

- a) **DOV/19/00403 – Outline application for the erection of 28 dwellings with restrictive occupancy of 10 dwellings to householders aged 55 years and older; together with creation of internal access road, landscaping and associated development (existing equestrian development to be demolished) with appearance, landscaping, layout and scale reserved – Shemara Farm, Woodnesborough Lane, Eastry**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1200 (around 8%) is identified for the Rural Area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan

Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site. Of particular note, is paragraph 78 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that the potential impacts of development on the significance of heritage assets must be understood and assessed. Where harm would be caused to a designated heritage asset or its setting, regard should be had as to whether the harm is substantial (or the total loss of significance) or less than substantial. Where substantial harm would be caused, permission should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or where certain criteria are met. Where less than substantial harm would be caused, this harm should be weighed against the public benefits, including securing its optimum viable use.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/16/00521 - Erection of 12 dwellings together with associated internal access road, parking, landscaping and alteration to existing vehicular access - Granted

e) **Consultee and Third Party Responses**

Kent Fire and Rescue Service – The means of access is considered satisfactory.

Crime Prevention Officer – The designing Out Crime Officer has not been contacted by the applicant or agent. Recommendations have been made.

Natural England – No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Environment Agency – No comments.

Southern Water – The position of the sewer should be established on site. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.

Southern Water can provide foul sewage disposal to service the proposed development. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Southern Water can provide a water supply to the site.

It is requested that, should permission be granted a condition be attached to require that a scheme for foul and surface water disposal be submitted for approval.

Highways England – No objection

KCC Highways and Transportation – *Initial response received 20th May 2019*

Insufficient information has been provided of the TRICS data used. Visibility at the access point onto Woodnesborough Lane is acceptable, subject to the existing tree stump to the north of the access being lowered to 1m above carriageway level.

Subsequent response received 30th August 2019

Amended trip rates and revised drawings have now been submitted. The intention is for the internal road to remain private. The development would generate 18 two-way vehicle movements in the peak hour, which are unlikely to have a severe impact on the wider highway network. Woodnesborough Lane would be widened to allow tow vehicles to pass each other (4.8m wide). The northern radius of the access would also be widened. Vegetation encroaching the highway opposite the site access can be cleared to improve the width of the highway. The vehicle tracking plans demonstrate that refuse vehicles can manoeuvre through the site and along the road. The site benefits from suitable pedestrian access to the school, bus stops and the village centre. The access arrangements are therefore acceptable. It is requested that all spaces are equipped with suitable facilities to enable charging of electric vehicles.

No objection is raised, subject to conditions.

KCC Economic Development – *Initial response received 15th April 2019*

Primary and secondary school contributions are not required for over 55's housing. A contribution of £1344.44 (£48.02 per dwelling) should be secured for library book stock. High Speed Broadband should be provided.

Subsequent response received 11th June 2019

On the basis of 10 age-restricted to over 55's and 18 unrestricted, KCC would additionally require £74,070 (£4115 per applicable house, i.e. non-age restricted)

towards the Phase 2 expansion of Dover Grammar School for Girls. There is no requirement for primary school infrastructure.

KCC Lead Local Flood Authority – *Initial response received 29th May 2019*

The information submitted is insufficient for us to be able to recommend the approval of this scheme as the submitted statement does not include the background evidence to effectively demonstrate those statements.

Subsequent response received 9th July 2019

The LLFA's concerns have now been resolved. The reserved matters application will need to demonstrate the exceedance flow route discussed in Herrington's e-mail of 8th July. Conditions are recommended regarding the accommodation of surface water drainage within the reserved matters layout; a detailed sustainable surface water drainage scheme will be provided; and a verification report is provided to demonstrate that the approved surface water strategy has been implemented before occupation.

River Stour Internal Drainage Board – The site has been identified as having a high risk of flooding from surface water. Provided the soakaways are designed in agreement with KCC's SuDS team, IDB interests should not be affected.

NHS CCG – A contribution of £18,720 should be made towards the extension of Sandwich Medical Practice.

DDC Waste Officer – The access road to be used by collection vehicles should be capable of accommodating a 26 tonne vehicle weight. One corner (adj. to units 9 to 14) could be tight. Vehicles should not park where they would hinder collection vehicles. The developer will need to pay for all bins.

DDC Environmental Health – No observations.

