicles leaving the site would be severely compromised. There is already a problem with speeding traffic in the vicinity and Church Hill already has a narrow single section of road to accommodate only one car at a time.
- Highway safety issues noting that proper traffic calming measures need to be put into place before any further development of the site.

Southern Water – No objection

Southern Gas Networks- No response

KCC Archaeology- No response

KCC Highways – *Initial consultation*: The amended plans appear to retain the on-street parking restrictions as approved within application DOV/17/00246 which will continue to allow two vehicles to pass each other whilst one is waiting to give way at the narrowing and to allow suitable turning and passing room at the location of the site access. However, due to the relocation of the crossing pedestrian visibility splays of 2m x 2m are required for further assessment, there should be no obstruction over 0.6m within these splays and they should fall within land that is under the control of the applicant or KCC. The uncontrolled crossing will also require a stage 1 road safety audit being undertaken at this stage. Therefore, KCC would be grateful if amended plans inclusive of pedestrian visibility splays were submitted by the applicant, in addition to a stage 1 road safety audit so that further assessment may be made.

Second consultation following receipt of amended plans: No objection provided the following requirements are secured by condition or planning obligation:

- Provision and maintenance of the pedestrian visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- Prior to the commencement of development submission and approval of detailed designs for the pedestrian crossover as indicatively shown on the submitted plans T-2020-189-SK3 Rev D. No occupation of any dwellings shall take place until these Highways works have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Third consultation: An alternative pedestrian access path plan has been submitted however the reason for amending the prior plans are unclear. The alternative path is both narrower and longer, with hard boundaries on either side which may reduce accessibility. It is acknowledged that prior plans indicate the path is on a gradient, this gradient should be confirmed to further assessed the proposed plans. KCC Highways would be grateful therefore if you would forward any amended plans or additional information to me for my further consideration.

KCC Lead Local Flood Authority- The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

DDC Heritage team – The impact of the proposed works to the boundary wall would lead to less than substantial harm and would be at the lower end of the scale, however, this is subject to details. DDC heritage team have suggested a condition is attached to the listed building consent requiring submission of detailed drawings of new opening and any repairs prior to commencement.

DDC Environmental Health – No comments

DDC Ecology- *“I have reviewed the October 2023 Bat report submitted by the applicant. It is concluded in the report that the wall and ivy do not provide suitable opportunities for bats and as such “There is therefore no impact on bats from the proposed development”. No mitigation measures for bats are therefore required. Nesting birds will need to be taken account of in the timing of vegetation removal. I advise that an informative reminding the applicant of their legal obligation can be attached to the planning permission, if granted.*

The walnut tree, reported to be retained within the scheme, is “considered to be likely to hold roosting bats”. If this tree is not proposed for retention, or if the position changes, there will be a need to secure the submission and implementation of a method statement for the felling of this tree.”

DDC Ecology officer has suggested an informative that vegetation should only be removed outside of the bird nesting season.

DDC Tree officer- Second consultation (revised scheme): *“Whilst I have no objections in principle to the proposed pedestrian access path, I would like to request a 'No dig' Arboricultural Method Statement and Tree Protection Plan to demonstrate how the path is to be constructed within the RPA of T74 and T72 without causing damage to them.*

Third consultation (revised scheme): “The Arboricultural Report, Method Statement & Tree Protection Plan dated 5th December 2023 in respect to those trees to be retained appears satisfactory provided that the recommendations are strictly adhered to. However, the report and associated drawings show that it is proposed to remove the B category Walnut (T74) to allow for the removal of Japanese Knotweed at the site. Without evidence to prove that other methods such as the use of herbicides, burning on site etc., have been considered and ruled out and that the only viable way to remove the Knotweed is by excavating the surrounding area and digging out the roots as well as the Walnut tree, I object to its removal.”

Kent Fire and Rescue- This application relates to conditions that were not requested by KFRS. As it concerns amendments to pedestrian access and the creation of an

opening in a listed wall, it does not alter emergency access requirements for the Fire and Rescue Service.

Kent Police- No response.

Third party Representations:

2 letters of objection have been received as summarised below:

- The creation of a gap would affect the structural stability of the wall. The opening of a part of the wall will seriously damage the listed wall and I expect will lead to a further demolition of the wall as rendered not safe.
- The need for this facility. There is an existing vehicular access into the development site, which will be retained as the future access to the development. Why cannot a pedestrian access be included in this main access?
- Have any investigations and reports been prepared to look at the desire line direction of pedestrians exiting the development? It could be expected that the majority of movement would be to the nearby infants/junior school, Tilmanstone Welfare Club leisure facility or Woodpecker Court grounds rather than to the south towards Upper Eythorne and the village shop and Crown Inn. The latter two facilities would most likely be accessed by car.
- Even if the majority of pedestrians do wish to walk to the south of the development in Church Hill, the proposed revised access arrangements only save a few metres of walking distance but the potential for damage to and loss of the listed wall and mature trees is huge.
- Highway safety. The proposed pedestrian footway along the western side of Church Hill to create a suitable access for pedestrians, will cause a significant and unexpected narrowing for vehicles entering Church Hill from Wigmore Lane, Shepherdswell Road and Shooters Hill. This could lead to vehicle accidents and possible queuing of vehicles out onto the White Horse crossroads.
- The safety of cyclists using Church Hill at the point of the proposed carriageway narrowing, extra over the existing narrowing, will be prejudiced.
- Traffic speeds along this length of Church Hill are often excessive despite the recently installed 20mph speed limit.
- These works will be within the Public Highway and will need to be constructed under a Section 278 Highway Agreement so they will need to be the subject of a full Highway Safety Audit.
- Objection to the proposed opening in the listed wall when previous planning indicated a crossing opposite rectory bungalows for them to safely access their vehicles parked on the new site.

0 letters of support have been received.

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

1.1 The application site is an irregular shaped parcel of land totalling approximately 0.73 hectares, located to the west of Church Hill and to the north of Shepherdswell Road, within the village confines of Eythorne. Eythorne is identified within the Dover Core Strategy as a Village – the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.

- 1.2 The site is currently undeveloped scrub and grassland and was the garden area associated with the former The Old Rectory. The application site was formerly occupied by The Old Rectory (a Grade II listed building), however following a fire in 2007, the building was de-listed in 2008 and no above-ground traces of the building are apparent. Garden features such as the walls and steps remain on site.
- 1.3 To the northeast the site is bound by Church Hill and the boundary of the site is defined by a red brick wall (Grade II listed and associated with The Old Bakery). The site also falls within close proximity to a number of listed buildings, including The Church of St Peter and St Paul, The Old Bakery and Granary.
- 1.4 The site includes the land allocated under Land Allocations Local Plan policy LA36 as well as land that (whilst within the village confines) does not form part of this allocation.
- 1.5 Pre-commencement conditions under 17/00246 have been approved and the permission has therefore been lawfully commenced on site, with the foundations of one of the garages laid.
- 1.6 The proposal under the S73 application seeks to amend the proposed layout. The proposed variation of condition amendment includes the following:
 - Removal of proposed footpath at the existing vehicle access to the site
 - Relocation of proposed pedestrian crossing approximately 50m to the southeast along Church Hill to previously proposed location.
 - Forming of a 1.5m wide opening in the listed wall adjacent to the proposed pedestrian crossing
 - Creation of a footpath through the site
 - Proposed relocation of 4 no. parking spaces further south within the site
- 1.7 The proposals have been amended during the course of the application, principally with the aim to minimise impact on mature trees on the site covered by a Tree Protection Order (TPO 2008, No. 1).

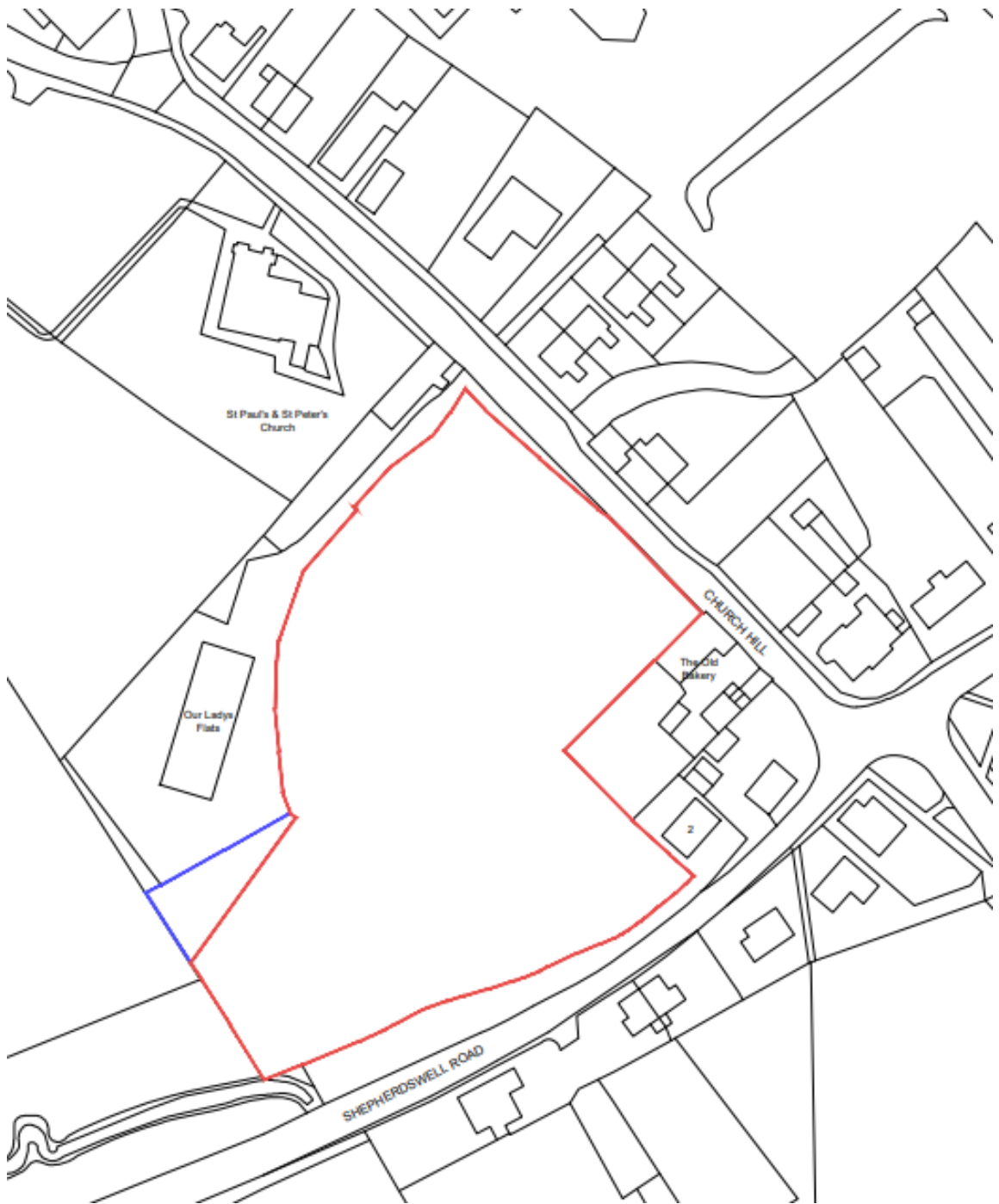


Figure 1: Site location Plan (not to scale)

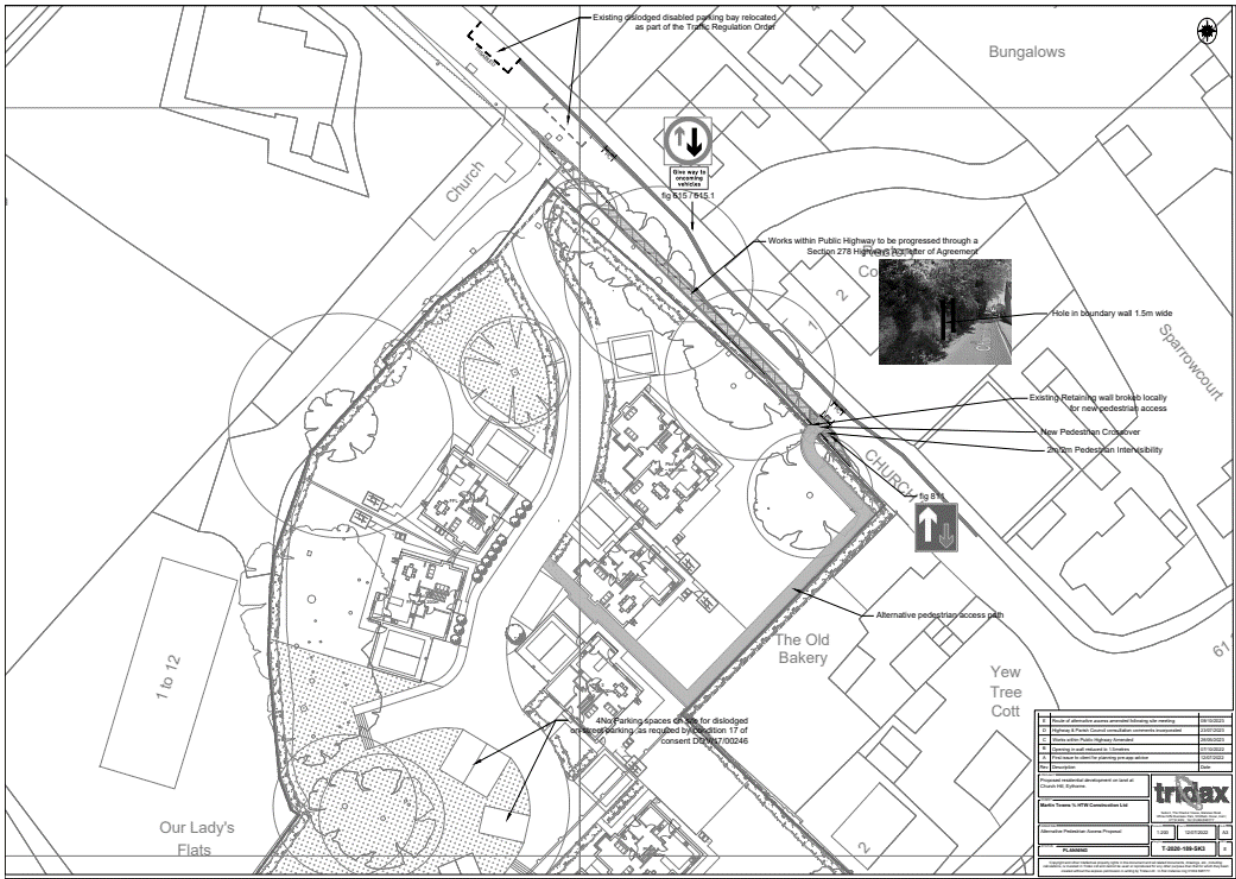


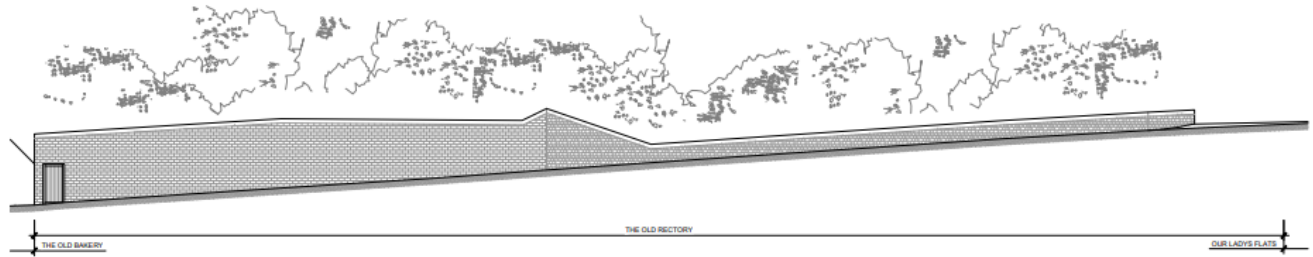
Figure 2: Part site plan, showing off site highway works -revised scheme (not to scale)



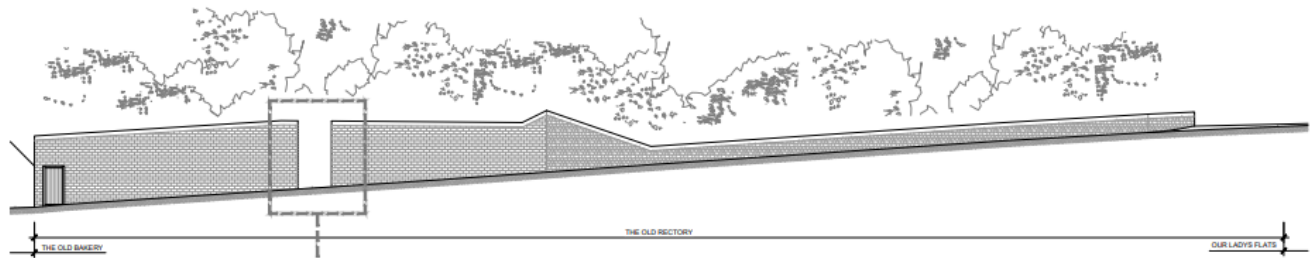
Figure 3: Site plan -revised scheme (not to scale)



Figure 4: Tree protection plan-revised scheme (not to scale)



EXISTING BOUNDARY WALL ELEVATION
Scale: 1:200 @ A3



PROPOSED BOUNDARY WALL ELEVATION
Scale: 1:200 @ A3



IMAGE FROM CHURCH HILL
Scale: NTS

Figure 5: Proposed opening to listed wall (not to scale)



Figure 6: View looking northwest along Church Hill, with the site on the left



Figure 7: View looking southeast along Church Hill, with the site access on the right (taken from Google maps)



Figure 8: View looking south towards corner of site and existing access gates onto private street, with Church Hill on left on photograph



Figure 9: View looking south into the site through existing access gates

2. Main Issues

2.1 The main issues for consideration are:

- The principle of development
- Design
- Heritage Impact
- Landscape Impact
- Impact on living conditions
- Highway issues
- Ecology
- Trees
- Flood risk and drainage
- Archaeology
- Contamination

f) **Assessment**

Principle of Development

- 2.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 2.2 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date" permission should be granted unless:

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

2.3 The Council are currently able to demonstrate a five-year housing land supply (5.38 years)(as identified in the most recent Housing Technical Paper 2023) and have not failed the housing delivery test.

