

a) **DOV/20/00368 – Creation of a new gated vehicular access - Sutton Vale Caravan Park and Country Club, Vale Road, Sutton, Dover**

Reason for report – Number of contrary views (5 + Sutton Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

- CP1 – Establishes the Settlement Hierarchy and the level of development which is appropriate for each settlement.
- 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.
- DM15 – Development which would result in the loss of countryside, or would adversely affect the character and appearance of the countryside will not be permitted unless exceptions are met.
- 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.

National Planning Policy Framework (NPPF) (2019)

- Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets

of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

- Paragraph 109 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 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- Paragraph 170 sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- Chapter 16 (Paragraphs 189-202) seek to conserve and enhance the historic environment.

National Planning Practice Guidance

National Design Guide (2019)

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

SPG4 Kent Vehicle Parking Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66(1) and 72(1)

d) **Relevant Planning History**

There have been a number of previous applications at the site including:

DOV/87/00645/ Proposed 16 chalets and conversion of existing chalet - Granted
DOV/01/00511 – Proposed workshop and storage for maintenance equipment plant and tools – Granted

DOV/08/00289 – Retrospective application for extension to kitchen, erection of roof and formation of seating area – Granted

DOV/09/00387 – Construction of car park together with the formation of a vehicular access – Granted

DOV/14/00544 - Removal of Condition 1 of planning permission CH/7/51/43 to allow holiday park to open all year round (application under Section 73) – Granted

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

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

Sutton Parish Council – object. Sutton Vale caravan Park already has a substantial entrance. The proposed entrance appears to support access for static caravans to the camping field. So far there is no permission for caravans or static caravans on this site so consequently the access is currently not needed. Sutton Vale Caravan Park appear to be trying to force the issue of caravans in the camping field by coming at the issue of access which could strengthen their claim for more caravans and static caravans in the camping field. The proposed new entrance will cut through the Sutton conservation area. The proposed access road will take up a large proportion of the available space for tents etc. The outline plan submitted is not accurate and overstates the amount of land available for tents and caravans. On receipt of additional information, the Parish Council had nothing to add to their previous response.

Principal Heritage Officer – A small section of the proposed new entrance off Vale Road is within the Sutton Conservation Area. Vale Road displays a rural character, being a narrow tree-lined lane. The proposed 5 bar gate and post and rail fencing is what would be expected in this location, and there is consequently no harm to the character or appearance of the conservation area.

Tree Officer – Initially objected to the proposals on the grounds that trees protected by TPO 1983, 3 are shown to be removed and no tree survey or arboricultural impact assessment had been provided and the full implications of the scheme could not be assessed. On receipt of an Arboricultural Report, commented that; “Having looked at the tree survey submitted, the overriding concern is the potential impacts on trees T1-T5 and T12 which are protected under TPO 1983, 3. The suggested removal of trees as shown on the Tree Protection Plan does not conflict with the TPO and are all identified as being Category C i.e. trees of low quality. The report suggests that the loss of these trees can be mitigated by the planting of heavy standard, native replacement trees which seems a reasonable assumption. As such, the submission of a Landscaping plan showing the location of these replacements alongside species and size should be conditioned to ensure no loss of amenity. The replacements should accord with the recommendations made within the tree report. The report identifies that an incursion into the RPA of trees T1-T5 and T12 (five beech and one ash respectively) is necessary in order to implement the access road as proposed. However, the extent of the loss of rooting area is not deemed to be sufficient to result in any significant root damage provided that mitigation measures are adhered to. On this basis, the submission of an Arboricultural Method Statement is recommended which should again be conditioned if consent is granted”.

Public Rights of Way and Access Service – The application is unlikely to have any impact on the public right of way. I have no comments to make.

KCC Archaeology – In this instance, suggest no archaeological measures are required.

KCC Highways and Transportation – Have no objections in respect of highway matters. The proposed access provides suitable visibility and manoeuvring room, and the gates are set back a sufficient distance to ensure there is no obstruction of the highway by a waiting vehicle. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion of the necessary vehicle crossing in the highway prior to the use of the access commencing.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

Informatives are also suggested and included in the recommendations of this report.

Public Representations:

5 members of the public have objected to the proposals (as of 15th October 2020) and the material considerations are summarised below.