Rural Planning Consultant – No detailed agricultural land classification study of the land concerned appears to have been submitted, but the land but it is within an area that has been provisionally mapped as Grade 1 (excellent quality). It lies in a general area indicated as freely draining loamy soils. No current agricultural business would be affected by the proposal, as the site has been in equestrian use. It is for the council to consider what weight to apply to the loss of BMV agricultural land.

Eastry Parish Council – Object. The existing access is substandard and insufficient car parking is proposed, given the bus services and footpaths. If the proposed site is for over 55s planning for the future why is only one bungalow proposed.

Public Representations –

Sixteen letters of objection have been received, raising the following objections:

- Loss of agricultural land/countryside, contrary to the development plan
- Increased traffic
- The highway cannot accommodate more vehicle movements
- Insufficient car parking
- Poor visibility at junction
- The junction is narrow
- Pedestrian routes into the village are unsafe
- Overdevelopment

- There is no demand for houses in this location
- Two storey houses are not suitable for the over 55's.
- Increase pollution and noise etc.
- Localised flooding
- Impact on Great Walton (Grade II Listed)
- Insufficient communication or consultation
- Loss of privacy to neighbours
- Limited infrastructure
- Loss of wildlife
- Impact on rural landscape/character of the area
- Loss of light to apple orchard
- Spraying of the fruit trees may impact on future occupants of the development

In addition, one neutral letter has been received, making the following comments:

- appropriate hedging and/or fencing will be established along the boundary of the new estate
- braches and leaves that fall on the application site should be the responsibility of the new housing

- f)
1. **The Site and the Proposal**
 - 1.1 The site is located adjacent to, but outside of, the settlement confines of Eastry. The site is therefore considered to be within the countryside for the purposes of planning. To the north east of the site is the Grade II Listed Great Walton.
 - 1.2 The area is residential in character, comprising predominantly mid to late C20th cul-de-sacs linked to the more historic streets of Woodnesborough Lane, Gore Lane and Sandwich Road. The houses are road fronting and comprise a broad mixture of bungalows, chalet bungalows and two storey dwellings. The layout of development breaks down a little around Orchard Road, where many properties back onto Lower Gore Lane and Woodnesborough Lane. The area does not have a strong defining character, although the properties on each cul-de-sac are typically of uniform design.
 - 1.3 The site itself measures approximately 1.07 hectares, is currently laid to grass and is used for the grazing of horses. The land is largely devoid of buildings except for a series of small outbuildings and stables used in conjunction with the keeping of horses. To the north western corner of the site is a manage. There is an earth bund along the part of the western boundary. The site is relatively flat, but has a slight fall from north to south, with the lowest point approximately in line with the access.
 - 1.4 This is an outline planning application which includes consideration of the access. Appearance, landscaping, layout and scale are reserved. The application was originally submitted for the erection of 28 dwellings which would be age-restricted to occupation by people who are over 55 years of age. However, the application was subsequently amended to allow 18 of the dwellings to have unrestricted occupation, with the remaining 10 units being age-restricted. The development would utilise the existing access onto Woodnesborough Lane, albeit alterations are proposed to the access, together with the widening of a section of Woodnesborough Lane to 4.8m. Indicative details have been provided for the layout of the development and

the scale of building (which show a range of one, one and half and two storey buildings).

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Impacts on the Grade II Listed Great Walton
- The impact on neighbouring properties
- The impact on the highway network
- Infrastructure and contributions

Assessment

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 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 outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services (for example secondary schools or a doctor's surgery. The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside. The development would not meet any of the exceptions listed. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (as will be set out in detail later in this report), the loss of countryside alone is sufficient for a proposal to be contrary to DM15.
- 2.6 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy.
- 2.7 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for

determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

- 2.8 Having regard for the most recent Annual Monitoring Report 2018/9, the Council are currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test.
- 2.9 It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.10 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. 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.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date and should continue to attract significant weight.
- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development, as set out above. Whilst, again, there is some tension, it is not considered that this tension is sufficient to mean that the policy is out-of-date, albeit it is considered to attract only moderate weight for the purposes of assessing this application.
- 2.13 Whilst it is considered that policy DM11 and DM15 are not out-of-date (although they are in tension with the NPPF), it is concluded that given how critical Policy DM1 is for the determination of the principle of the development and having considered the development plan in the round, the 'tilted balance' is engaged. As such, the application should be assessed in the context of granting development 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; 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.

2.14 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.