2.4 The principle of development on this site was assessed and found to be acceptable under grant of permission 17/00246.

Under 17/00246, Policies DM1 and LA36 were considered to be the most relevant in determining the principle of development. The ‘basket’ policies used to determine the principle of development under 17/00246 is considered to be out of date now due to conflict with the NPPF, with particular weight given to DM1 in coming to this conclusion.

2.5 Consequently, it is considered that the ‘tilted balance’ would be engaged, and that paragraph 11 of the NPPF would be relevant in the assessment of any forthcoming application. Sub-paragraph (ii) would be relevant, and in order to grant planning permission, it should be demonstrated at planning stage that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2.6 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, policy SP4 is considered most relevant to the principle of development.

2.7 Draft policy SP4 seeks to ensure windfall development is in a sustainable location and relates to an existing settlement. It is considered that the proposals broadly accord with SP4. However, concerns have been raised over the design of the layout, and its compatibility with the layout and fabric of the settlement. This is discussed further in the design section.

Design

2.8 Paragraph 96 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes.

2.9 Paragraph 135 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2.10 Paragraph 139 of the NPPF Development that is not well designed should be refused,

- 2.11 Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. This is echoed in draft policy CC2 which provides details of Sustainable Design and Construction including life cycle and adaption of buildings and minimisation of waste.
- 2.12 Draft policy SP2 seeks to ensure development creates opportunities for better active travel, including provision for safe cycle and pedestrian routes, and that new developments are designed to be safe and accessible, to minimise the threat of crime and improve public safety. It also seeks to promote social interaction and inclusion in new developments through the provision of high-quality people focussed spaces that are convenient and welcoming with no barriers to access, and that all new development achieves a high standard of design both internally and externally.
- 2.13 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.
- 2.14 The permitted scheme which has planning permission under 17/00246 included the use of the existing vehicle access from Church Hill to access the site, and the creation of a new short length of footway on the western side of Church Hill extending into the site, allowing for a new pedestrian crossing point to the existing footway of the eastern side of Church Hill. The scheme also included a new highway verge to the western side of Church Hill running parallel with the site boundary.
- 2.15 The proposal included the narrowing of Church Hill in the vicinity of 1 and 2 Rectory Bungalows and the new verge, and the provision of double yellow lines and new give way signage indicating the proposed priority arrangement.
- 2.16 In order to replace on-street parking which would be displaced by the development, Condition 17 of 17/00246 requires that *“Before the development is first occupied, an additional four on-site parking spaces (two to be suitable for disabled use) for the use of the residents of the Rectory Bungalows shall be provided and made operational. Details of the size and location of these spaces shall be submitted to and approved in writing by the local planning authority before any development commences”*.
- 2.17 Condition 18 of 17/00246 requires that *“Before the first occupation of the development hereby approved, a pedestrian crossing shall be provided on Church Hill to facilitate a crossing between the Rectory Bungalows and the application site.”*
- 2.18 The applicant has submitted plans under the current S73 application which seeks to amend the proposed layout. The proposed variation of condition amendment includes the following:
- Removal of proposed footpath at the existing vehicle access to the site
 - Relocation of proposed pedestrian crossing approximately 50m to the southeast along Church Hill to previously proposed location.
 - Forming of a 1.5m wide opening in the listed wall adjacent to the proposed pedestrian crossing

- Creation of a footpath through the site
 - Proposed relocation of 4 no. parking spaces further south within the site
 - Relocation of 1 no. on-street disabled parking space further north on Church hill
 -
- 2.19 The proposed plans retain the on-street parking restrictions as approved within application DOV/17/00246 which will continue to allow two vehicles to pass each other whilst one is waiting to give way at the narrowing and to allow suitable turning and passing room at the location of the site access.
- 2.20 As discussed above the proposed amendment application seeks to remove the proposed footway at the vehicle entrance and replace this with pedestrian access further to the south, with the creation of a 1.5m opening in the listed wall, with a pedestrian crossing in this location. The opening in the wall would then lead to a 1.5m wide footpath within the site providing off-road pedestrian access into the site.
- 2.21 The drawings as first submitted under this S73 application, indicated a shorter length of footpath, but still considered to be indirect and convoluted, which would have cut into the root protection areas of a number of mature trees near the boundary to Church Hill. Excavation would be needed, with a 1.6m retaining wall and 1.8m close boarded fence also shown between the proposed footpath and plot 1. Concern was also raised over lack of natural surveillance.
- 2.22 The proposals have been amended during the course of the application, with the aim of reducing the amount of excavation required and to minimising impact on mature trees within the site. The route of the proposed 1.5m wide footpath has now been amended so that after entering the site, it runs along the eastern boundary then turns to run along southern boundary, behind the gardens of plots 1 and 2, then turns to run between plots 2 and 3 to meet the main access road within the site. The footpath would initially be at a 1:80 gradient, then 1:15, and finally 1:12.5.
- 2.23 Concern is raised over the convenience and accessibility of the pedestrian route proposed into and through the site, the lack of natural surveillance opportunities for this route, the lack of footway adjacent to main vehicle access and therefore the overall standard of design of the layout.
- 2.24 Regarding the location of the footpath, which runs along between rear gardens and the boundary of the site and it lacking natural surveillance. In addition, the footpath provides a convoluted route for residents of the scheme and also residents of Rectory Bungalows accessing parking spaces dedicated to them within the site.
- 2.25 The amendment application does not propose any other changes to the general arrangement or design of the dwellings on the site.
- 2.26 Although concerns are raised over the layout of the proposals, as discussed above, it is not considered that there would be any unacceptable impacts on visual amenity and that the character and appearance of streetscape and immediate area would be preserved.

Heritage Impact

- 2.27 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.28 The NPPF requires the local planning authority, when assessing an application to identify and assess the particular significance of any heritage asset that may be affected by the proposal.
- 2.29 Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.30 Draft policies HE1 and HE3 relate to protection of heritage assets and listed buildings.
- 2.31 The proposal would affect the fabric of a listed wall, with a 1.5m wide section of wall removed. Due to the overall amount of the wall to be removed and the significance of the wall itself, it is considered that the proposal would constitute a minor loss and the overall significance of the listed wall is not harmed. The works are considered to constitute less than substantial harm and at the lower end of the scale, however, this is subject to consideration of details.
- 2.32 DCC Heritage have been consulted and recommend the following condition:
Prior to the commencement of the relevant works scale sections at 1:20 showing the proposed new opening including details of any repairs to the existing listed wall necessary as a result of the creation of the new opening shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved detail.
- 2.33 Although less than substantial harm is identified, this is at the lower end given the small scale of change, and due to the overall small scale of the works, it is considered that the benefits would outweigh the harm, having regard to paragraph 208 of the NPPF.

Landscape Impact

- 2.34 Paragraph 174 of the NPPF states that development should contribute to and enhance natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside.
- 2.35 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020, in which they are located.
- 2.36 The site is located within the village confines between developed areas of the settlement. Due to the location, the overall amount and scale of development, and the amount of vegetation retained on the site, it is not considered that there would be any unacceptable impacts on the surrounding landscape. To conclude, it is considered that the proposed development would not have an unacceptable visual impact on views from the countryside and surrounding area.

Impact on Residential Amenity

- 2.37 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.
- 2.38 Whilst the Nationally Described Space Standards are yet to be formally adopted, they are referenced in the emerging plan in respect of internal accommodation. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose. It also states that all new build development is to be built in compliance with building regulation part M4(2).
- 2.39 The variation of condition application does not propose any changes to the layout, design or position of the proposed dwellings on the site. The same assessment is therefore reached as the previous planning permission 17/00246 in relation to living conditions and residential amenity. Overall, it is considered that the proposals would be acceptable in relation to living conditions of future residents and impacts on neighbouring residential amenity.

Impact on Highways, Public Rights of Way and Parking Provision

- 2.40 NPPF paragraph 114 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 2.41 NPPF paragraph 115 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. Paragraph 116 states that within this context (described above), applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 2.42 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.43 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.

- 2.44 As discussed previously in the design section of the report, this amendment application seeks to make changes to the layout to reposition the pedestrian crossing further south along Church Hill and remove the section of footway at the vehicle entrance. Pedestrian access would therefore be through the new 1.5m opening in the listed boundary wall (with provision of a crossing point on Church Hill) and via a 1.5m footpath to the rear and sides of plots 1,2 and 3. The footpath would initially be at a 1:80 gradient, then 1:15, and finally 1:12.5.
- 2.45 Concern is raised by officers with both the originally submitted layout for the s73 and the revised layout. This is due to pedestrian accessibility into the site. The consented scheme under 17/00246 provides a footpath into the site next to the existing vehicle access and with an adjacent crossing proposed to Church Hill. The amendment seeks to move the pedestrian access and crossing away from the vehicle access. This does raise concerns that pedestrians would still use the vehicle access and walk on the highway, as this access is located closer to amenities in the north of Eythorne, including the nearby primary school, and the Tilmanstone colliery welfare and social club, as well as to walk to Elvington. Notwithstanding this, it is considered that the amendments are an improvement to the initial submission whilst not providing the optimum solution, but this is not always possible and has to be weighed up in the planning balance.
- 2.46 In order to replace on-street parking which would be displaced by the development, Condition 17 of 17/00246 requires that an additional four on-site parking spaces (two to be suitable for disabled use) for the use of the residents of the Rectory Bungalows shall be provided on the site. Condition 18 of 17/00246 requires that a pedestrian crossing shall be provided on Church Hill to facilitate a crossing between the Rectory Bungalows and the application site.
- 2.47 The plans indicate these additional parking spaces located within the centre of the site to the south of plot 3. In addition, a new on-street disabled parking space is indicated on the street to replace the existing one close to the vehicle access to the site. The replacement space is approximately 10m to the north of the existing space.
- 2.48 KCC Highways have advised that due to the relocation of the pedestrian crossing, pedestrian visibility splays of 2m x 2m are required with no obstruction over 0.6m within these splays and they should fall within land that is under the control of the applicant or KCC. The uncontrolled crossing will also require a stage 1 road safety audit being undertaken at this stage.
- 2.49 After amended and additional information was submitted KCC Highways raised no objection subject to conditions or planning obligation to secure the provision and maintenance of the pedestrian visibility splays, and submission and approval of detailed designs for the pedestrian crossover as indicatively shown on the submitted plans. The highway works will need to be completed in accordance with a Section 278 agreement with the Highway Authority.
- 2.50 KCC Highways were also consulted on the revised scheme for an alternative pedestrian access path (seeking to reduce impact on trees). KCC Highways stated that this revised scheme indicates a path that is longer, with hard boundaries on either side which may reduce accessibility. It is acknowledged that prior plans indicate the path is on a gradient, this gradient should be confirmed to further assessed the proposed plans.
- 2.51 There are existing conditions on 17/00246 relating to earthworks, proposed levels, landscaping and boundary treatments. It is considered that these should

be reimposed to allow for more detailed consideration by planning officers and the highway authority including of gradients proposed.

- 2.52 In addition to the above conditions. It is noted there was no condition relating to details of external lighting to be provided. It is considered, given the amendments, a condition should be imposed requiring details for lighting to be submitted and approved.
- 2.53 It is also considered by DDC officers that a condition should be imposed requiring guarding/ railings at the end of the pedestrian route onto Church Hill, due to the constriction of the existing wall on each side.

Ecology

- 2.54 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.55 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats.
- 2.56 An ecological scoping report was submitted with the 2013 application under reference 13/00033. There was no updated ecological scoping report submitted with the 2017 application, however a reptile report was submitted and translocation of reptiles was required under the s106 undertaking. Details relating to the translocation have been approved and the translocation has been undertaken.
- 2.57 This current application does not include an updated ecological scoping report or appraisal; however, a preliminary bat survey of trees and a wall has been submitted. The submitted report states that no evidence of bats or their roosts was found anywhere in either the tree or the wall. It also states that no other protected or notable species or their habitats were observed during the bat building survey.
- 2.58 The DDC Natural Environment Officer is satisfied that the potential for bat presence has been adequately assessed. However, it is considered that if works to the walnut tree are required, further ecological input will be necessary due to the tree's potential to support roosting bats. The walnut tree is "considered to be likely to hold roosting bats". If this tree is not proposed for retention, there will be a need to secure the submission and implementation of a method statement for the felling of this tree. A revised arbiocultural method statement and tree protection plan have been submitted now indicating this tree will be retained.
- 2.59 There is also potential for nesting birds which will need to be taken into account in the timing of the vegetation removal (including the ivy on the wall). An informative reminding the applicant of their legal obligation can be attached to the planning permission. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove,

damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation with suitable breeding bird habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Trees

- 2.60 Draft policy CC8 relates to Tree Planting and Protection, and states that trees protected by Tree Preservation Orders should be retained wherever possible, unless it is demonstrated by an arboriculturist report that they are dead, dying, diseased or represent a hazard to public safety; or the Council deems the felling to be acceptable with regards to the Council's policy on tree management; or the benefit of the proposed development outweighs the benefit of their retention. If felling is deemed acceptable then the planting of two replacement trees for each tree felled in an appropriate location will be required
- 2.61 The application site is the subject of Tree Preservation Order through an Area designation. The original proposal for this amendment application included a proposed new footpath through the site. This would have been located within the root protection areas of a number of mature trees and would have involved reduction in ground levels within these RPAs. The layout has been amended during the course of the application to re-route the footpath to seek to minimise impact on mature trees.
- 2.62 An Arboricultural Report composed of Arboricultural Method Statement & Tree Protection Plan have been submitted as additional information during the course of the S73 application.
- 2.63 The proposals were revised during the course of the application to indicate an alternative route for the footpath, with a mature walnut tree (T74) of 15m in height and assessed as being category B within the submitted tree survey, shown to be removed due to presence of Japanese knotweed. The tree officer advised that without evidence to prove other methods of eradication had been considered and ruled out, the removal of this tree would be objected to.
- 2.64 The applicant has now submitted an amended method statement and tree retention plan which indicate the retention of this tree. However, it is not considered that the method statement provides sufficient information, and as such an amended statement is sought prior to any planning permission being issued.
- 2.65 Therefore, the proposals for the amendment application now align with the original planning permission (17/00246) in relation to the trees to be retained. No additional trees are to be removed through the amendment application, beyond what was permitted through the original permission.

Flood Risk and Drainage

- 2.66 Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential

approach to location of development. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site-specific flood risk assessment that the development would not result in an unacceptable risk on flooding on the site or elsewhere.

- 2.67 NPPF paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 2.68 The site is located within Flood Zone 1. Foul and sewage disposal details are required by conditions 8 and detailed sustainable surface water drainage scheme for the site 15. These conditions have been discharged.

Archaeology

- 2.69 Draft policy HE3 relates to archaeology. Condition 13 requires that a programme of archaeological works is submitted and approved. A written scheme of investigation has been submitted and approved and the condition has been part discharged.

Contamination

- 2.70 The NPPF states (Paragraph 189) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 2.71 DDC Environmental protection have been consulted and have raised no comments. There were no conditions relating to contamination previously imposed and as such it is considered that none should be imposed on this variation of condition application.

3. Conclusion/Planning Balance

- 3.1 Paragraph 11 of the NPPF sets out that when the local policies are considered out of date that any decision should rest on the tilted balance so that development should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” As the most important policies in determining this application are considered out of date, paragraph 11 of the NPPF is relevant.
- 3.2 The proposal is located with the village confines. There is a footway on the opposite side of Church Hill and some limited street lighting. There would be some socio-economic benefits provided by the development at construction stage and when built, including by providing new homes in a sustainable location, which in turn would provide support for the vitality of the village and nearby settlements in relation to NPPF paragraph 83. It is considered that the proposals as amended during the course of the application would preserve the visual amenity of the area.
- 3.3 However, there are considered to be adverse effects, which are the design quality of the layout, with particular regard to the location and convoluted route of the footpath and lack of natural surveillance. Coupled with this is the location of the 4 parking spaces for 1-4 Rectory Bungalows. The spaces have been moved further into the site and are less accessible for the residents of 1-4

Rectory Bungalows. However, it is noted that 1 no. disabled space would be re-provided on Church Hill.