Housing Mix

2.15 Policy CP4 of the Core Strategy requires housing applications for 10 or more dwellings to identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing (albeit, more recent evidence is now available, for which regard has been had).

Number of Bedrooms	Percentages Recommended
One	15%
Two	35%
Three	40%
Four	10%

2.16 The proposal would provide 28 dwellings; however, as this application is submitted in outline, with appearance, layout, landscaping and scale reserved, it cannot be concluded with any certainty what the mix of dwellings will be. It is noted that the application form suggested that the properties would be two-bedroom units and this is reflected in the indicative sizes of the dwellings. Whilst such provision would depart from the identified need, it is noted that the development of 12 dwellings directly to the south provided larger family dwellings. Any application for reserved matters will confirm what housing mix is to be provided and will need to justify the appropriateness of the mix proposed. Density will be discussed below.

Character and Appearance

2.17 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. The application has been supported by a Landscape and Visual Impact Assessment, which has been carried out in accordance with the standard methodology (GLIVA3).

2.18 Whilst the existing site is defined as countryside, it does not provide a significant contribution to the rural character of the area, having suburban housing to the south and west; a dwelling and outbuildings in substantial gardens to the east; and orchards, beyond which is a dwelling and agricultural buildings, to the north. The site is well screened from views by existing development, the topography of the area (including bunds) and vegetation. The site itself, whilst in a typically 'rural' use (equestrian), is well maintained and contains several buildings, a ménage and the typical paraphernalia associated with an equestrian use.

- 2.19 Public views of the site are limited. From the south, the dwellings would be situated beyond the development which was approved under application number DOV/16/00521. From Sandwich Road, to the east, the development would not be visible, being obscured by the intervening buildings, walls, and vegetation. From the north, glimpse views would be possible from Statenborough Lane. However, these views would be at a distance in excess of 100m, across land containing the house at Green Oak and its associated buildings, together with dense tree screening. For these reasons, it is considered that the development would have no significant impact on the character of the landscape or the wider character of the area. As such, the development would accord with Policy DM16 of the Core Strategy. I concur with the conclusion in the submitted LVIA that “the localised vegetation structure, topography and townscape setting reduces the intervisibility within this landscape setting and the proposals will not harm long distance views across this landscape”.
- 2.20 The development would be visible from the west, where public views would be gained through the access and in gaps in the boundary vegetation. In these views the development would be experienced in the context of the approved development to the south and the existing development to the western side of Woodnesborough Lane. The indicative layout suggests that buildings would be set back from Woodnesborough Lane to varying degrees. Unit 1, adjacent to the access, would be set back by approximately 4m; units 4 to 9 would be set back by between approximately 10m and 12m; and unit 10 would be set back by approximately 9m. Such distances would allow for the retention of the existing vegetation to the Woodnesborough Lane frontage, whilst the setbacks would respond to the indicative heights of building (with taller buildings set back further from the road). The exception to this would be unit 1, which would have the closest relationship to the road, at around 4m. It is considered that such a relationship is justified, as the existing dwelling to the south of the access, Honeydew Cottage, is set just a couple of metres back from the highway. Consequently, the indicative relationship of the development with Woodnesborough Lane would respond to the existing character of development along the lane to the south, whilst transitioning to a looser relationship to the north, to retain the more rural character of the lane.
- 2.21 The development would equate to around 26 dwellings per hectare (dph), although the density increases to around 36 dph if the area of open space is disregarded. This higher density is comparable to the density of development found to the west, on Orchard Road. Policy CP4 of the Core Strategy requires developments to achieve the highest density consistent with the design. Density should exceed 40 dph where possible and should seldom fall below 30dph. Likewise the NPPF seeks to make an effective use of land, whilst maintaining an area’s prevailing character. It is considered that the proposal strikes an appropriate balance between making an efficient use of land, whilst having regard for the character of the area and its location at the edge of the settlement, together with the need to respect the setting of the adjacent listed building and avoiding development in root protection zones.
- 2.22 Within the site, the indicative layout suggests a mixture of linear street fronting development and U-shaped buildings around small courtyards. Given the informal character of much of the development in the locality, and in particular the recently constructed development to the south, it is considered that the areas where a more regular layout is shown could prove to be unsuccessful if replicated at the reserved matters stage (once details of appearance, layout and scale are finalised). Whilst this may, therefore, require some refinement, it

is not considered that the indicative layout would require substantive changes to be acceptable and, on this basis, the indicative layout has demonstrated that the quantity of dwellings proposed could be accommodated on the site successfully. Equally, the indicative scale of the proposed buildings demonstrates that the dwellings proposed could be accommodated in a manner which responds to the more visually sensitive parts of the site. Again I concur with the conclusion of the submitted LVIA that, despite accepting that the development would result in a degree of change, “overall, it is considered that the proposals can be integrated within this context and will not significantly affect the localised or wider visual environment”.