- 3.4 Notwithstanding the above, during the course of considering the application, officers have worked with the applicant in order to seek to improve the proposals and overcome some of the concerns, going through a number of iterations and options. Whilst this has not resulted in an optimum solution, this cannot always be possible and has to be weighed up in the final planning balance.
- 3.5 Given the above, it is considered that the adverse impacts of the scheme would balance out the benefits. However, when considering the “tilted balance” under NPPF paragraph 11, the adverse effects are not considered to significantly and demonstrably outweigh the benefits. Accordingly, in light of the above it is recommended that planning permission is granted subject to the conditions set out below.

g) Recommendation

I LISTED BUILDING CONSENT BE GRANTED (for DOV/23/00678) subject to conditions:

- 1) Standard time condition
- 2) List of approved plans
- 3) Prior to commencement scale sections at 1:20 showing the new opening and details of any repairs to the existing listed wall

PLANNING PERMISSION BE GRANTED (for DOV/23/00679) subject to approval of a final Arboricultural method statement and the following conditions:

- 1) Date of approval
- 2) Approved plans
- 3) Accordance with previously approved samples of materials
- 4) Accordance with previously approved construction details
- 5) No external meter cupboards etc to be installed on elevations fronting a highway
- 6) Details of earthworks to be approved
- 7) Details of finished levels to be approved
- 8) Accordance with previously approved details of foul drainage
- 9) Provision of parking spaces
- 10) Provision of cycle parking and refuse/ recycling store
- 11) Accordance with previously approved construction management plan
- 12) Removal of some PD rights
- 13) Accordance with previously approved programme of archaeological work
- 14) Hard and soft landscaping details to be approved
- 15) Accordance with previously approved details of surface water drainage
- 16) Accordance with previously approved foundation details
- 17) Additional four on-site parking spaces for residents of the Rectory Bungalows to be provided. Details to be approved.
- 18) Pedestrian crossing to be provided on Church Hill. Submission and approval of detailed designs for the pedestrian crossover and all other off-site highway works (Subject to separate S278 agreement).
- 19) Provision and maintenance of pedestrian visibility splays
- 20) Provision and maintenance of vehicle visibility splays
- 21) Proposed external lighting, details to be submitted

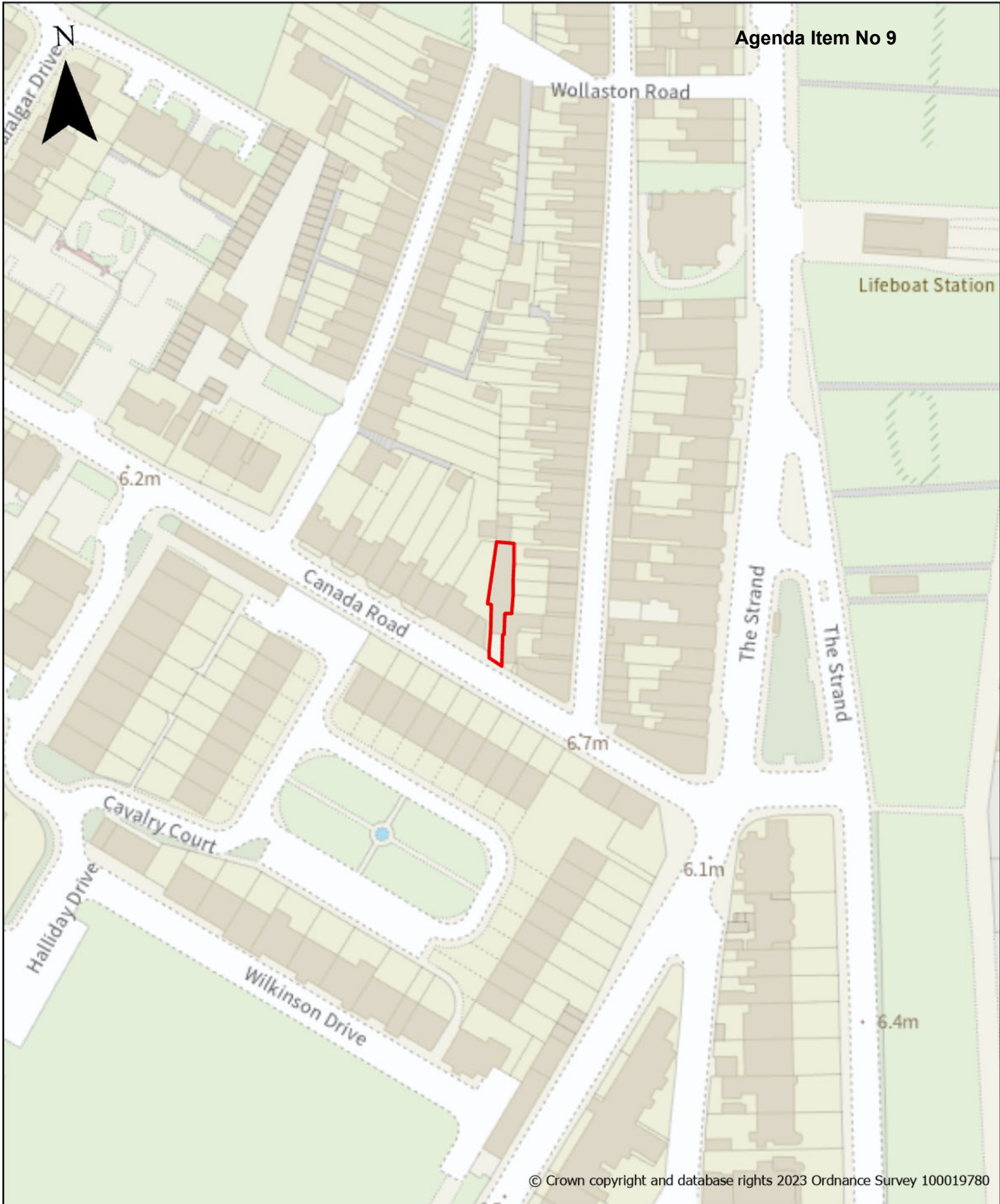
- 22) Details of guarding for footpath at/ near boundary of site through wall
- 23) Adherence to arboricultural method statement and tree protection plan

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

Case Officer

Nicola Kingsford

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



23/00918
 2A Canada Road, Walmer, CT14 7DZ
 WALMER

Scale: 1:1,250

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



- a) **DOV/23/00918 – Erection of detached dwelling with 2-metre fencing and associated parking (existing building to be demolished) – 2a Canada Road, Walmer**

Reason for report – Number of contrary views (7)

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM2, DM11, DM13

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP15, CC2, PM1, PM2, E2, TI3 and HE2

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 135, 195-214

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

Nationally Described Space Standards (2015)

- d) **Relevant Planning History**

DOV/06/00844 - Erection of detached building incorporating 2 no. residential flats – Refused

DOV/21/01302 - Erection of a detached dwelling, erection of 2.0m high fencing, formation of a new driveway and associated parking (existing building to be demolished) – Refused for the following reasons:

- The proposal, by reason of the different roof forms and overall appearance and lack of architectural design, would constitute a poor standard of design and would not be visually attractive and would fail to add to the overall quality of the area contrary to paragraph 130 of the National Planning Policy Framework.
- The proposal would constitute overdevelopment of the plot by reason of the internal floor area, small bedroom sizes and the perception of overlooking of the rear garden area, which would constitute a poor standard of living accommodation to the detriment of the future occupier's contrary to paragraph 119 and 130 (f) of the National Planning Policy Framework.

This decision was upheld on appeal, under reference APP/X2220/W/22/3290494. The planning inspector supported the second reason for refusal only.

Concluding that there would be a poor standard of accommodation with small bedrooms.

Notwithstanding the space issue the Inspector concluded the following:

- There would be no adverse overlooking from the houses in York Road which are set lower than the application site;
- No harm to the character and appearance of the area;
- Due to the set back, the scale respects other properties in the area, being subordinate
- Simple elevational treatment which is suitable given the varied character of the locality;
- Roof form not visually harmful given the mix in the area

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

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

Walmer Town Council – Objects to the application.

- Loss of light to neighbouring properties
- Overbearing impact to neighbours
- Dust and disturbance during construction
- Lack of construction management plan
Officer comment – This is not a reasonable condition to impose on a development of a single dwelling)
- Management of shared boundaries
(Officer comment – this is not a material planning consideration

DDC Heritage – No comments to make

Third party Representations: 7 objections have been received and are summarised below:

- Loss of light to neighbouring properties
- Overdevelopment of the area
- Impractical location
- Concerns regarding appearance and structural integrity of wooden fencing

The 2 following concerns are non-material planning considerations:

- Impact on foundations of neighbouring properties
- Damage to shared wall of outbuilding

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

1.1 The application site is located within the Walmer Seafront Conservation Area. The existing site contains a dilapidated commercial storage building with a narrow access from Canada Road between no.2b and no.4a Canada Road. The majority of the site is set back from the street and is located behind nos. 3 to 7 York Road with the rear gardens of these properties backing onto the eastern boundary of the site. The garden levels of the properties on York Road are set below the ground level of the application site. The application site shares boundaries with a number of properties, as shown on Figure 1.



Figure 1: Proposed Block Plan

- 1.2 The proposal is for the demolition of the existing dilapidated commercial storage building, and the erection of a single storey, 1no. bedroom dwelling with a rear courtyard garden. The site will be bounded with a 2m high fence. 1no. offroad parking space will be provided to the front of the property. The majority of the dwelling would have a pitched roof form with a smaller flat roof wing to the rear and wrapping around the northwest corner. The material finish of the property would be brick with a slate roof.

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity and the Conservation Area
- Impact on residential amenity
- Impact on highways

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The site is located within the settlement confines of Walmer. Policy DM1 supports the erection of residential development within the settlement confines is acceptable in principle, subject to material considerations. That said, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.4 Draft Policy SP4 of the emerging Local Plan is a material consideration that carries moderate weight. This policy relates to windfall residential development and permits residential development or infilling of a scale that is commensurate with the existing settlement within or immediately adjoining the settlement boundaries, subject to a number of criteria assessed later in the report.
- 2.5 Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. This is in accordance with the aims and objectives of the which NPPF seeks to direct development towards sustainable locations.
- 2.6 In addition, the application relates to the loss of commercial premises previously used for storage. Policy E2 says that the new development must not result in a significant or harmful reduction in the supply of land available for employment purposes and it has been demonstrated that an employment use is no longer suitable or viable. Whilst this policy at the present time can only carry moderate weight it is broadly consistent with the objectives of the NPPF. However, this is a very small site that makes a very small contribution to the supply of employment in the area and in any event this was not a concern raised with the previous application that was refused, then it is considered that there would be no harm in this respect.
- 2.7 The erection of a single dwelling would form a commensurate infill development within the settlement confines of Walmer. The application site is an edge of centre location, with access to the main bus route and cycle routes. The proposals would accord with Policy DM1 and the principle of Draft Policy SP4 and the overarching aims and objectives of the NPPF. The development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

Impact on Visual Amenity and the Conservation Area

- 2.8 The application site is located within the Walmer Seafront conservation area. Walmer Seafront Conservation Area is a large area with pockets of distinct character. This particular part of the conservation area includes rows of properties, with garden space behind, creating space between the houses.
- 2.9 The properties within Canada Road itself vary in their design, scale and material finish, with the properties to the southeast (near the application site) featuring flat roof elements adjacent to the road. The proposed dwelling would have a pitched roof facing Canada Road, with a flat roof element wrapping around the northwest corner, as shown on Figure 2 below.

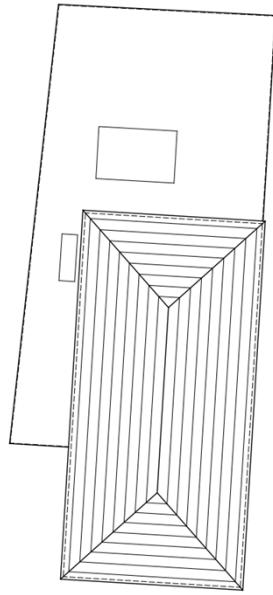


Figure 2: Proposed roof plan

- 2.10 Glimpse views of the existing site are possible from Canada Road with the timber entrance doors set back from the road. The existing site currently detracts from the character of the conservation area; therefore, the proposals represent an opportunity to enhance the character of the site and area in general. Furthermore, Paragraph 135 of the NPPF also requires development to be visually attractive and add to the overall quality of the area.

The simple design of the proposed dwellinghouse, while not of any architectural merit, is a resubmission of the previously refused scheme and the Inspector raised no objection.

- 2.11 Therefore, due to the varied street scene and with regard to the Planning Inspector's previous decision, it is considered that due to the location of the proposed dwelling, together with its modest scale and simple design and materials, there would be no harm to visual amenity and the development would preserve the character and appearance of the conservation area. The development would meet criteria b) and e) of policy SP4 and policy HE2.

Impact Upon Residential Amenity

- 2.12 The application site sits adjacent to a number of residential properties, with the proposed dwelling set just off the shared boundaries of the gardens of these properties.
- 2.13 The main windows on the proposed dwellinghouse face north, towards the proposed garden and outbuilding of No. 8 York Road and south towards Canada Road as shown on Figure 3 below. These windows, together with the property being single storey, and the addition of a 2-metre fence would prevent any overlooking to private garden spaces, and any subsequent loss of privacy to neighbouring properties.

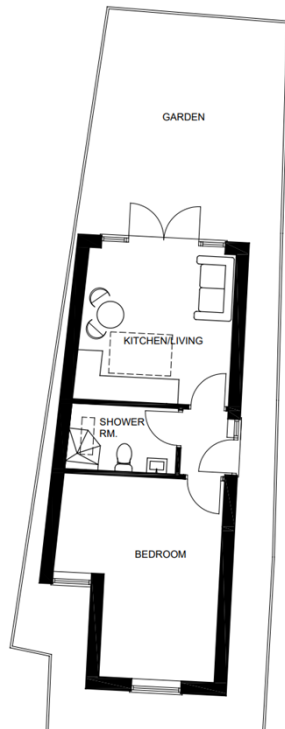


Figure 3: Proposed ground floor plan

- 2.14 The flat roof element of the proposed dwelling would be a similar height to the existing storage building/ structures. The pitched roof would be higher than the existing structure, but would be set in from the shared boundary, with the steep pitch sloping away from the shared boundary, minimising any overbearing impact to neighbouring properties or gardens.
- 2.15 Due to the location of the proposed dwelling and its relationship to neighbouring properties, there would be no overshadowing as a result of the proposal.
- 2.16 In respect of the residential amenity of the future occupiers of the property, the single storey dwelling would have a bedroom, living/ kitchen area and shower room, with a courtyard garden.
- 2.17 Under the previous application for a 2no bedroom property, the Planning Inspector noted that due to the limited size of the bedrooms, and property overall, the accommodation would feel cramped and oppressive to its future occupiers. This application reduces the development to a single person, single bedroom property with an internal floor space of 38m². Given that internal changes are not development and do not therefore require the benefit of planning permission and that the only reason this dwelling is now considered acceptable (aside from there being no visual harm) is because the internal layout has been amended following the appeal decision, then I consider it reasonable to impose a condition to ensure that the dwelling remains as a 1 bedroom dwelling only.
- 2.18 In turn, the Inspector concluded that there would be no adverse overlooking from houses in York Road to the application site, which are set at a lower level.

- 2.19 It is therefore considered that the proposed occupiers would have an acceptable standard of amenity in line with Paragraph 135 of the NPPF and PM2 and criteria h) of policy SP4 of the Draft Local plan.

Highways

- 2.20 There is an existing parking space to the front of the site, which is to be retained as part of the proposals. Policy DM13 sets out that dwellings of this size, in this location should provide one parking space. As one parking space has been provided, the development would accord with Policy DM13 and Draft policy TI3.
- 2.21 The plans do not indicate refuse storage areas, however, there would be sufficient space to discreetly store bins within the site with good access to roadside collection points. In addition, cycle storage is not indicated and whilst space within the site is limited further details can be secured by condition.

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

- 2.22 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 draft Policy NE3.
- 2.23 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 (SAMM) has therefore been adopted by DDC 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.
- 2.24 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.

3. Conclusion

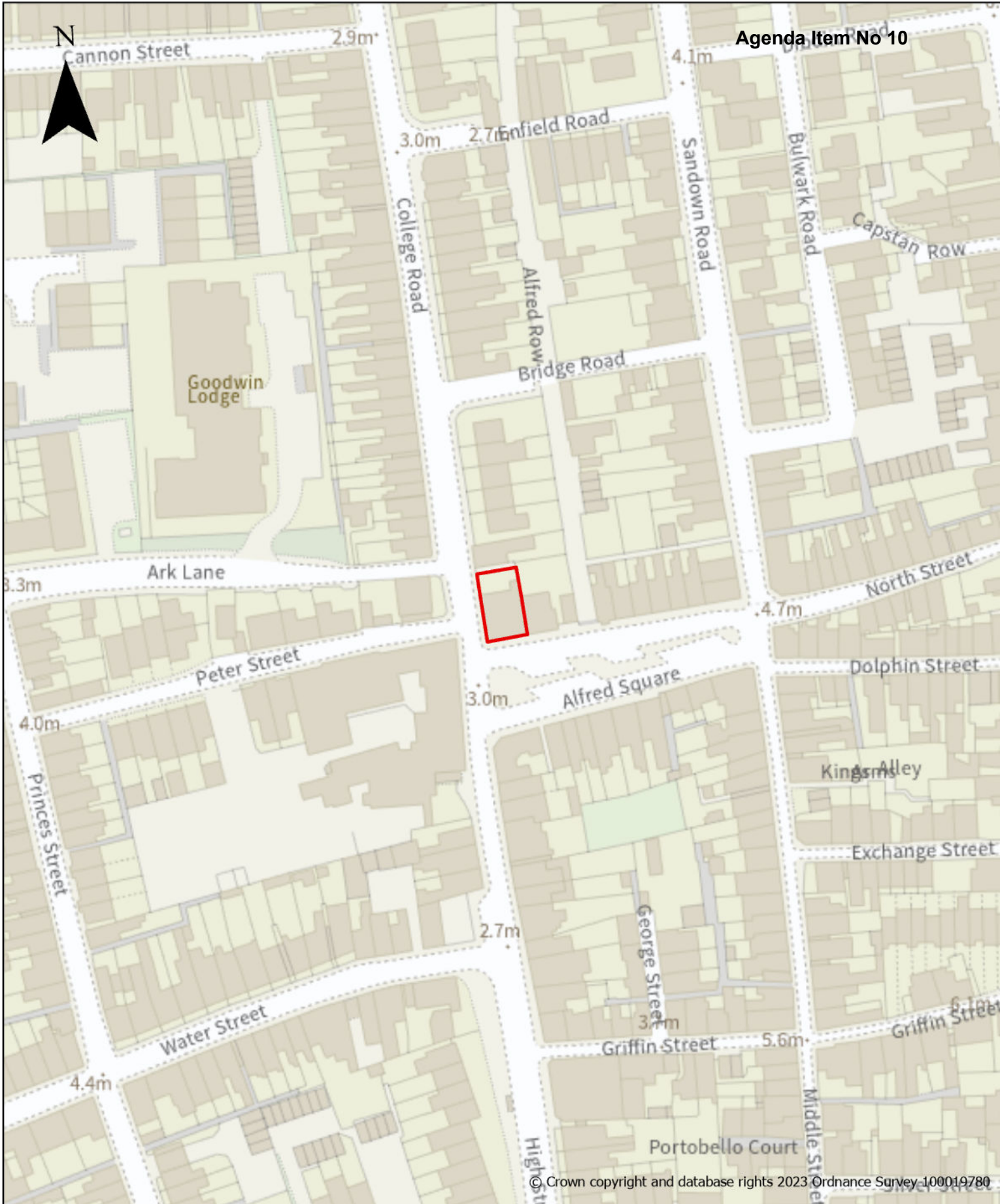
- 3.1 The proposed dwelling, due to its design, scale, appearance and materials, would not be out of keeping with the street scene and the character and appearance of the conservation area would be preserved. There would be no harm to residential amenity or highway safety. Consequently, the proposals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

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to the completion of a UU to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA, the carrying out of a further publicity period (for a period of no less than 21 days) to allow for a site notice to be displayed in York Road to advertise the proposed development, and subject to the following conditions:
1. 3-year time limit for commencement
 2. Approved plans
 3. Cycle and bin storage implemented before first occupation.
 4. Parking provision and retention
 5. One bedroom property only
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin



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23/01128
 Saracens Head ,1 Alfred Square, Deal, CT14 6LS
 DEAL
 Scale: 1:1,250

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



- a) **DOV/23/01128 - Change of use and conversion to residential dwelling, with associated internal and external alterations (existing rear extension to be demolished) - Saracens Head, 1 Alfred Square, Deal**

Reason for report – Number of contrary views (44 Public Representations + Deal Town Council)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM24

Land Allocations Local Plan (2015) & Local Plan (2002) Saved policies: None

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. Draft policies SP1, SP2, SP3, SP4, SP5, SP6, SP7, SP11, SP12, SP13, SP14, SP15, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, PM6, H1, E2, TI1, TI2, TI3, NE1, NE3, HE1, HE2, HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 2, 7, 8, 11, 38, 47, 48, 55, 57, 60 – 62, 79, 84, 86, 88, 96-97, 112 - 115, 123 – 126, 128, 131 - 137, 165, 173, 174, 180, 186

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 66 and 72

Localism Act 2011: Chapter 3

Assets of Community Value (England) Regulations 2012

- d) **Relevant Planning History**

CH/1/71/A/33 – the change of use of two upper floors to self-contained maisonette – Granted

DOV/91/01119 – Individual lettering panel signs, projecting sign and wall mounted pictorial signs – Refused

CAS/15/00007 – Nomination of community asset – Community Asset Approved

CAS/23/00004 – Nomination of community asset – Community Asset Approved

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

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

Deal Town Council – Objects, considering the application to be premature as community groups have not been given suitable time to raise money for this property.

Heritage Team – The demolition of the existing single storey toilet block extension and separate storage building in the rear courtyard will result in no harm to the conservation area (CA) or loss of historic fabric and will reinstate the rear elevation and historic plan form of the building. The lighting, board and swing sign are all modern additions and their removal is acceptable. The lettering on the front façade of the building advertising the Saracen's Head has already been painted over but does not result in harm to the character of the building or CA. The proposals seek to restore and repaint the front elevation, plinth and original timber sash windows, which are to be retained. The historic sash windows are white and the plinth is black and it is proposed to use the same colours which is acceptable. The rendered front façade is white on the upper 2 storeys and dark yellow on the ground floor. There does not appear to be a planning permission for the change of colour to yellow and this is not considered acceptable for the conservation area. Raised concerns in respect of the original paint colour proposed, however once amended, confirmed the 'chalk white' colour for the façade of the building is appropriate for the CA.

Environment Agency (EA) – no objection subject to a condition requiring the development to be carried out in accordance with the flood risk assessment and mitigation measures to reduce the risk of flooding to the proposed development/future occupants. As a change of use application, the proposal is not subject to the sequential or exceptions test and there is no increase in vulnerability classification. However, as the proposal includes new ground floor living accommodation, recommend the authority considers if a 'less vulnerable' use could be found for the ground floor as an alternative.

Third Party Representations

44 Representations of objection (including The Deal Society and Save The Saracens Group) have been received and material considerations are summarised below.

- Community asset – loss of community facility/asset which should be kept, impact on health, wellbeing and social cohesion of community.
- Heritage asset in conservation area – harm to character of square and conservation area which is determined as much by mix of social and cultural functions as by architecture of area, local landmark, part of history of Alfred Square, vital to attract tourists. Object to changing iconic frontage and paintwork, development is not suitable. Have contravened Section (Article) 4 by changing building without consent, gutting building, should be retrospective and should be made to return building to previous state. Historically around 35 pubs in this part of Deal, now would become only 2.
- Loss of employment/business/entertainment/local music venue/local suppliers and benefit from and to other businesses in close proximity. Impact on local economy. Need for amenities to serve existing and new residents in Deal
- Loss of local amenity/busy meeting space for local residents/community, other pub in Alfred Square is only open a few days a week and seems to close for several weeks at a time, several times a year. Licensed premises in town centre but nothing serving local residents living north and west of The Saracens.
- Not aware of anything preventing pub being licensed premises. Bars in immediate area but not many traditional pubs. Not aware of antisocial behaviour issues but could be mitigated by good management. Covenant in previous owners' sale to not permit a freehouse pub should be rescinded
- Closed due to covid/management/inexperience/tied house/competition to other tied pub/lack of investment/not welcoming/not right food and drink offering and price. Argument that it is not viable is untrue, run as successful business until Covid 19 lockdown. No quantitative information to prove pub could not be going

concern or unsuccessfully marketed in past, no CAMRA public house viability test. No opportunity for interested parties to come forward to run business as community led pub or other licensed premises.

- Traffic and add to parking pressures
- Would become second home/holiday let which add little to community, will not be affordable. Not windfall development as pub use is still viable.
- Suggest it should become a free house/microbrewery managed by local community/groups with support from local businesses (now no longer tied to brewer). Ground floor should be social hub with affordable rent units above for locals

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

- Alfred Square is a small square with only 17 door numbers yet has a public house on two diagonal corners. Square and north end of Deal are well served by both free houses and tied brewery public houses. Change of use feels justified and valid.
- lack of community support (unlike The Prince Albert) on the opposite corner.
- Various things (increased food offering, quiz night etc) to generate interest and trade have fallen short
- Noise/disturbance - Only time it appeared busy was during amplified live music nights. Building is not suitable, has no sound proofing, single glazing or ventilation making containment of amplified music impossible and detrimental to neighbours. Surrounded on all sides by residential properties. Concerns regarding previous antisocial behaviour, previous police attendance and complaints to noise abatement officers at Dover Council, damage to cars parked in the square.
- No longer needed or commercially viable
- Plans seem appropriate and in keeping with other residential accommodation in this street. Property is better suited to be converted to a residential status
- Sad to see efforts to retain building as a community asset fail but proposals will secure it as a home, in keeping with neighbouring conservation area properties. Better suited to residential status. Façade should remain the same.

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

1.1 The site relates to a Public House located within the settlement confines of Deal. The three-storey building is located to the north of Alfred Square, to the east of the junction of College Road and Peter Street, within the Middle Street Deal Conservation Area (subject to an Article 4 Direction). The building is finished in brick with a yellow and white painted rendered front elevation (to Alfred Square), white painted sash windows and a slate roof. To the north is a courtyard/beer garden. The site is bounded by 2 Alfred Square to the east and 2A College Road to the north.



Figure 1. Site Location Plan

- 1.2 The applicant seeks permission to change the use of the building to a residential dwelling containing four bedrooms and for associated internal and external alterations (to include the demolition of the existing rear extension and removal of the existing timber store building). Following comments from the Heritage Team, the existing rendered walls to the front elevation would be repainted 'chalk white' (a change from the originally proposed light blue shade) and existing windows would be repainted in white with matching white sills. The existing plinth would be repainted black and the white painted timber boarding to the rear projection would be repaired and repainted white. The swing sign on the flank elevation and kitchen extract and air conditioning unit would be removed.



Existing ground floor layout

Existing first floor layout

Existing second floor layout



Figure 2. Existing and Proposed Floor Plans

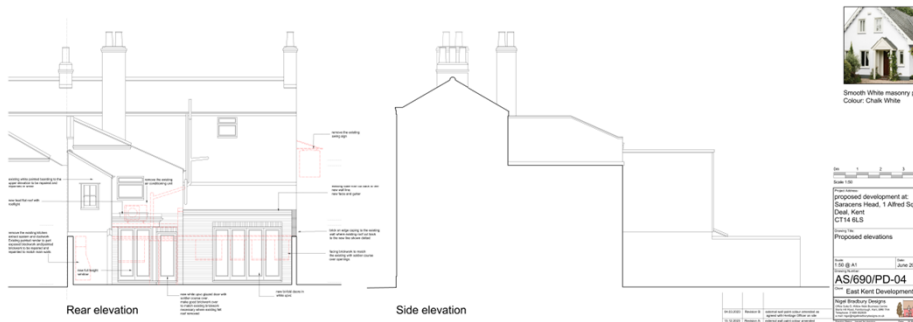
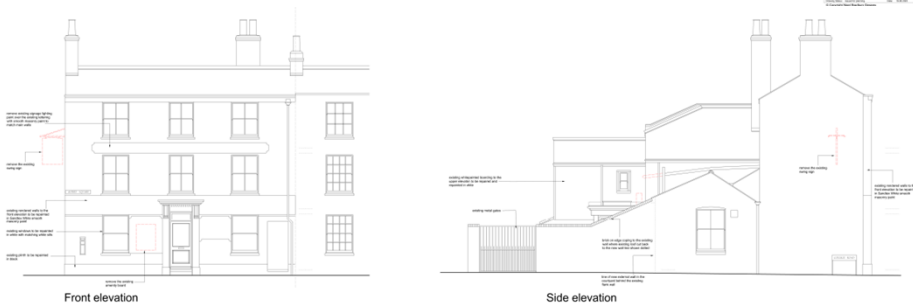
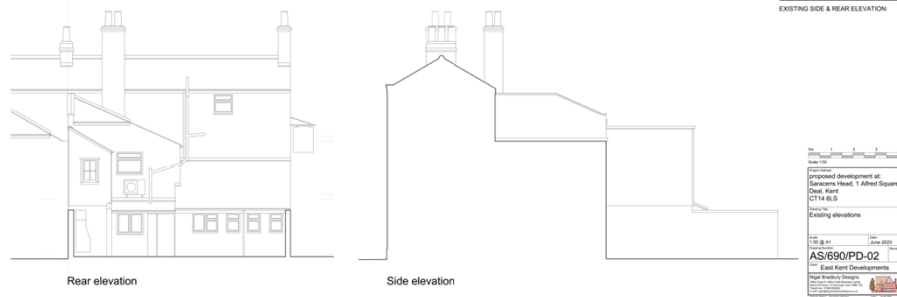


Figure 3. Existing and Proposed Elevations

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity and heritage assets
- Impact on residential amenity
- Other matters

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 another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and the principle of residential development in this location would accord with policy DM1. Policy DM24 seeks the retention of rural shops and pubs; given the location of the development in the confines of Deal (identified in Policy CP1 as a District Centre), it is not considered that this policy is relevant to the assessment of the application.

2.4 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. 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 framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (policies include those relating to habitats sites, SSSI, AONB, Heritage Coast, irreplaceable habitats, designated heritage assets and those of archaeological interest and areas at risk of flooding or coastal change), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 8 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test). Having regard to the most recent Housing Delivery Test, the Council are currently able to demonstrate a four-year housing land supply in accordance with the updated NPPF at paragraphs 77 and 226. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.

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 a greater number of dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.6 The Draft Local Plan was submitted for examination in March 2023 and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with the NPPF. Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.7 Draft Policy PM6 sets out criteria where in exceptional circumstances, permission will be granted for proposals involving the loss or change of use of community services or facilities. The supporting text (paragraph 6.90) sets out that Assets of Community Value (ACV) as designated under the Localism Act 2011 by local communities cannot be considered for loss or redevelopment, however this is not referenced in the draft policy wording itself. The application property was included on the List of Assets of Community Value on 17th October 2023; the date of the expiry of the listing being 17th October 2028. This is considered to be a material consideration in the determination of the application, albeit the procedure for the sale of an ACV operates separately to planning legislation and is considered to attract limited weight.
- 2.8 The draft Policy sets out that *"Any community facility or service that makes a positive contribution to the social or cultural life of a community should be retained unless suitable alternative provision already exists, new provision is provided or the need for the provision is demonstrated to be obsolete". The draft Policy states that permission will only be granted for proposals involving the loss or change of use of community services or facilities in the following circumstances:*
- a) *Alternative provision of the same or similar service or facility is already available in the local area, and accessible to residents in that catchment area; or*
 - b) *It can be clearly demonstrated that there is no longer a current demand for such a facility or for alternative community use, or any real prospect of such a demand arising within a realistic timescale; or*
 - c) *It can be clearly demonstrated that an acceptable alternative means of meeting any such demand will become available in an accessible location before the loss of the existing facility; or*
 - d) *The new development consists of, incorporates, or provides an appropriate alternative recreational or community service or facility, either on site or in a suitable location accessible to the local community, of equivalent or better provision in terms of quantity and quality. Demand should be assessed according to the nature of the existing facility in question.*

A study of Public Houses and drinking establishments in this part of Deal has been submitted by the agent. This identifies 9 facilities, the closest of which being The Prince Albert, located on the southeastern corner of Alfred Square. Given the number of alternative facilities in the area, as well as those slightly further

away in the town centre, it is considered that the proposals would accord with part a) of the draft Policy. It is important to note that there is only a requirement under the stated policy for one of the criteria to be met.

- 2.9 Paragraph 97 of the NPPF states that *“To provide the social, recreational and cultural facilities and services the community needs”* decisions should *“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”*, *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”* and *“ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community”*. In this instance, it is not considered the loss of the pub would significantly compromise the vitality and viability of the town as there are other similar facilities within relatively close proximity. Consequently, it is considered the draft policy would attract moderate weight in the planning balance.
- 2.10 Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development. The draft Policy seeks to deliver a sustainable pattern of development and is underpinned by an up-to-date evidence base of services and amenities at existing settlements and takes account of the housing need across the district, such that it is considered to attract moderate weight in the planning balance. The site is located within the draft settlement confines and would therefore accord with the objectives of the policy.
- 2.11 It is considered that policy DM1 is in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues the policy seeks to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. The proposals would also accord with the objectives of Draft Policy SP4 which is considered to attract moderate weight in the planning balance, being devised on the basis of current housing targets and the NPPF. Due to the number and proximity of alternative facilities available to residents in the same catchment, the proposals accord with the exceptions of draft Policy PM6a) which is considered to attract moderate weight in the planning balance. Notwithstanding this, Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Impact on Visual Amenity and Heritage Assets

- 2.12 The site is located within the Middle Street Deal conservation area (CA) and is a semi-detached three storey building with rendered front façade, timber sash windows and a slate roof, dating from at least late C19. This part of the CA contains a mixture of architectural styles dating from differing periods, with a number of historic listed buildings on the north and south sides of Alfred Square. The majority of buildings in this part of the CA are residential, two or three storeys in height, finished in brick with part or full rendered facades (in generally light colours). The application property is at the north west end of the square and is

considered to make a positive contribution to the character and appearance of this part of the CA. In accordance with NPPF Paragraph 200 and draft policy HE1, a heritage statement has been submitted.

- 2.13 The proposals would result in the demolition of the existing single storey toilet extension. The existing openings through to the rear room would be replaced with bi-fold doors into the rear room. The side wall of the toilet block currently forms the boundary wall to the west side and is to be retained, such that there will be no visible change to the west façade and boundary of the property. It is considered that the demolition of this extension will result in no harm to the CA or street scene as it will not result in the loss of any historic fabric and instead, will reinstate the rear elevation and historic plan form of the building. The existing storage building in the rear courtyard would also be removed, which would reinstate the original courtyard and would result in no harm to the CA or street scene.
- 2.14 The proposals include the removal of the existing signage lighting and amenity board, painting over the existing lettering on the front façade and removal of the swing sign on the side west façade (works which have already been carried out). The lighting, board and swing sign are considered to be modern additions and the removal of these elements is therefore considered acceptable. As set out, the lettering on the front façade of the building advertising the name of the Saracen's Head has already been painted over, but is not considered to result in harm to the character of the building, the CA or to the street scene.
- 2.15 The front elevation would be restored and repainted; the plinth and original timber sash windows are to be retained. The historic sash windows are white in colour and the plinth is black; these would be repainted in the same respective colours. The rendered front façade is currently white on the upper two storeys and a dark yellow on the ground floor. This yellow colour is not considered acceptable for the conservation area and does not appear to have planning permission. As set out at paragraph 1.2, following the comments of the Heritage Team, the proposed paint colour of the front façade has been amended from a light blue colour (considered to result in less than substantial harm to the CA as a bold colour that was not consistent with other properties in this part of the CA), to a 'chalk white' colour, suggested to be secured by condition. This colour is considered appropriate and would adhere to the colour palette used in this part of the Middle Street CA, resulting in no harm to its significance and preserving the character of the street scene.
- 2.16 It is noted there are a number of Listed Buildings in proximity of the site, including 3, 4, 5, 6, 7, 8, 8A and 8B Alfred Square (Grade II Listed Buildings to the east of the site), 9, 10, 11, 12 and 13 Alfred Square (Grade II listed to the southeast and on the opposite side of the square) and 1 College Road (Grade II listed, to the west of the site on the opposite side of the junction). Due to the design and appearance of the proposals, and for the reasons set out above, it is considered the development would result in no harm (either substantial or less than substantial), thereby preserving the significance of the setting of nearby listed buildings, in accordance with the objectives of draft Policies SP15, HE1 and HE2, PM1, NPPF paragraphs 135, 200 - 213 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

- 2.17 The proposals would result in the removal of a modern extension and storage building in the courtyard of the property, as well as external alterations to the

building, which would not increase its scale and would result in no additional overshadowing or overbearing impact. The new bi-fold doors that would be installed to the rear would overlook the courtyard and are considered to result in no harm to the privacy of neighbouring residents. The first floor rear windows, which will serve a bedroom (formerly a kitchen) and a walk in wardrobe (formerly a store room) will face in the direction of the flank side wall of the neighbouring property at 2A College Road. Given this and the separation distance then there would be no harmful overlooking. The same applies to a second floor window serving an en-suite bathroom that is located even further away from the stated neighbouring property. The proposed residential use of the entire building is considered compatible with the largely residential character of the area and is unlikely to result in significant noise or disturbance, noting the existing use and activity. Consequently, the impact on the amenities of nearby residents is considered to be acceptable, having had regard to the NPPF (particularly paragraph 135) and draft Policies PM1 and PM2.