- 2.23 The retention and enhancement of soft landscaping around the site will be an important contributor to the success of the scheme. The application has been supported by a Tree Survey and Report which confirms that the existing trees on and adjacent to the site, which are located along the eastern (Lombardy Poplar) and western (Beech) boundaries of the site are all Category B trees (moderate quality and value), although the trees to the western boundary are covered in ivy. The indicative plan would allow for these trees to be retained. It is considered that these trees should be protected during construction. Landscaping is reserved at this stage; however, the indicative plan confirms that the scheme would provide opportunities for meaningful landscaping around the site.
- 2.24 Whilst the appearance, landscaping, layout and scale of the development are reserved at this stage, it is apparent from the indicative details that the amount of development proposed could be accommodated on site without having a significant impact on the character and appearance of the area. Whilst glimpse views of the development would be possible, these would be limited and filtered by existing development and vegetation. Moreover, it is not considered that the existing site provides a valuable contribution to the character of the countryside. Whilst some impact is inevitable, it is not considered that the development would cause significant harm, subject to an appropriate reserved matters submission and conditions to control the quality of materials used in the development and landscaping.

Heritage

- 2.25 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Great Walton, which is Grade II Listed. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.26 Great Walton is a Grade II Listed Building. The listing relates to the house, which is described as being Late C17th, altered mid C18th and extended in 1896. The house is also connected to a coach house with billiard room above (dated 1896) and beyond a stable range and granary (C17th). These buildings form one side of a very pleasant walled garden to the north of these buildings. There is a gate within the western wall of the walled garden (between the granary and ancillary ‘stores’) which provides views out towards the

application site. The western boundary of Great Walton (its boundary with the application site) is around 15m away from the gate and around 13m away from the closest part of the listed building. The western boundary is planted with tall trees and hedges, including some evergreen species which have been planted recently.

- 2.27 Great Walton has a clearly defined setting, comprising formal gardens surrounded by a tall boundary wall, together with gardens beyond. The walled garden enclosure has existed since at least the 1890's. Whilst the development would not encroach into the curtilage, the development has the potential to impact upon the wider setting of the buildings and, in particular the wider gardens.
- 2.28 The application is submitted in outline with appearance, layout and scale reserved at this stage. However, indicative plans have been provided to show how the development could be accommodated on the site. This indicative plan demonstrates that the proposed amount of development could be provided in a manner which would allow the closest buildings to be set away from the common boundary with Great Walton. As indicatively shown, the closest building, which is shown to be one and a half storeys in height, would be set 45m away from the closest part of Great Walton. Within this 'buffer', it is proposed to retain and enhance landscaping, with the provision of additional trees. Whilst the proposed development would be visible from the principal residential areas of Great Walton (across the walled garden and through the gateway) and from the gardens around the listed building, it is considered that the indicative details have demonstrated that a reserved matters scheme could be advanced that would not harm the significance of the designated heritage asset. In particular, well designed buildings in approximately the locations shown, reducing in height towards the east of the site, retaining an adequate separation distance to the eastern boundary and delivering high quality landscaping, would likely be acceptable. As such, having regard for the requirements of the Act, it is not considered that the potential impact on Great Walton is a constraint to granting outline permission.
- 2.29 The application has been accompanied by a desk based archaeological assessment. The report concludes that there is a "medium to low potential for archaeological remains" and that the proposed development has the potential to have impacts on any archaeological deposits on the site. Whilst KCC Archaeology have not commented on the current application, they did comment on the application for the adjoining site. In doing so, they requested that a condition be attached to any grant of permission to require that a programme of archaeological works take place. Given the potential for archaeological remains in this location (most notably being adjacent to the route of a Roman Road), it is considered that such a condition should be attached to this application, should it be granted.

Impact on Residential Amenity

- 2.30 Whilst there are slight changes in levels around the site and its vicinity, it is not considered that these changes are significant when assessing the impacts on residential amenities.
- 2.31 To the west of the application site, across Woodnesborough Lane, there are several residential dwellings, namely Siri Nivasa and 57, 59 and 61 Orchard Road. The closest relationship would be between Siri Nivasa and the indicative location for unit 1, at around 19.5m. This separation distance is

sufficient to ensure that no significant loss of light or sense of enclosure would be caused, whilst, provided no windows are proposed within the elevation facing Siri Nivasa, no unacceptable overlooking would be caused. The distance between No.57 Orchard Road and the closest dwelling within the site would be 27.5m which is sufficient to ensure no unacceptable loss of amenity would be caused.

- 2.32 To the south of the application site is a recently constructed development of 12 dwellings. The indicative location of unit 27 would be around 21m away from 12 Shemara Court. Unit 27 is indicatively shown to be one and a half storeys in height. Again, it is considered that this separation distance would be sufficient to avoid an unacceptable loss of amenity to the occupiers of No.12.
- 2.33 It should be noted that the potential impacts on neighbours have been assessed on the basis of indicative details, whilst the detailed appearance layout and scale of the dwellings will be subject to a reserved matters application. However, it is considered that the current outline application has demonstrated that a development of 28 dwellings could be achieved on this site in a manner which would not cause unacceptable impacts on the residential amenities of neighbours.
- 2.34 The indicative details demonstrate that modestly sized dwellings could be provided in a manner which would allow a reasonable standard of accommodation to future occupiers and the provision of private or communal gardens.

Impact on the Local Highway Network

- 2.35 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Planning Balance' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles. Whilst the application is submitted in outline, access is not a reserved matter and must therefore be assessed in the determination of this application.
- 2.36 The proposal, for 28 dwellings, would utilise the same access point which has been provided to serve the recently constructed development to the south, comprising 12 dwellings. As such, the access would accommodate vehicle movements for 40 dwellings in total.
- 2.37 Trip rates have been based upon 28 un-restricted dwellings (i.e. there is no reduction on the basis of the 10 age-restricted dwellings). It is estimated that the development would generate 18 two-way movements to and from the site during the peak hour (the highways officer comments that this estimate is considered to be "very robust"). On average, this would mean one extra vehicle movement on Woodnesborough Lane every 3 minutes over the peak hour. Whilst this is not a significant number of movements along the road, the additional movements will increase the likelihood of two vehicles meeting at the narrow section of the lane. The applicant has acknowledged this and has proposed widening a 45m long stretch of Woodnesborough Lane to 4.8m, which would allow two vehicles to pass each other.
- 2.38 The development would utilise the existing access point to the Woodnesborough Lane, which currently serves the 12 dwellings to the south. The access would be marginally widened around its northern radius, and

would achieve a 4.8m width. From the junction, drivers would have clear visibility for 56m in either direction, in accordance with Manual for Streets (based on vehicle speeds of 36mph, albeit the road has a 30mph speed limit in this location). Tracking plans have been submitted which demonstrate that a large refuse vehicle (11.3m long) could access and navigate the site. Kent Fire and Rescue have raised no objections to the scheme.

- 2.39 Subject to the widening of the road, the visibility splays being secured, appropriate drainage of surface water to avoid discharge onto the highway and subject to an appropriate level of car and cycle parking being presented at the reserved matters stage, it is not considered that the development would cause any significant harm to the highway network.
- 2.40 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a 'suburban edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The housing mix cannot be considered to be finalised at this stage, as the scale and layout of the development are reserved. However, the applicant has suggested that the dwellings will each provide two bedrooms, which would create a requirement for 42 car parking spaces for occupants and around 5 or 6 spaces for visitors. The indicative plan shows 42 car parking spaces in total. Whilst the plan shows an under provision of 5 or 6 spaces (i.e. the visitor spaces), it is considered that this modest under provision could be accommodated at the reserved matters stage. Moreover, the NPPF requires that permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. It is not considered that the modest under provision of car parking spaces (42 against a likely need of 47 to 48) would result in unacceptable harm to highway safety or a severe impact on the road network.
- 2.41 It is acknowledged that Woodnesborough Lane is of limited width (notwithstanding the increased width proposed for a 45m section of the road through this application), whilst the development is of a significant scale. Accordingly, the construction phase could impact upon the local highway network. In order to mitigate this, it is recommended that, should permission be granted, a condition should be attached to require the submission and approval of a construction management plan. This would need to include vehicle routing to and from the site; parking and turning areas for construction and delivery vehicles; details for the timing of deliveries; measures to avoid dirt being deposited on the highway; and details of temporary traffic management.
- 2.42 KCC Highways have requested that provision be made for electric charging points for vehicles, albeit they have not specifically requested that any conditions or informatives be attached. There are no policies within the development plan which require the provision of charging points for electric vehicles. For determining applications, the NPPF requires that, in the context of only refusing application where the residual cumulative impact on the road network would be severe, developments should be designed to enable charging of plug-in and other ultra-low emission vehicles. The applicant has offered to provide 35% of spaces with suitable facilities to enable charging of