- 2.18 In respect of the amenities of future occupiers, the building currently contains one bedroom, living room and kitchen at first floor level and two further bedrooms at second floor level (with the bar, kitchen and toilets etc at ground floor level). As a result of the proposals, the ground floor of the building would become a family room, living/dining room and kitchen, with three bedrooms and a bathroom at first floor level and a further bedroom with en-suite at second floor level (the proposals result in the creation of 1 additional bedroom). All habitable rooms would be naturally lit and ventilated and of a reasonable size, such that it is considered that future residents would experience a good standard of amenity, having had regard to the objectives of draft Policy PM2 and NPPF paragraph 135. The enclosed courtyard to the rear would provide an external amenity area, with space for refuse/recycling storage, as well as bicycle storage. No off-street parking would be provided, however there would be no change from the existing scenario in this respect, with some limited parking available in the centre of the square (with a permit scheme in place) and public car parking available in the wider area. The nil parking provision would accord with Policy DM13 and draft Policy TI3 and is considered acceptable, given the sustainable location of the site and proximity of services, facilities and public transport within the nearby town centre.

Other Matters

Flood Risk

- 2.19 The site is located within flood zone 2 and a flood risk assessment (FRA) has been submitted to support the proposals. The Environment Agency (EA) have no objection to the proposals, subject to the imposition of a condition requiring the development to be carried out in accordance with the FRA and mitigation measures it details, which include flood resistance and resilience measures and signing up to the EA flood warning service (and a condition is duly suggested). As the proposals are to change the use of the existing building, the sequential test and exceptions tests are not required. The EA asks that as the proposals introduce new ground floor living accommodation, that the LPA considers whether a less vulnerable use could be found for the ground floor. Notwithstanding this, the proposals would locate all sleeping accommodation at upper floors and the ground floor would have access to the front or rear in the event of a flood which breaches sea defences.

Archaeology

- 2.20 The site is located in an area of some palaeolithic potential; however KCC County Archaeology consultation guidelines would not require consultation for this scale of development in this area of background archaeological potential. Having had regard to NPPF Paragraph 200 and draft Policy HE3, no desk-based assessment has been submitted, however, in this instance, the proposals would remove a modern extension where any potential underlying archaeology has been previously disturbed. Having regard to HE3, it is considered appropriate to recommend a condition is imposed dealing with any unexpected archaeology which may be discovered during the development.

Loss of Public House

- 2.21 As set out at paragraph 2.8, the proposals would result in the loss of the existing public house, which has been listed as an ACV and is a material consideration. A number of the representations suggest it should be taken on as a freehouse or community pub and a CAMRA viability test and example business plan have been provided by Save The Saracens Group. Under the Localism Act, were the building to be listed for sale whilst registered as an ACV, the community would have the opportunity to make a bid to purchase the property, albeit there is no obligation for the seller to accept this. Whilst comments raise concerns at the number of public houses that have closed in the area and that the majority of remaining establishments are bars rather than traditional pubs, given the proximity of the site to these alternative facilities, in accordance with draft Policy PM6 and the NPPF, it is considered that alternative provision of the same or similar facilities is already available in the local area and accessible to residents in that catchment area. It is therefore not considered that the vitality and viability of the town centre would be compromised as a result.

Appropriate Assessment

- 2.22 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 draft Policy NE3.
- 2.23 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 (SAMM) has therefore been adopted by DDC 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. Notwithstanding this, the proposals would result in the creation of one additional bedroom in the mixed use property, which currently contains three bedrooms in the upper floors of the building. Whilst within the 9km Zone of Influence (set out under draft Policy NE3), it is not considered that the additional bedroom that would be provided as a result of the development would have a likely significant effect given the circumstances.

Planning Balance

- 2.24 The site is located within the settlement confines identified in Policies CP1 and DM1, which is considered to attract limited weight in favour of the proposal. As the site is within the District Centre of Deal (having regard to Policy CP1), it is not considered that Policy DM24 is relevant, as this seeks to protect rural pubs, albeit it is noted the building is an ACV which is a material consideration. The proposals are considered to accord with the exceptions of draft Policy PM6, which is considered to attract moderate weight in favour of the development, as well as being located within the draft settlement confines identified in Policy SP4, which attracts the same weight in favour.
- 2.25 Due to the design and appearance of the proposals, the development is considered to preserve the character or appearance of the street scene and conservation area, resulting in no harm to the significance of this or the settings of nearby Listed Buildings, in accordance with the objectives of Chapter 16 of the NPPF, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and draft Policies SP15, HE1 and HE2. The impact on residential amenity, and other material considerations has been considered and subject to the suggested conditions, is acceptable, weighing in favour of the proposals.
- 2.26 Overall, having had regard to the objectives of NPPF Paragraph 11, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted.

3. Conclusion

- 3.1 For the reasons set out above and having had regard to the tilted balance engaged under NPPF Paragraph 11, the proposed change of use and conversion of the building to a residential dwelling with associated internal and external alterations is considered to be acceptable in principle and in respect of other material considerations, with the benefits of the development outweighing the disbenefits and it is recommended that permission be granted.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to the following conditions:
- 1) Time
 - 2) Development to be carried out in accordance with the approved plans
 - 3) External façade of the building to be painted 'chalk white' colour
 - 4) Development to be carried out in accordance with the flood risk assessment and suggested flood mitigation measures within the report
 - 5) Investigation should any items of historic importance be uncovered during ground works
- II Powers to be delegated to the Head of Planning and Development 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

Rachel Morgan

N



22/01341

Land Next To, 95 St George's Road, Sandwich, CT13 9LE

SANDWICH

Scale: 1:1,250

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



- a) **DOV/22/01341 - Erection of a detached dwelling, new vehicular access, associated parking and landscaping - Land Next to 95 St George's Road, Sandwich**

Reason for report – Number of contrary views (76 including Sandwich Town Council)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP6, CP7, DM1, DM13, DM25

Land Allocations Local Plan (2015): DM27

Local Plan (2002) Saved policies: None

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. Draft policies SP1, SP2, SP3, SP4, SP5, SP11, SP12, SP13, SP14, SP15, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, PM3, PM4, PM5, PM6, H1, TI1, TI2, TI3, TI5, NE1, NE2, NE3, NE4, HE1, HE2, HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 2, 7, 8, 11, 38, 47-48, 55-57, 60 – 66, 84, 87, 114-116, 128, 132, 135 - 140, 173, 174, 180, 182, 186, 188, 191, 194, 200-213

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended): Section 72(1)

- d) **Relevant Planning History**

Various applications relating to the school and its grounds, most recently including: DOV/21/01314 – Construction of a sports pitch, erection of a two-storey pavilion, new vehicle access, additional 20no. car parking spaces, fencing, lighting, drainage and ancillary works – Granted

DOV/23/00365 - Variation of condition 2 (approved plans) to vary sports pitch design of planning permission 21/01314 (Section 73) Construction of a sports pitch, erection of a two-storey pavilion, new vehicle access, additional 20no. car parking spaces, fencing, lighting, drainage and ancillary works – Granted

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

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

Sandwich Town Council – object, should be refused on the basis of an incomplete application, missing POS, biodiversity assessments/protected species survey, tree officer report (**Officer comment:** further information was subsequently submitted by

the agent). Impact on the conservation area, some habitat and species are legally protected and included on the Section 41 NERC lists and Kent Biodiversity Strategy. Tree preservation or conservation orders on nearby trees and hedges. Shadow light requires investigation, neighbour objects on the basis of the 45 degree rule. Surface water flooding, environment surveys, no contextual drawings provided. Should consider blanket TPO on site to secure retention of trees until survey is forthcoming, appears to contravene strategic and NPPF policies. Strongly object to the application siting material planning consideration including loss of light, negative impact on biodiversity and loss of trees.

DDC Planning Policy Team - site is within a large designation for Open Space which covers all of the playing fields at Sir Roger Manwood's School (site reference 233 for Open Space). It was refined ahead of the Reg19 consultation to ensure only green spaces were covered by the designation but is otherwise proposed to be retained as Open Space under PM5 of the Reg19 Plan. The site the subject of application is a wooded corner of the playing field so is not in use for any form of play- therefore public benefit would be due to the presence of the trees on site. The KKP OS reports do not mention site 233 specifically and since it has been protected as part of a site for sports and recreation, it doesn't appear to me that the quantum associated with each OS typology can be applied in this case. Conversely, the Playing Pitch Assessment Report identifies that Manwoods is currently home to a small, non-floodlit Astro and as a result the school exports training and match demand to Polo Farm Sports Club in Canterbury. The report notes the limited development of hockey in secondary schools in Dover District which means there is a lack of players feeding into the Club teams in the District. Therefore attribute the greater community benefit to the sports facility and would be minded to accept the loss of the area of Open Space, since the Planning Statement submitted establishes that development of the site will directly fund the provision of the pitch. The loss of the smaller area of open space designation appears to meet the requirements of Part b of PM5, in that the enhancement of the remainder of the existing site provides a net benefit to the community in terms of sport and recreation opportunities.

Concur that the loss of the smaller area of open space designation appears to meet the requirements of Part b of PM5, in that it the enhancement of the remainder of the existing site provides a net benefit to the community in terms of sport and recreation opportunities. This advice is subject to the assessment of the area of OS to be lost though taking into account the advice from consultees such as the Tree officer, Open Space Team and Sports England as to the area's value and whether they consider it meets any of the criteria under 1-3 of PM5 which warrants specific protection.

DDC Heritage – not considered that this application requires specialist input in respect of the built historic environment. Asked to ensure that the proposals are considered with reference to the relevant paragraphs of the NPPF.

DDC Tree and Horticulture – Initially objected in the absence of a pre-development tree survey/report. Noted that prior to the submission of the application, the site was cleared of the majority of trees and recent excavation may have affected the roots of trees to the rear. Those within the site that are remaining are now the subject of a blanket tree preservation order. Application form claims that there are no trees at the site, yet proposed block plan shows trees at the site; it is not clear whether these are existing or proposed new planting.

Following further information, advised the submitted tree survey/report recommends the removal of the remaining trees (identified as category C) as well as the hedgerow to the front which is rather disappointing. Trees on the land to the rear (TPO/23/00010), and those adjacent to the south western boundary could be subject to post-

development pressure (due to shading of the rear garden of the proposed dwelling, dropping of leaf litter etc.), whilst addressed in the AIA section of the tree report, it concluded that such nuisances are not likely to pose a significant issue. Suggest a condition for a robust replanting scheme of native species, together with the planting of a new native hedge along the front boundary.

DDC Senior Natural Environment Officer - The Preliminary Ecological Appraisal (PEA) identifies potential for ecological impacts as a result of proposals and implementation of precautionary mitigation for impacts (to nesting birds, reptiles, badgers and hedgehogs) during site and vegetation clearance and construction is recommended. The recommended measures are acceptable and appropriate (should be secured by condition). Implementation of a bat-sensitive lighting scheme and biodiversity enhancement measures are recommended (and should also be secured by condition).

Given recent clearance of trees, in accordance with Planning Practice Guidance, DDC should “*consider whether any deliberate harm to [the] biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain)*”. If the PEA had been undertaken prior to any site clearance, the recommended precautionary mitigation measures would still have been sufficient to safeguard against killing or injuring of protected and designated species. I am not able to say whether any offences against protected species are likely to have occurred during the vegetation clearance, but this is not directly relevant to the planning consideration anyway. NPPF seeks that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity*”. Biodiversity enhancement measures in the PEA, do not go far enough to compensate for the loss of trees and vegetation that occurred prior to the survey taking place. Alternative options for replacement vegetation are required which will need to be delivered off-site; opportunities within the school grounds should be considered, incorporating native tree and shrub species planting and the use of deadwood recommended in the PEA that will provide compensatory opportunities for wildlife (including nesting birds, invertebrates and hedgehogs - to be secured by condition). Without this additional habitat creation, the development would result in a loss of biodiversity, contrary to the NPPF.

In response to further information clarifying biodiversity enhancements within the school grounds, were pleased to hear the school has already been undertaking biodiversity enhancements within the grounds, though wondered whether some of these may have been related to other development taking place around the school. Nonetheless, given the extent of tree planting and desire to improve the ecological value of the site for various species, it seems reasonable to conclude that the felling of trees at the site was not an intentional act to reduce the biodiversity value prior to seeking planning permission. With the implementation of the recommendations in the PEA secured by condition, potential ecological impacts will be adequately addressed in the determination of the application. Also suggested a condition for an undertaking to use of deadwood from the development to create wildlife shelters in school grounds adjacent to the site (details to be submitted).

Sport England –development does not fall within their statutory or non-statutory remit, so they have not provided a detailed response, but provided general advice.

Southern Water (SW) – require a formal application for connection to the public foul sewer. Building Control/ technical staff should comment on the adequacy of soakaways to dispose of surface. A sewer now deemed to be public could be crossing

the development site; should any be found during construction, an investigation will be required to ascertain ownership. Consider the provisions of the NPPF regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour, applying precautionary 500m buffer zone for new development). The proposal is located approx. 304.1m from the Bulwark Sandwich Wastewater Treatment Works (WTW). Contact SW to discuss and agree the scope of the odour assessment. Due to the potential odour nuisance from Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with SW to identify and agree the 1.5 OdU contour. The service SW provide to review the assessment and/or complete a site survey is chargeable.

Environmental Protection – in relation to above odour comments from SW, would not object to application as have no evidence to support it. Have not received any recent complaints to justify a stance such as this. Justified argument under ‘agent of change’ but unclear how the developer would mitigate against it given windows are required for ventilation.

KCC Highways and Transportation - does not meet the criteria to warrant involvement from the Highway Authority in accordance with consultation protocol arrangements.

KCC County Archaeology – Recommend a condition for a programme of archaeological works.

Third party Representations:

75 members of the Public have written in objection (including from Sandwich Environment Conservation Group and CPRE, amongst other organisations) and comments are summarised below. Matters such as loss of a view, right to light and impact on house prices are not material planning considerations and have not been included.

- Residential amenity - overlooking/loss of privacy, loss of light/overshadowing (breach of 25/45 degree line, disagree with conclusions of desktop daylight and sunlight assessment submitted which is not based on survey information and contains errors, impact on physical and mental health, sustainability of neighbouring property by increasing demand for heating and carbon emissions), negative impact on existing dwellings, imposing structure, concerns regarding depth of proposed garden
- Impact on visual amenity – overbearing, concerns regarding massing, disproportionately large for size of plot, impact on landscape character. Scale, proximity and dominance is not in keeping with neighbouring properties. Design is not sympathetic to local character and landscape setting. Does not comply with NPPF Paragraph 130.
- Layout and density of building – proposed building very close to neighbouring property, concerns regarding locations of boundary treatments constructed
- Heritage - effect on listed building and character & appearance of conservation area. Heritage statement has not paid sufficient attention to this. Hedgerow and trees add to character of conservation area providing a buffer between this and school grounds and giving street a natural semi-rural setting.
- Archaeology – site near area of importance, no assessment made, impact of trench dug on site and masonry and tiles visible.
- Traffic/parking/highways safety/construction traffic parking/management – construction vehicles near to school entrance/drop off points, congestion,

vehicles would reverse onto the road opposite a lane, four way junction would be created. Concerns regarding turning space on driveway, ability to exit drive facing forward (no swept path shown) and to have appropriate visibility splays, not enough parking proposed, additional traffic and construction traffic near to busy school with parking restrictions in place

- Loss of open space and green space – no open space assessment submitted. Fence erected during course of application and digger used, piling excavation spoil and disturbing the site. School has been awarded a finding agreement by KCC to enable £2.1m (plus indexation) of developer contributions (for the earlier expansion of the school) and has released other property for sale generating £2.5m, removing the financial requirement to develop the site to fund an astroturf pitch. Marketed value of other assets alluded to in letter from Sir Roger Manwood's School greatly exceeds cost of the astroturf and appear to be adequate without the additional need for the sale of this land, funds could be raised elsewhere. Objection to and lack of need for astroturf pitch (and concerns it could in future become additional housing and precedent could be set and could have long term health impacts). Need to secure money for extra sporting facilities is irrelevant and should not form part of planning consideration. No evidence criteria of NPPF Paragraph 99 have been met. Contrary to Policy DM25 and draft Policy PM5.
- Ecology & biodiversity – loss of diverse habitat. Habitat and species of principle importance under Sections 40 & 41 of Natural Environment and Rural Communities Act. No environment assessment study undertaken – survey undertaken after disturbance of land and serves as scoping survey with further surveys required, no bat report on felled trees. Plot was unmanaged, left wild resulting in abundance of wildlife. Deliberate attempt to downgrade overall biodiversity of the site. Negative impact on biodiversity, bats, newts, grass snakes, reptiles etc. No mitigation to offset loss, off-site enhancement required. Does not follow framework to find appropriate development sites away from areas of biodiversity and flood risk. 10% biodiversity net gain requirement. School previously had small nature reserve bordering the site managed by their Eco Society. Site is characterised as mixed woodland in Kent Habitat Survey. Concern for environment, sustainability, climate change. Site forms part of green infrastructure network (policy CP7) Green Infrastructure Strategy 2014, states the built area of Sandwich is marked as 'potential to enhance quality of green infrastructure' (site is in the town boundary). Area is near a site of special scientific interest (SSSI) and nature reserves. Concerns regarding impact on Sandwich SPA and Ramsar site. Light pollution, climate change.
- Flood risk & surface water flooding – significant risk on St George's Road, neighbouring properties and public highway would be impacted by surface water flooding. Hard surfaces will potentially reduce water absorption and increase water run off into already challenged drainage system. Area is at risk of surface water flooding (planning maps and CC5)
- Trees/hedgerow - loss of trees & important hedgerow & impact on neighbouring TPO tree root systems (some trees removed from site c. 18 months ago), loss of woodland (which provides valuable carbon storage within mature trees) (possible ancient woodland) and deliberate removal of trees, unclear how many trees will be removed, no mitigation proposed. Concerns regarding accuracy of pre-development tree report, assigns trees as category C but they should have a higher retention value. Most of local area within conservation order with protection orders on the trees. Concerns there would be pressure to remove trees to rear of site. Site forms part of green space corridor. Mature trees are important for carbon sequestration, help keep temperatures moderate, reduce flood risk, limit air pollution.