electric vehicles. Given the lack of a specific development plan policy, but having regard for the particular characteristics of this site in terms of its location, the nature of the development proposed and access to facilities and services, it is considered that this offer accords with the objective of the NPPF and is therefore acceptable.

Ecology

- 2.43 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements. In assessing this, regard has been had for Natural England's Standing Advice.
- 2.44 The submitted report advises that: the site contains no rare, protected or invasive botanical species; the site does not provide suitable habitat for amphibians, reptiles or dormice; there is no evidence of badger; the site does not provide suitable habitat for birds, albeit trees to the site boundaries provide limited habitat; and the buildings and trees within the site provide negligible potential for bats. The report advises that any tree and scrub removal should take place outside of the core bird breeding season and a sensitive lighting strategy should be provided. A series of potential enhancements are also recommended. The methodology and findings of the ecological report are accepted and, subject to mitigation and enhancements being secured by conditions, the development would protect and enhance biodiversity.

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

- 2.45 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.46 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.47 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.48 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.49 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the

monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.

- 2.50 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Drainage and Utilities

- 2.51 The site lies outside of any ground water protection zone. The site is also located in Flood Risk Zone 1, which has the lowest risk of flooding from the sea or rivers. However, it is necessary to consider whether the development would provide adequate foul and surface water drainage, so that the risk of localised flooding is not increased.
- 2.52 The application has been supported by a Flood Risk Report, which assesses the opportunities for surface water disposal within the context of that the EA's surface water maps show that the development could be at risk of flooding from surface water. Rainfall modelling has been undertaken to demonstrate that the risk of surface water flooding the development is extremely low. The report also assesses the impact on the surrounding area as a result of increased surface water run-off (due to the increase of impermeable surfaces such as roofs). The report advises that the most viable solution in this location is surface water infiltration, by way of an infiltration basin and permeable surfaces, which can store and release water in a manner which mimics the 'pre-development' flows. Following the submission of further evidence, the Lead Local Flood Authority have accepted the proposed strategy for draining the site, subject to an appropriate detailed design being demonstrated at the reserved matters stage and subject to a condition. Subject to such safeguards, it is not considered that the development would increase the risk of localised flooding from surface water run-off.
- 2.53 Southern Water have advised that they are able to provide foul sewerage disposal to serve the proposed development, but have requested that a condition be attached to any grant of permission requiring that details of the necessary infrastructure be provided. Notwithstanding the confirmation that foul sewerage can be provided, it is imperative that the condition also controls the timing for the provision of the necessary infrastructure (i.e. ensure that it is in place before first occupation of the development), so that there is no increased risk of localised flooding. Subject to such a condition, the foul sewerage provision for the development would be acceptable. Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

Contributions

- 2.54 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered

from any scheme will be determined by economic viability, having regard to individual site and market conditions.

- 2.55 The applicant has confirmed that policy compliant affordable housing provision, 30% which equates to 8 units, will be provided on site. The provision of affordable housing will be secured through a legal agreement.
- 2.56 Policy DM27 of the Land Allocations Local Plan requires that development provides open space to meet the needs generated by the development. No requests have been received for off-site provision from the Principal Infrastructure and Delivery Officer; however it is intended to provide a wide swathe of open space to the eastern part of the site. This is partially required to provide separation to the listed building beyond the eastern boundary, but would also provide a significant area (in excess of 0.3ha) of open space. As such, it is not considered that a contribution towards off-site open space provision could be supported in this instance.
- 2.57 KCC had originally advised that the only contribution required would be for library book stock (£1344.44 or £48.02 per dwelling). This was on the basis that the development would be restricted to over 55's and, as such, would place no additional pressure on school infrastructure. However, subsequently, the scheme has been amended to provide 10 over 55's dwellings and 18 non-restricted dwellings. The 18 non-age restricted dwellings would place additional pressure on school infrastructure. KCC have identified an infrastructure project which the development could contribute towards and have accordingly requested £74,070 (£4115 per applicable house) towards the Phase 2 expansion of Dover Grammar School for Girls. It is noted that this school is located some distance from the application site (around 8 miles) and is selective. In order for a contribution to be sought, the requested contribution must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

It is important that contributions are directed towards projects which have a prospect of being carried out and, as such, requests are made for programmed and achievable projects. Whilst some distance from the application site, Dover Grammar School for Girls is the most accessible grammar school to the application site and it is therefore reasonably likely that some children from the development would attend the school. It is noted that the school is selective and therefore would not be an option for all children from the development. However, planning guidance acknowledges that schools who cater to restricted groups (for example schools for pupils with special educational needs) can receive funding. As such, it meets the tests for securing contributions.

- 2.58 The applicant has agreed to fund both the library contribution and the school contribution.
- 2.59 The NHS CCG have submitted a request for contributions from the development, who have advised that the development will increase the demand for primary healthcare provision within the locality and, due to capacity issues, there will be a need to invest in local services. In this instance the CCG have advised that this investment would take place at the Sandwich Medical Practice, which is closely related to the development. It is also

important to acknowledge that the doctor's surgery in Eastry has recently closed, with many residents now having to travel into Sandwich to see a GP. Given the scale of the development, the CCG have advised that a proportionate contribution would be £18,720. The applicant has advised that they would be happy to meet this request and, should permission be granted, it is considered that this contribution could be secured by legal agreement.

2.60 It is considered that the above contributions are compliant with the CIL Regulations. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, the contributions which will be sought will be:

- 30% affordable housing to be provided on-site (unit size, tenure and location to be confirmed at the reserved matters stage)
- Library contribution of £48.02 per dwelling
- Secondary Education contribution of £4115 per applicable home (excluding 1 bed units less than 56sqm and excluding all age restricted units)
- Healthcare contribution of £18,720

Other Material Considerations

2.61 The application site is considered to constitute previously developed land as it is in equestrian use (i.e. not agricultural or forestry uses) and contains stables and a ménage. It should be noted that the NPPF definition of previously developed land notes that "it should not be assumed that the whole of the curtilage should be developed".

2.62 In the absence of evidence to the contrary, the site is also considered to be Best and Most Versatile (BMV) agricultural land, albeit the land is not currently in agricultural use. The NPPF requires that the economic and other benefits of BMV land are recognised in the determination of planning applications. Whilst this is a material consideration, given the size of the site, its connection to the wider network of agricultural land and the existing use of the site, it is not considered that the development on BMV land carries significant weight in this instance.

2.63 Concern has been raised by third parties regarding the impacts on and impacts from the neighbouring apple orchards, in terms of loss of light and chemical spraying respectively. In terms of loss of light, it is noted that the indicative layout would cite one and a half storey buildings between 7m and 8.5m away from the boundary of the orchard, with the closest two storey building cited around 15m away. The buildings would be to the south of the orchard. There is already some vegetation on the boundary of the orchard. Given the separation distance and existing vegetation, it is not considered that a material impact would be caused to the orchard. In terms of the potential impacts from crop spraying on future occupiers, it is considered that the dwellings would be appropriately separated from the boundary with the orchard and would be provided with boundary treatments (fences, hedges etc.) which would reduce impacts, whilst the Health and Safety Executive provides advice on the safe use of pesticides, including the reasonable precautions which should be taken to prevent spray drift. Therefore, it is not considered that any significant weight should be attached to the potential for 'spray drift'. Concern has also been raised regarding increased noise and

pollution. Given the scale of the development, it is not considered that the development would produce significant levels of noise and disturbance.