- Errors in application form & lack of surveys/reports/information (e.g. ecological, trees, traffic/transport, plot size) – application does not show the area as it is now. Images which include No. 95 have been created at an angle to minimise impact. No environmental impact statement or protected species survey submitted. No daylight and sunlight assessment, flood risk assessment. No dimensions on plans. Heritage statement is inaccurate, land has been used for educational purposes and school cadet force use this corner for training exercises. Properties from 95 St George’s Road to the Sandown Road junction were previously school tennis courts. Concerns that supporting comments have been submitted past the closing date and amendments submitted. Consultee responses not published. Ecological and arboricultural surveys were undertaken after the site had been damaged. Policy CP5 requires development to meet at least Code level 5 (code for sustainable homes/BREEAM Pre-assessment statements not submitted and proposal is contrary to this policy). Policy CC1 relates to reducing carbon emissions and an energy assessment could be submitted. Excavation and other works carried out and associated impacts, subject to enforcement. Independent planning advice obtained by school notes possible difficulties in obtaining planning permission.
- Affected by policies DM16, draft policies PM5, CC4, CC5, CC6, CC7, CC8, PM1, PM2, PM5, HE1, HE2, HE3, SP1, SP4 (h), SP13, SP14, NE1, NE2, nitrate neutrality area, Kent Biodiversity Strategy 2020, Conservation of habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), Countryside and Rights of Way Act 2000, The Environment Act 2021, Kent Biodiversity Strategy 2020-2045, The Environmental Targets (Woodland and Trees Outside Woodland) (England) Regulations 2023, Environmental Protection Act 2021, Environmental Protection Act 2021, The Green Infrastructure Strategy 2014, Government’s 25 year environment plan, Public Health England report on Better Access to Quality Green Space. Contrary to policy in several areas (not land allocated for housing, cannot be treated as an acceptable windfall development site)
- Development primarily for financial gain to school in order to obtain funds for another project where there is still an acknowledged financial shortfall. Gives negative example to pupils.
- Other more viable sites available which would yield more than one dwelling to boost housing delivery deficit (listed in local plan). Should be on brownfield land. Concerns that if approved, it would open the whole field boundary for development. Safeguarding risk with a property inside school grounds. Need for affordable homes rather than detached dwellings.
- Need – unsold new homes available on Pebblegate, Montagu Place and Willow Bank estates with further 300+ unbuilt homes already approved
- Overloaded infrastructure in Sandwich
- Impacts outweigh benefits of development
- Generally support the schools development but object to it doing so at expense of habitat loss, environmental impact and impact on neighbouring properties.

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

- No impact on operation of school
- Good use of plot of land (poorly managed), sensible use of land which school no longer uses, does not appear to compromise public services
- Near to transport – good access and walking distance from town centre
- Will facilitate development of new astroturf sports pitch for school and wider community. Provide additional facilities for school, potentially allowing for

expansion of programmes or inclusion of new amenities – could have positive impact on education and overall experience of students. Will release funds that can be invested into the development, maintenance and modernisation of parts of the school.

- Economic benefits to town and local community – construction jobs and new building could attract business. Beneficial to school and pupils
- Design – has been designed to have positive impact on environment & local ecosystem & minimise impact on surrounding natural landscape. Will preserve and enhance conservation area for future generations, would sit sympathetically into its surroundings. In keeping with local area, will integrate with neighbouring properties and improve character of properties. Does not detract from conservation area. Fail to see how one more property being built next to relatively new houses can be so harmful – surely the same argument was raised when these were originally built. Land adjacent to this area, previously owner by the school, was also sold in the past for houses. Low environmental impact, takes into account local environmental factors in line with planning policy.
- Volume of environmental objections posted highlights concerns that can be managed by way of supplementary environmental initiatives, school already appear to exercise their responsibilities in a manner fitting a diligent custodian of land.

A letter from Sir Roger Manwood's School (the applicants) has been submitted:

- Sir Roger Manwood's School are committed to ensuring the continued improvement of our school. Primary amongst that is the provision of a broad and balanced curriculum to our students which emphasises the importance of healthy living. Our collective vision is also that our local community makes more use than is currently the case of the facilities that the School has to offer.
- To this end we are making a major investment to improve the sports facilities on our site - the installation of a brand new, full size, astroturf pitch on the Peto Field off St George's Road. Planning permission was granted by DDC in April 2022 (Application Number 21/01314). Not only will this provide an all-weather facility for our students but also one which will be available for use by the local community outside of school hours. This will continue to allow us to meet and develop the needs of our curriculum but also help meet the needs of the Local Plan for additional sporting facilities within the Dover District.
- The cost of the development will be £1,002,051.69. The School is funding it through the sale of an ex-boarding asset which is no longer needed now that boarding has closed at SRMS - the residential caretaker's house. The proceeds from the sale of unused land on St Georges Road, hopefully with planning permission for a 4-bedroom house on that land (Application Number DOV/22/01341), will also go towards this initiative.
- We hope you view this application favourably as it will allow us to make a serious improvement to the facilities available to future generations of students and local residents, as well as enhancing the learning and sporting opportunities for current students and residents.

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

- 1.1 The site relates to a plot of land on the northwest side of St George's Road, Sandwich. The site is designated as open space and is within the southeastern corner of the grounds of Sir Roger Manwoods School. To the northwest is a sports pitch and to the northeast is 95 St George's Road. Immediately to the northeast of the site is the Sandwich Walled Town Conservation Area (which is subject to an Article 4 Direction) and there are a number of trees within this area

which are subject to a Tree Protection Order (TPO). Since the submission of the application, a TPO has also been placed on trees within the application site (TPO/23/00015, confirmed in December 2023).

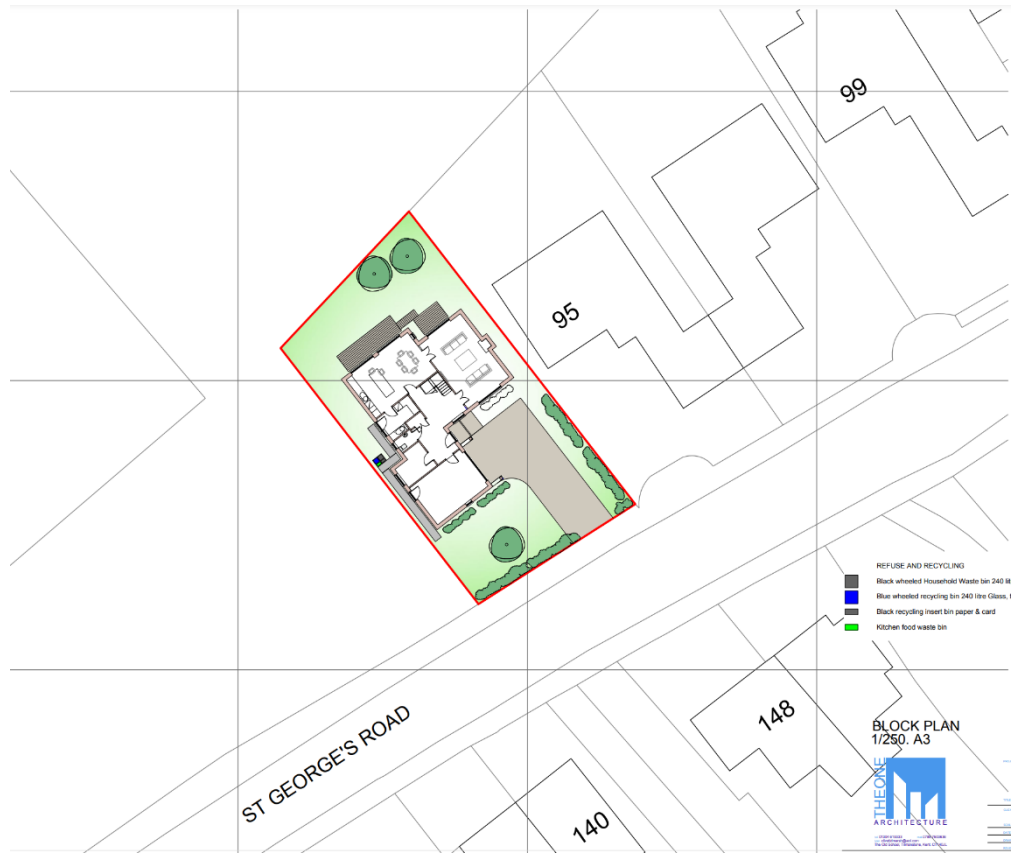


Figure 1. Proposed Block Plan

- 1.2 The applicant seeks permission for the erection of a detached dwelling, with a new vehicular access from St George's Road, associated parking and landscaping. The dwelling would be finished in red stock facing bricks at ground floor level with white render at first floor level, white uPVC windows and conservation style velux rooflights and would have a hipped main roof, with lower ridged projecting gable roofs finished in plain clay tiles (shown in Figure 2). The dwelling would contain four bedrooms, as shown in Figure 3. The design and siting was amended during the course of the application and was re-advertised and subject to further consultation.



Figure 2. Proposed Elevations

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the character and appearance of the area
- Impact on heritage assets
- Impact on residential amenity
- Other matters including flooding, archaeology, Habitats.

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 another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site lies within the settlement confines, such that the principle of residential development in this sustainable location is considered to accord with policy DM1.

2.4 The site is also identified as open space and subject to Policy DM25. This sets out that proposals that “would result in the loss of open space will not be permitted unless:

- I. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or

- ii. where there is such a deficiency the site is incapable of contributing to making it good; or
- iii. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
- iv. in the case of a school site the development is for educational purposes; or
- v. in the case of small-scale development it is ancillary to the enjoyment of the open space; and
- vi. in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value”.

The heritage and planning statement submitted considers that although the land is protected by policy, it is not public open space and is not used as part of the schools playing field or for any other associated purpose. It considers that whilst development of the site may not directly be for educational purposes (noting point iv of the policy), it will directly fund the approved all-weather astro turf sports pitch at the school (although this is disputed in the public representations received). Whilst noting this, it is not considered that the proposals have demonstrated they would accord with the exceptions of points i - vi.

- 2.5 Policy CP7 seeks to protect and enhance the existing network of green infrastructure. Development that would harm the network will only be granted if it can incorporate measures to avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. Discussed further at paragraph 2.28 onwards, a number of biodiversity enhancement measures are suggested on and off-site, recommended to be secured by condition or obligation such that the mitigation proposals are considered to accord with the policy.
- 2.6 The NPPF advises at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. 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 framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (policies include those relating to habitats sites, SSSI, AONB, Heritage Coast, irreplaceable habitats, designated heritage assets and those of archaeological interest and areas at risk of flooding or coastal change), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the ‘basket’ of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 8 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply (or a four year supply if applicable); or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.7 Having regard for the most recent Housing Delivery Test, and in accordance with the updated NPPF at paragraphs 77 and 226 the Council can demonstrate a four year housing land supply. It is, however, necessary to consider whether the ‘most important policies for determining the application’ are out of date.

- 2.8 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 a greater number of dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.
- 2.9 Policy DM25 seeks to protect existing open space, subject to a number of criteria. NPPF Paragraph 103 sets out that "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use". The Policy broadly accords with these objectives and is considered to attract moderate weight in the planning balance.
- 2.10 Policy CP7 seeks to protect the existing green infrastructure network. NPPF Paragraph 96 sets out that decisions should enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities etc. NPPF Paragraph 181 seeks for plans to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. The policy is considered to broadly align with the objectives of the NPPF and is considered to attract moderate weight in the planning balance.
- 2.11 The Draft Local Plan was submitted for examination in March 2023 and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with the NPPF. Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development. The draft Policy seeks to deliver a sustainable pattern of development including within the rural areas where opportunities for growth at villages (in line with Paragraph 83 of the NPPF) are confirmed. The policy is underpinned by an up-to-date evidence base of services and amenities at existing settlements and takes account of the housing need across the district, such that it is considered to attract moderate weight in the planning balance. The site is located within the draft settlement confines and would therefore accord with the objectives of the policy.
- 2.12 Draft Policy PM5 relates to the protection of open space, sports facilities and local green space. It states: "Development proposals that involve the whole or partial loss of open space within settlements, including outdoor recreation facilities, playing fields or allotments within or relating to settlements, or of built and indoor sports facilities, will not be supported unless either:
a. A robust assessment of open space and sports provision, using the quantity and access standards for open space and sports facilities set out in this Local

Plan, has identified a surplus in the catchment area to meet both current and future needs, and full consideration has been given to all functions that open space and indoor built sports facilities can perform, having regard to the existing deficiencies within the local area; or

b. Any replacement facility (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quantity, quality, availability and accessibility of open space or sport and recreational opportunities.

In all circumstances, the loss of open space will not be permitted if that open space:

1. Contributes to the distinctive form, character and setting of a settlement;
2. Creates focal points within the built-up area; or
3. Provides the setting for important buildings or scheduled monuments, or are themselves of historic or cultural value.

The sites identified on the Policies Map as Local Green Space, including those identified within adopted Neighbourhood Plans, will be protected from development in accordance with the requirements of the National Planning Policy Framework”.

2.13 The planning statement sets out that permission has been granted for the development of an astro pitch facility at the school’s Farrier Field on the south side of St Georges Road, which is under construction. The proposals would, in part, fund the provision of the astro pitch (albeit this is disputed in some of the third-party representations received which consider the project has been otherwise funded). The application has been subject to consultation with the Planning Policy Team who advise that the proposals appear to accord with part b) of the draft policy, in that the enhancement of the remainder of the existing site provides a net benefit to the community in terms of sport and recreation opportunities. It is not considered the site creates a focal point within the built up area, provides the setting for important buildings or scheduled monuments or is itself of historic or cultural value. The loss of the proposed area of open space, which forms part of the larger open space of the school grounds, is not considered to contribute to the distinctive form, character and setting of the settlement as the proposals are considered to appear as a continuation of the existing residential development along St George’s Road, discussed further in this report. As such, it is considered the proposals would accord with the exceptions of draft Policy PM5. The draft policy is considered to attract moderate weight in the planning balance, being devised in line with the NPPF and an up-to-date evidence base.

2.14 Draft Policy SP14 seeks to conserve and enhance the green infrastructure and biodiversity of the District. It states that every development (excluding householder) will be required to connect to and improve the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats, including internationally, nationally and locally designated sites, irreplaceable and priority habitats, networks of ecological interest, ancient woodland, chalk grasslands, water features, hedgerows, beaches, wetland pastures and foreshores, as green and blue corridors and stepping-stones for wildlife. Development should ensure that the integrity of the existing network of green infrastructure, including the hierarchy of designated sites, the Local Nature Recovery Network and Biodiversity Opportunity Areas across the District is strengthened as part of proposals, in order to increase the contribution to health and wellbeing, carbon sequestration and resilience to climate change delivered by such green

infrastructure. All development must avoid a net loss of biodiversity and will be required to achieve a net gain in biodiversity above the ecological baseline in line with Policy NE1. The draft Policy is considered to attract moderate weight in the planning balance, with the objectives of biodiversity enhancement being in line with those of the NPPF, albeit the need for achieving a net gain in biodiversity is not yet required for development of this scale. A number of biodiversity enhancement measures are suggested on and off-site, recommended to be secured by condition and discussed further at paragraph 2.28 onwards, which are considered to mitigate and compensate for the loss of biodiversity and contribute to the maintenance of the green infrastructure network, in accordance with the objectives of the draft policy.

- 2.15 It is considered that policy DM1 is in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues the policy seeks to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. The proposals would also accord with the objectives of Draft Policy SP4 which is considered to attract moderate weight in the planning balance, being devised on the basis of current housing targets and the NPPF. It is considered the proposals would be contrary to Policy DM25, which is considered to attract moderate weight in the planning balance. The proposals, by assisting in funding an astro turf pitch elsewhere in the school grounds, are considered to accord with part b of draft Policy PM5, which is considered to attract moderate weight in the planning balance. Notwithstanding this, Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Impact on Character and Appearance of the Area

- 2.16 The site is within a predominantly residential area, comprising detached and semi-detached or link-detached dwellings of varying heights (between a single storey and 2 ½ storeys), finished in a range of materials which include white render, brick and clay tiled roofs.

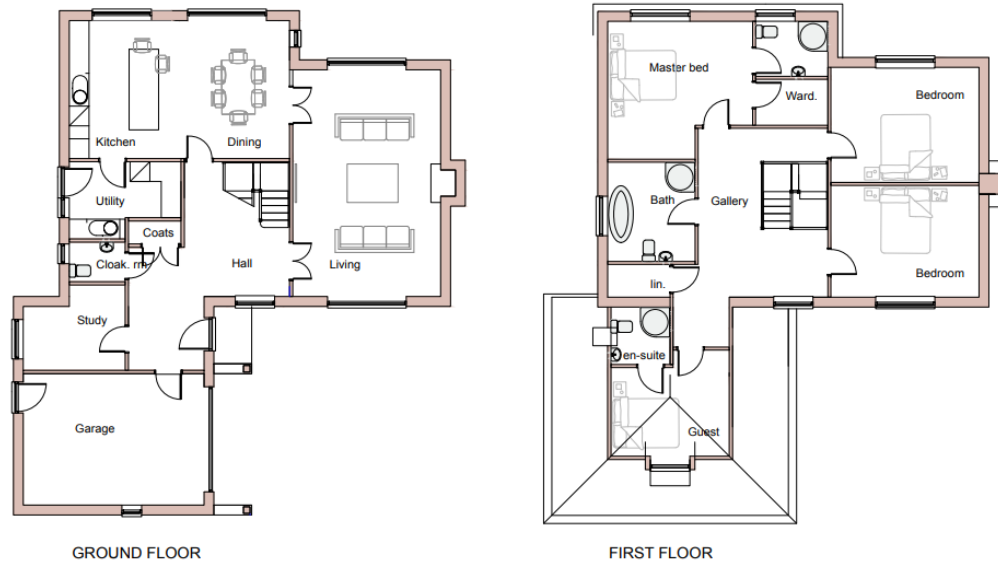


Figure 3. Proposed Floor Plans

2.17 The proposed dwelling, as shown in Figures 2 and 3, would be finished in brick at ground floor level, with render at first floor level and would have elements of timber beam detailing, which feature in the street scene. The dwelling would have a large tiled hipped roof, with front and rear projections with lower ridge heights, appearing as subservient additions. Whilst the proportions of the dwelling differ from the row of link-detached dwellings to the northeast, which have catslide roofs and hipped roofs to the garages, it is considered that the proposal, being at the end of this section and being detached, would be seen as a continuation of the existing residential development to the west and would be in keeping with the material palette of the area. Having had regard to NPPF Paragraph 135 and draft Policy PM1, it is considered the proposals would respond positively to the existing built form and context of the area, being of a compatible scale and design and preserving the character and appearance of the street scene.

Impact on Heritage Assets

2.18 The site lies immediately to the southwest of the Sandwich Walled Town Conservation Area and a heritage statement has been submitted accordingly. Chapter 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on Conservation Areas. In particular, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 205 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In addition, draft Local Plan Policies SP15, HE1, HE2 and HE3 are relevant material considerations.

2.19 The Heritage Team have reviewed the proposals, advising that they do not consider the application requires specialist input in respect of the built historic environment and to ensure the proposals are considered with reference to the relevant paragraphs of the NPPF. As considered in the character and appearance section above, the design, scale and materials of the proposed

dwelling are considered to be compatible with those of the street scene and for this reason, the development is considered to preserve the setting of the adjacent conservation area, resulting in no harm to its significance, having had regard to Chapter 16 of the NPPF, the objectives of draft Policies SP15, HE1, HE2 and HE3 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

- 2.20 The proposals would be visible from a number of nearby dwellings, with 95 St George's Road, located directly to the northeast of the site, being the closest in proximity. This neighbouring property features a window on the flank (west) elevation at ground floor level facing the application site, which is secondary to glazed doors on the rear elevation serving a main habitable room. A daylight and sunlight assessment has been submitted, based on BRE Guidance, although representations dispute the conclusions made based on the lack of survey data and inaccuracies, particularly in relation to the size of the window on the flank elevation of the property. The vertical sky component (VSC) test is the ratio of the direct sky illuminance falling on a vertical window at the central reference point (or 1.6m above ground level on a floor to ceiling window), to the simultaneous horizontal illuminance under an unobstructed sky. This identifies the proposals would result in a reduction of 66% (0.34) on the window on the flank elevation of the neighbouring dwelling. A mirror exercise has been carried out which produces a revised target of 1.04, although this approach is more generally used in built up areas. As set out above, a number of windows serve the same room and results have been provided of the mean VSC of 0.85. The daylight distribution (no sky line) test (which establishes where, under the existing and proposed scenario, the sky can and cannot be seen at points within a room) has been carried out for the neighbouring room, indicating the proposals would result in a 0.1% reduction in the area of the room that would be lit as a result of the proposed development. The guidelines would consider a reduction of up to 20% would be acceptable. The annual probable sunlight hours (APSH) test has also been carried out, which looks at the annual and winter sunlight hours which would be received by each window, for the existing and proposed scenario. To be considered acceptable, the annual probable sunlight hours should remain above 25% and the winter probable sunlight hours should remain above 5%. Where the results of the test do not meet this, a reduction of 20% between the existing and proposed scenario is generally considered acceptable. The results set out that with the exception of the window on the flank elevation, all windows would have less than a 20% reduction compared to the existing scenario (in some cases there would be no reduction). With regard to the window on the flank elevation, whilst the level of reduction in sunlit hours would be greater than 20% (compared to the existing scenario), for the annual probable sunlight hours, it would be 25% and for the winter probable sunlight hours it would be above 5%, so would pass. As stated above, the accuracy of the results, based on the window size assumed for the flank elevation window is disputed in the representations. It is considered the proposals would result in some overshadowing and reduction in diffuse daylight to the neighbouring property, however on balance, it is not considered that this identified harm would be so significant to warrant a reason for refusal.
- 2.21 The proposed dwelling would be directly visible, albeit at an oblique angle, from the garden of the neighbouring property (95) and would be positioned approximately 2.6m from the window on the flank elevation (secondary to larger

openings on the rear elevation serving the same room and providing the primary outlook across the garden of the property). Whilst the proposals would result in a substantial change from the existing scenario, on balance, due to the positioning and design of the dwelling, the development is not considered to result in such an overbearing impact on neighbouring residential amenity to warrant a reason for refusal.

- 2.22 The proposed dwelling would have windows on the rear elevation which would primarily overlook the garden of the application site and woodland of the school beyond. Whilst there may be some oblique angled views across the rear garden of the neighbouring property from the first floor bedroom windows, there would be no direct views of this property's most private rear garden external amenity space such that there would be any significant harm due to a loss of privacy. There would be no windows on the flank (east) elevation of the main dwellinghouse (albeit there would be a secondary window serving the kitchen/dining room at ground floor level set further from the neighbouring property).
- 2.23 Concerns in respect of the impact on the amenities of other nearby residents have been raised in the public representations received. Due to the orientation of the site and direction of the sun path, the proposed dwelling would not result in overshadowing or loss of light to properties to the south (on the opposite side of St George's Road). In respect of privacy, whilst the proposed dwelling would have windows on the front elevation, these would primarily overlook the site itself and the public highway beyond. There would be a separation distance of approximately 26m between the proposed dwelling and 148 St Georges Road and 23m between the proposed dwelling and 140 St Georges Road. Consequently, it is considered there is a very comfortable distance such that there would be no harm to neighbouring privacy or overlooking. For the same reasons, and due to the design and appearance of the proposed dwelling, the development would have no undue impact on the amenity of other nearby residents and is considered to be acceptable, having had regard to NPPF Paragraph 135 and Draft Policy PM1 and PM2.
- 2.24 In respect of the amenities of the proposed occupiers of the development, the dwelling would contain four bedrooms, bathrooms, study, utility, living room and open plan kitchen/dining room. All habitable rooms would be naturally lit and ventilated, and a private garden would be provided to the rear (north) of the dwelling. It is considered the proposals would accord with the objectives of draft Policy PM2 and NPPF Paragraph 135.
- 2.25 In respect of parking and highways, the proposed dwelling would contain an integral garage and would have a driveway, with access from St George's Road. Whilst concerns have been raised in representations, in accordance with the requirements of Policy DM13 and Draft Policy TI3, it is considered that there would be sufficient space within the site for two vehicles to park and bicycles could be stored within the integral garage or securely within the garden of the site. It is noted that concerns have been raised in public representations in relation to highways safety, however no concerns have been raised by KCC Highways (and the proposals are not in accordance with their consultation protocol).

Other Matters Including Ecology and Trees

- 2.26 The site contains a number of trees, although it is noted that several were cut down prior to the submission of the application, and vegetation has been cut since. A Tree Preservation Order (TPO/23/00015) has been confirmed relating to a yew, a sycamore and a group of 8 sycamore at the site. A pre-development tree report (March 2023) was submitted, identifying a number of category C trees within and to the southwest of the site. G1 (a group of 7 sycamores), G5 (mixed hedgerow along the southern site boundary), T2 (a sycamore) and T3 (a yew) would be removed to enable the development (G1, T2 and T3 being the subject of TPO/23/00015). G4 (three Norway maple trees) to the southwest of the site would be retained and the proposed development would not encroach on their root protection areas.
- 2.27 The Tree and Horticulture Officer has reviewed the proposals and considers that the proposed removal of the remaining trees, as well as hedgerow to the front of the site is disappointing, however requests a robust replanting scheme of native species, together with the planting of a new native hedge along the front boundary, if permission is granted. It is thought that the trees on the land to the rear (TPO/23/00010), and those adjacent to the south western boundary could be subject to post-development pressure (due to such nuisances as shading of the rear garden of the proposed new dwelling, the dropping of leaf litter etc), and whilst this has been addressed in the arboricultural impact assessment section of the tree report, it concluded that such nuisances are not likely to pose a significant issue. Subject to the imposition of a landscaping condition, the proposals are considered to be acceptable in this regard.
- 2.28 As noted above, the site is vegetated and during the course of the application and following initial comments from the Senior Natural Environment Officer, a preliminary ecological appraisal (PEA) was submitted. The appraisal identifies that the development site contained part of an existing woodland that has not been previously designated as priority habitat and contains a small pond. The woody vegetation offers potential for nesting birds, however, the remaining trees appear to offer negligible potential for roosting bats (although bats are likely to forage and/or commute over the application site). Vegetation is characterised by bare ground and regenerating scrub that creates shade making the site suboptimal for reptiles. Noting the presence of a small pond at the site, this was considered to offer poor potential for great crested newt although available vegetation offers potential sheltering habitat to other widespread amphibian species that could breed in nearby residential gardens. No setts or evidence of badgers within the site were identified and the habitat is considered unsuitable for beaver, otter and water vole, with the site also being outside of the known range of dormouse and available habitat being limited in extent and isolated from other suitable dormouse habitat. Available habitat within the site is considered to offer opportunities for invertebrates, particularly species associated with dead wood and hedgehog could shelter and/or forage within the local area. Biodiversity enhancement features such as bird nesting boxes, bat boxes, hedgehog gates and native hedgerow are recommended.
- 2.29 It is noted that a number of the representations submitted advise a number of species, including some protected species, are present at the site, as well as commenting on the findings of the PEA and survey carried out, noting clearance works that have taken place at the site. The Senior Natural Environment Officer has reviewed the proposals, advising that with the implementation of the recommendations in the PEA being secured by condition, the potential ecological impacts will be adequately addressed in the determination of the application. They recommend conditions are imposed for a biodiversity method statement

(for the protection of biodiversity including but not necessarily limited to badgers, hedgehogs, nesting birds and reptiles during site, vegetation clearance and construction works, to be informed by up to date ecological surveys); a bat sensitive lighting scheme; a scheme of biodiversity enhancements (e.g. swift nest boxes, songbird nest box, integrated bat bricks / bat tiles, hedgehog gaps (13cm x 13cm) in any close board fencing, native species hedgerow planting) and an undertaking to use deadwood from the development site to create wildlife shelters in school grounds adjacent to the site (within the blue line boundary). These on and offsite works are considered to mitigate and compensate for the harm to green infrastructure, with the provision of replacement planting (which would also be secured through a condition for a landscaping scheme).

- 2.30 Subject to these conditions being imposed, the development is considered acceptable in respect of ecology and the green infrastructure network, having had regard to the objectives of the NPPF, to Policy CP7 and draft Policies SP13, SP14 and CC8. In respect of draft Policy NE1 which seeks a 10% biodiversity net gain, this is not a national requirement for sites of this scale such that the policy is considered to attract limited weight in relation to the proposals.

Flood Risk and Drainage

- 2.31 The site is located within flood zone 1, which has the lowest risk from flooding from rivers and the sea. For new residential development of this scale and within this flood zone, a flood risk assessment, sequential test and exceptions test are not required. Concerns are raised in public representations in respect of surface water flooding and the application form sets out that surface water would be disposed to a soakaway.
- 2.32 Foul sewage would be disposed to the mains sewer and Southern Water have advised that a formal application for a connection to the public sewer will need to be made if permission is granted. As these matters are dealt with under building regulations, it is not considered necessary to suggest conditions are imposed for the submission of further information.
- 2.33 Southern Water advised that they apply a precautionary buffer zone for any development located within 500m of the boundary of the wastewater treatment works (WWTW). The proposed development is located approximately 304.1m from the Bulwark Sandwich WWTW and due to the potential odour nuisance from Wastewater Treatment Works, they advise that no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. They advise that an odour assessment should be carried out by a specialist consultant employed by the developer to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour and that Southern Water provide a chargeable service to review the assessment and/or complete a site survey. However, Environmental Protection Officers have reviewed this comment and advise that it is not a concern they would have as it is not something they have been made aware of and they have also not received any complaints to justify a stance such as this. They note that the Bulwark wastewater treatment plan is some 300m from the proposed development and there are many houses far closer that would be affected should there be a prolific odour problem in that area of Sandwich. They are also not aware of any new development within this location that would have raised the issue before and the Environmental Protection Team do not have evidence to support an objection.

Archaeology

- 2.34 The site is within an area of archaeological potential surrounding Early Medieval/ Medieval town. Having had regard to NPPF Paragraph 200 and draft Policies HE1 and HE3, no desk-based archaeological assessment has been submitted. KCC Archaeology has been consulted on the proposals, advising that the site lies outside of the town walls on the southern edge of the historic medieval town of Sandwich. A castle is first recorded at Sandwich in the fourteenth century and this lay outside the town walls on the south-east side of the town. Remains belonging to the castle have been recorded some 175-200m to the north-west of the application site within the grounds of Sir Roger Manwood's School. Flintwork of Mesolithic or Neolithic date and pottery of Romano-British and medieval date have also been recorded at the school but not recovered from archaeological features. Nevertheless, these finds indicate the potential for multi-period occupation in the area south-east of the walled town. This is supported by the similar discovery of finds of Roman, Anglo-Saxon and medieval at Manwood Grange to the north-east of the proposed application site, whilst in fields to the south-east (outside the built-up area) quantities of Iron Age coins and other material indicative of a settlement site have been noted.
- 2.35 KCC Archaeology recommend a condition is imposed to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable (to be submitted to and approved in writing by the Local Planning Authority) if permission is granted. Subject to this and having had regard to the NPPF and draft Policy HE3, it is considered the development would be acceptable in this respect.

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.36 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 draft Policy NE3.
- 2.37 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 (SAMM) has therefore been adopted by DDC 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 the agent has agreed that the required contribution would be secured via a legal agreement if permission is granted.
- 2.38 Subject to this contribution being secured by a legal agreement, 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 in line with the objectives of draft Policy NE3.

Planning Balance

- 2.39 The proposals would contribute one dwelling towards the Council's 4-year housing land supply. The application site is located within the settlement confines identified in Policy DM1 and the principle of residential development in this sustainable location is considered acceptable. The site is also within the Draft settlement confines associated with draft Policy SP4, attracting moderate weight in favour of the proposal.
- 2.40 Notwithstanding that the site is not public open space and is not used as part of the schools playing field or any associated purpose, the proposals do not appear to accord with Policy DM25, which is considered to attract moderate weight against the development. However, the proposals would, in part, fund the provision of an astro pitch elsewhere within the school grounds. It is considered the enhancement of the remainder of the existing site provides a net benefit to the community in terms of sport and recreation opportunities, in accordance with part b and points 1, 2 and 3 of draft Policy PM5, attracting moderate weight in favour of the development. The site forms part of the green infrastructure network and it is considered the biodiversity enhancement measures (to be secured by conditions) would sufficiently mitigate the effects of the development, in accordance with Policy CP7 and draft Policy SP14, which is considered to attract moderate weight in favour of the proposals.
- 2.41 The impact on visual amenity and the character and appearance of the adjacent conservation area has been assessed and, subject to the imposition of conditions, is considered to accord with the objectives of the NPPF (particularly paragraphs 135 and 200-213), draft Policies PM1, HE1 and HE2 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, with the development resulting in no harm to the significance of the heritage assets. The impact on residential amenity has been considered and whilst the proposals would result in some loss of daylight and sunlight, particularly to one neighbouring window, on balance, this would not result in such a significant overshadowing/loss of light or overbearing impact to warrant refusal and would have an acceptable impact on privacy. The impact on the amenities of other nearby residents, as well as future occupiers of the development, is considered acceptable having had regard to NPPF paragraph 135 and draft Policies PM1 and PM2, weighing in favour of the development.
- 2.42 The impact on other material considerations, including archaeology, flood risk and drainage, highways, trees and ecology, has been considered and is acceptable subject to the imposition of the suggested conditions.
- 2.43 Overall, having had regard to the objectives of NPPF Paragraph 11, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted.