Planning Balance

- 2.64 The principle of the development is considered to be contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, it is concluded that Policy DM1 is out-of-date, whilst other policies which are “most important for determining the application” are in tension with the NPPF. As set out earlier in this report, permission should therefore be granted unless the harm caused by the development would significantly and demonstrably outweigh the benefits.
- 2.65 The NPPF seeks to protect the intrinsic character of the countryside. The NPPF also promotes rural housing being focused towards locations where it will enhance or maintain the vitality of rural communities, especially where it will support local services. Finally, the NPPF supports development being located where it is accessible by a range of modes of transport and not solely by private car.
- 2.66 As has been set out earlier in this report, it has been concluded that the development would not significantly harm the character or appearance of the area, which provides a limited contribution to the rural character beyond Eastry.
- 2.67 The site is adjacent to the settlement confines of Eastry. The nearest bus stops to the site are around 250m away on Gore Lane, whilst other services are also available within Eastry, providing access to Dover, Sandwich, Deal and Canterbury. The nearest train station, which can be reached by bus, provides mainline and High Speed services. Eastry itself provides a range of services commensurate with its status as a ‘Local Centre’, including a primary school, village hall, a Church, a pub, a pharmacy and a range of shops and takeaways (although it is noted that the doctors surgery in Eastry has recently closed).
- 2.68 As set out in third party representations, Woodnesborough Lane is not well suited to walking, having no footpaths for the vast majority of its length and limited refuges given the walls and banks abutting the highway, albeit it has been observed that the route is fairly well used by pedestrians. However, less direct routes on footpaths and public rights of way are available and provide access to the aforementioned facilities and services. It is noted that the built out development to the south of the application site (DOV/16/00521) has provided a short stretch of footpath and dropped kerbs to access the footpaths to the west of Woodnesborough Lane.
- 2.69 It is considered that, having regard for the facilities and services which are available, the distances to these facilities and services in settlements and public transport links (including those to neighbouring settlements), occupants of the dwellings would be able to walk or cycle to facilities and services and utilise public transport. Consequently, the development would not be solely reliant on private modes of transport, providing a choice of means of transport, including more sustainable forms. The development will also encourage the use of electric vehicles. Moreover, it would provide some additional support to the existing facilities and services within Eastry.

- 2.70 The NPPF, at paragraph 8, separates 'sustainable development' into three objectives: an economic objective; a social objective; and an environmental objective.
- 2.71 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.72 In terms of the social role, whilst the council can demonstrate a five year housing land supply, the proposal would provide a contribution towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. 30% of the total number of dwellings would be affordable dwellings (as defined by the NPPF), a benefit which is given significant weight. The development would, to a degree, impact upon the character and appearance of the area, albeit this would be limited, given the visual containment of the site, and could be mitigated by good design at the reserved matters stage. The development would be in a reasonably accessible location, close to local facilities and services, reflecting the need to support health, and social and cultural well-being.
- 2.73 In terms of the environmental role, the proposal would result in the loss of countryside, albeit the site is visually contained and is not considered to display the 'intrinsic character and beauty' of many other countryside locations. It has been established that the site does not provide habitat for protected species and could provide opportunities for biodiversity enhancement. Occupants of the development would have access to sustainable forms of transport.
- 2.74 Overall, it is considered that there are a number of significant benefits, whilst there are no significant disbenefits. Overall, weighing up the various dimensions of sustainable development, it is concluded that the development is 'sustainable'; that the benefits outweigh the disbenefits; and that these conclusions indicate that the material considerations warrant setting aside the conflict with the development plan.

Overall Conclusions

- 2.75 The principle of the development, being located outside of the settlement confines of Eastry, is contrary to the development plan. However, the development would provide several substantive benefits which indicate that the development plan should be set aside in this instance. It is therefore recommended that this application be granted planning permission.

g)

Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, provision of affordable housing, contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the restriction of 10 dwellings to occupation by people aged 55 years and over, and subject to conditions to include:

(1) standard outline conditions; (2) provision of off-site highway works; (3) construction management plan; (4) provision of measures to prevent the

discharge of water onto the highway; (5) reserved matters to demonstrate provision of vehicle parking and turning areas; (6) reserved matters to demonstrate provision of cycle parking; (7) provision of visibility splays; (8) scheme for the provision of foul drainage, including an implementation timetable and verification report; (9) reserved matters to demonstrate a scheme for the provision of surface water drainage, and securing an implementation timetable and verification report; (10) reserved matters to identify the exact position of the water main and provide details for its protection; (11) archaeology; (12) ecological mitigation and enhancements; (13) details of external lighting; (14) protection of existing trees to be retained; (15) detailed landscaping scheme; (16) details of boundary treatments; (17) samples of materials; (18) provision of refuse and recycling facilities; (19) scheme for the provision of charging points for electric vehicles.

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

Case Officer

Luke Blaskett