3. Conclusion

- 3.1 For the reasons set out above and having had regard to the tilted balance engaged under NPPF Paragraph 11, the proposed erection of a detached dwelling with a new vehicular access and associated parking and landscaping is considered acceptable in principle and in respect of other material

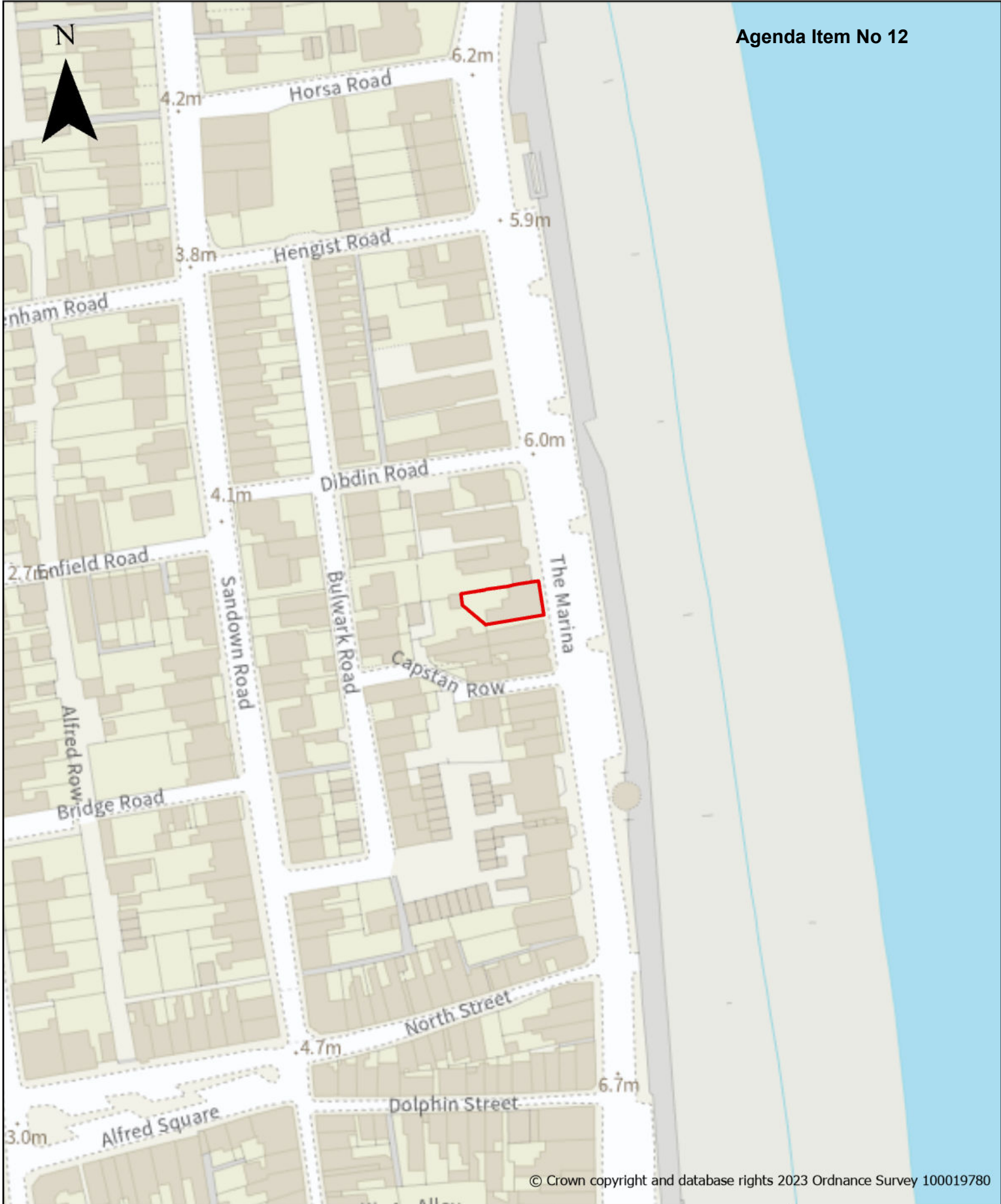
considerations, with the benefits of the development outweighing the disbenefits and it is recommended that permission be granted.

g) Recommendation

- I PERMISSION BE granted subject to the completion of a UU to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA and the following conditions:
- 1) Time
 - 2) Plans
 - 3) Samples
 - 4) Programme of archaeological work
 - 5) Landscaping scheme (to include native species)
 - 6) Biodiversity method statement for the protection of biodiversity
 - 7) Biodiversity enhancements
 - 8) Bat sensitive lighting strategy
 - 9) Use of deadwood from the site to create wildlife shelters in school grounds adjacent to the site
 - 10) Provision of access and parking prior to first occupation
- II Powers to be delegated to the Head of Planning and Development 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

Rachel Morgan



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24/00038
 11A The Marina, Deal, CT14 6NF
 DEAL
 Scale: 1:1,250

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



- a) **DOV/24/00038 – Erection of a second-floor extension with front terrace and balustrade, replacement door/windows and alterations to external finishes - 11A The Marina, Deal**

Reason for report - Number of contrary representations (8)

- b) **Summary of Recommendation**

Planning permission be GRANTED subject to conditions.

- c) **Planning Policy and Guidance**

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

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, dependent on the nature of objections and consistency with the NPPF. The relevant policies are:

SP2 - Planning for Healthy and Inclusive Communities

PM1 - Achieving High Quality Design

H6 (h), (i) and (j) - Residential Extensions

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 135,

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/11/00058 – Single Story Rear Extension – Granted

DOV/20/00435 – Lawful Development Certificate - Proposed – Single Storey Rear Extension – Granted

DOV/20/01064 – Lawful Development Certificate - Proposed – Single Storey Rear Canopy – Granted

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

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

Deal Town Council – Have no objections.

Third party Representations - Objections:

A total of 8 objections have been received summarized as follows:

- Loss of light and skyline
- Loss of Privacy
- Loss of light on garden
- Out of character
- Overbearing
- Discordant materials

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

- 1.1 The site comprises a 2-storey 1970s detached dwelling. Elevations comprise light green cladding over a rendered ground floor, and brick side walls. It has a shallow pitched (25 degree) ridged, gabled, and tiled roof to an overall height of about 7.75 metres. There is an integral garage one and a half cars wide.
- 1.2 The street scene comprises an eclectic mix of buildings, mainly in residential use, many large late Victorian/Edwardian buildings on the frontage converted to flats. Several buildings in the immediate area have been modernised in a contemporary style taking advantage of the seaside location.
- 1.3 Figure 1 shows the existing South facing side elevation.

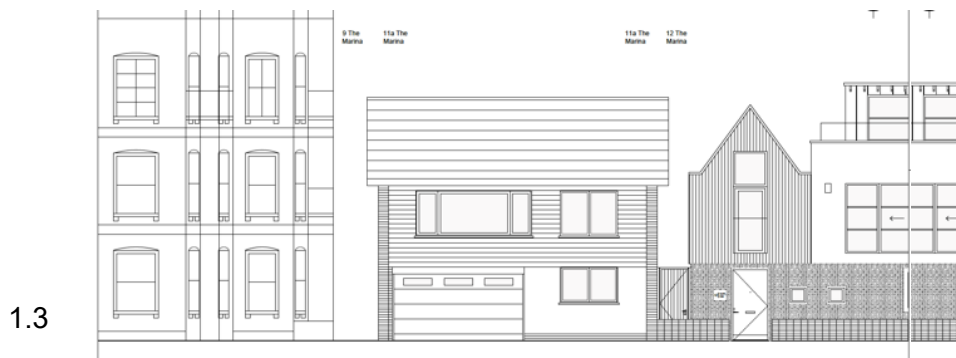


Figure 2 shows the existing North facing side elevation.



- 1.4 Figure 3 shows the existing East facing (Principal) Elevation



- 1.5 Figure 4 shows the rear West facing elevation.



- 1.6 Figure 5 shows the location plan and the 'tightly knit' nature of the immediate area with several residents to the side and backing onto the site.

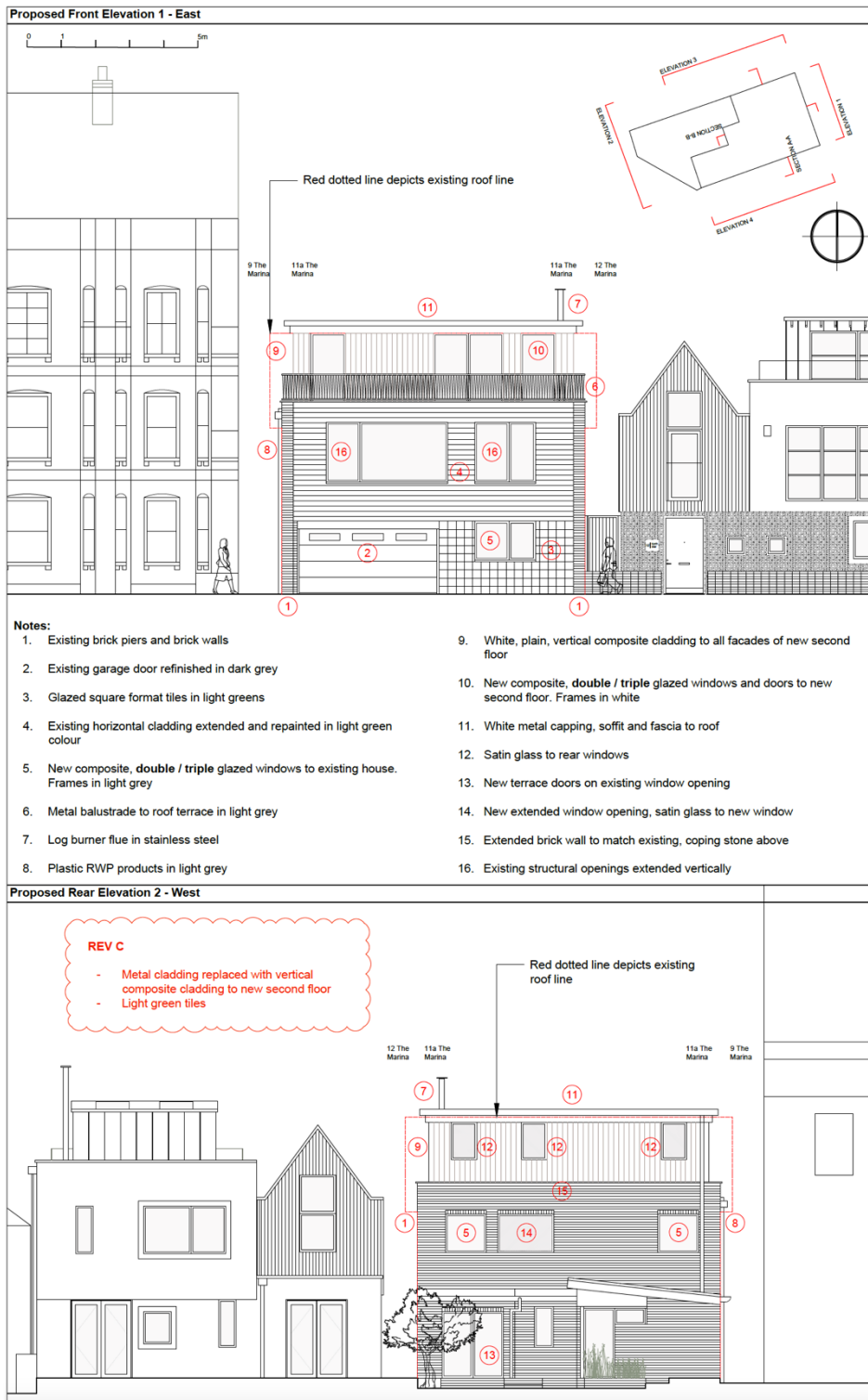


The Proposal

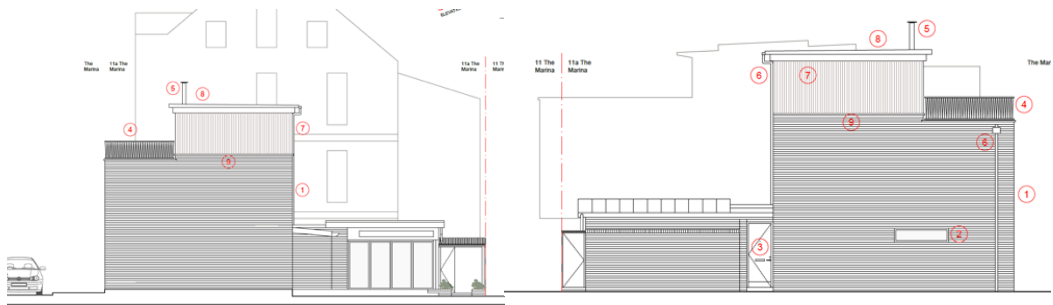
- 1.7 The proposal involves removing the existing pitched roof and replacing with a second-floor flat roofed addition on top of the existing first floor. The proposed second floor comprises residential accommodation (a master bedroom and ensuite) over the rear two-thirds of the area. This residential area would have patio doors and full depth windows on the sea facing elevation giving access to the remaining one third of the roof areas which would comprise an open terrace surrounded by a light grey metal balustrade. There would be no opening in the side facing elevations and all windows in the rear of the proposed second floor extension would have 'satin' finished opaque windows in the interests of residential amenity.
- 1.8 A one-metre-high stainless-steel flue would emerge from the roof at the rear (having been relocated from the front of the proposal)
- 1.9 Of the existing windows at first-floor level in the rear facing elevation, two narrow windows would be combined to give a larger opening, but this too would be fitted with satin finish opaque glass. Another existing window in this level at the rear would remain opaque and the remaining kitchen window in the rear elevation would remain in its current clear state.
- 1.10 Finally in terms of materials and finishes the elevations of the proposed

second floor would be of white vertically aligned composite cladding. Existing first floor cladding would be repainted in light green (similar to existing). The ground floor render would be covered with green glazed tiles and the existing garage door repainted light grey. Windows would be replaced by triple glazed versions with light grey frames with rainwater goods of a similar colour.

1.11 Figure 6 below shows the proposed front and rear elevations:



1.12 Proposed side elevations are shown thus as Figure 7



1.13 Figure 8 comprises a 'visualisation' of the proposed 'end result' which has been supplied by the applicant.



Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact of the development in terms of design and materials on the character and amenity of the area

- Impact on residential amenity
- Parking and Highways

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Other relevant material planning considerations are as follows.
- 2.3 The site lies within the confines of Deal where Core Strategy Policy DM 1 permits Householder Development subject to other material planning considerations.

Design and Materials

- 2.4 As set out above the street scene comprises an eclectic mix of buildings, mainly in residential use, many large late Victorian/Edwardian buildings on the frontage converted to flats. Several buildings in the immediate area have been modernised in a contemporary style taking advantage of the seaside location with balconies and glazed facades. However, these buildings still retain some elements of traditional form by way of the use of more traditional materials.
- 2.5 In terms of the bulk and form of the structure this is considered to have a balanced and symmetrical appearance and would not be out of character with either the existing dwelling or the street scene. It is of a modern and contemporary design that utilises its location to the full. There are many different materials used in other buildings along The Marina including cladding, render and brick but the predominant colours are white and pale pastel colours appropriate to its seaside location. The white composite cladding for the new second floor follows the flow of similar modern development and is considered appropriate. The second-floor extension would be set back from the front elevation, and from the street scene only the enclosing balustrade would be seen.
- 2.6 The proposed plain green glazed tiles at ground floor level provides a feature of interest to the street scene preferable to the current dull rough render. Overall, the proposal is considered acceptable in the street scene with no harm to the character and amenity of the area.

Residential Amenity Over/Interlooking (Privacy)

- 2.7 Several residents to the rear have raised concerns about overlooking and loss of privacy both 'window to window' and of rear garden areas. All rear windows in the proposed second floor extension (the new element) would be obscure glazed with 'Satin' (Frosted) Glass. This type of glass has the advantage of allowing good levels of light into the building but does not allow visibility outward. The proposed second floor extension would therefore result in no loss of privacy to residents to the rear. In the case of the four existing rear windows in the existing first floor, two narrow windows would be combined in to one large window, which would again have satin glass. One other existing window at this level retains obscure glazing and the remaining window is an existing kitchen window which would retain existing clear glass. Overall, there is therefore a marginal improvement in privacy. In addition, a condition is recommended to ensure the provision and long-term

retention of such obscure glazing on the rear elevation.

- 2.8 None of the new windows are excessively large, and furnished with full knowledge of the obscure glazing, I do not consider there is any potential for the 'perception of overlooking' arising from the proposal. In any case the nearest residents' windows to the rear are about 23 metres distant. Gardens are also some distance away at an oblique angle.

Views and Skyline

- 2.9 Members will be aware that impact of a proposed development on somebody's 'view' is not a material planning consideration, although residents have raised this issue. However, in this context the overall height of the roof has been raised by about 30cms which, from residents to the rear, would have a minimal impact. The width of the second-floor extension is marginally less than the existing pitched roof there being no side overhangs. This will result in some marginal improvement of 'through views' in any event.

Residential Amenity (Loss of Light)

- 2.10 In the case of the resident to the north this house has a second floor with a steeply pitched roof. Their second-floor benefits from a vaulted ceiling with four rooflights as well as having a primary light source on the sea facing glazed elevation. The proposed new first floor would result in some marginal partial overshadowing of one of the four rooflights. In view of other light sources, I do not consider that there would be any material harm to the residential amenity of the occupants of this dwelling.

Residential Amenity (Outlook)

- 2.11 One local resident to the south of the proposed development has raised the potential loss of outlook from a secondary window of their living room although the primary light comes from a large bay window. A site visit revealed that the proposed roof would be visible in the lower half of their side window with no significant loss of outlook, light, or potential overshadowing.

Parking and Highways

- 2.12 The property would remain as a three-bedroom house and there would therefore be no additional parking requirements. The integral garage would be retained although not counted as a parking space. On road parking is available in the area, albeit mainly paid parking. The proposals would have no impact on parking provision or highway issues.

3. Conclusion

- 3.1 The extension and alterations seek to provide expanded and updated accommodation to a family dwelling. The design, form, scale and appearance of the alterations and additions are considered to be acceptable with no harm to visual amenity. The extensions and alterations would not result in any material loss to the residential amenity of the occupants of surrounding properties and no harm to highway safety. The development, accordingly, complies with planning policy and NPPF guidance and criteria and planning permission can therefore be granted, subject to conditions.

g) **Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- 1) Time limit
- 2) Approved Plans
- 3) Obscure glazing to be installed, retained and maintained to the rear.

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

Tony Jarvis