- Site has increased over the years from 10 month per annum holiday home area to 12 month per annum permanent residence for in excess of 80 units
- Impact on Sutton Conservation Area – would neither preserve nor enhance the area
- Impact on Listed Building – site is adjacent to listed building Parsonage Farm
- Crosses a public right of way
- Loss of trees & hedges – access will cut through 25 metres of an established tree lined bank. Hedges provide cover for bird life. Will cause loss of valuable wildlife habitat.
- Visual impact – access road runs the width of the field, will be an eyesore from the camp site. Conspicuously urban appearance (in its width, tarmac'd surface and the required height and structure of its ramp).
- Impact on special landscape area
- Concerns there could be an underground septic tank immediately underneath the proposed access road
- Site already has a substantial vehicular access from Vale Road. Entrance has provision for managing the arrival and exit of customers and residents and leads directly to site security, holding area for arrivals, visitor car park, reception office and site facilities.
- Concerns regarding scale of the development – 6 metre wide entrance gate is very excessive for access to a towed caravan and camping area (a grassed field) and suggests plans to allow space for additional static caravans which is against current permissions for the site. When access reaches Vale Road and includes the turning area, the tarmac reaches a width of around 20 metres. Size of entrance and access road appears disproportionate to the grass field currently in use and will significantly reduce the space available for tents and caravans – will increase the concentration of tents and caravans. No public amenities in Sutton
- Traffic/safety concerns – Vale Road is a busy 'rat run' and can be both fast and fairly narrow. It is a national speed limit road (60mph). The narrow lanes leading to Vale Road are not suitable to attract additional wide traffic to this site. New entrance increases risk of accidents with vehicles and pedestrians. Applicant's traffic survey suggests average speed of vehicles along Vale Road to be 40mph, however measurement taken outside of the holiday season and does not reflect

the impact on non-local traffic on typical speeds. Road is being utilised beyond its capacity by drivers cutting through between Whitfield and Deal with resulting pollution, noise and danger for residents.

- Static caravans parked in the camping field (subject of an enforcement investigation – subsequently removed from the field).
- Development (resulting in loss of trees, large entrance off the highway and further commercialising this Conservation Area) is not justified by relatively few cars and caravans seasonal use of this field
- Site location plan does not show the actual boundary line of the camping field, nor does it show the public footpath bordering the camping field to Vale Road. If these were detailed, it would show the proposed development is excessive for the current camping field. Land under applicants' control does not reflect the current area used as the campsite and suggests the overall area to be somewhat larger. Public footpath is omitted – requests clarification of the actual area under consideration and the reason for omitting the public footpath.
- Noise – concerns regarding amplified noise from the campsite. Increasing traffic and expanding the site will lead to further unacceptable nuisance to local residents.
- Concerns development would set a precedent for other campsites.

1. The Site and the Proposal

- 1.1 The application site relates to a plot of land on the northwest side of Vale Road. The site is located outside of the settlement confines identified in Policy DM1 and is therefore considered to be within the countryside (subject to Policy DM15). Part of the site is also within the Sutton Conservation Area and approximately 170m to the southwest of the site (measured from the closest part of the site within the red line site boundary) is the Grade II Listed Building Parsonage Farmhouse. Furthermore, to the southwest of the site is Public Footpath EE425. The site is within a grassed field which is used for camping and caravanning in association with the Sutton Vale Country Park. To the northeast of the site, the park contains approximately 84 static caravans, with associated facilities including a swimming pool, reception office etc. To the northwest and southwest of the site are fields, and Vale Road runs adjacent to the southeast site boundary. A tree lined bank forms the east site boundary and the highway is set at a higher ground level than the site. There is a vehicular access between the site (in the northern corner of the field) and the adjacent caravan site, and a row of trees, the subject of Tree Preservation Order 1983, 3, as well as a 2m high close boarded fence, form the northeast site boundary separating the field from the caravan park.
- 1.2 This application seeks permission for the creation of a new gated vehicular access. The access would run from Vale Road and would connect to the existing access in the northern corner of the site, which leads into the caravan park. It would measure approximately 82.3m in length from the highway to the connection with the existing access and would be at a 1:12 fall away from the road, which is at a higher ground level than the site. Trees and planting within the visibility splay would be removed in order to create the new access, which would have 2.4m x 114m (northeast) x 118m (southwest) site lines.
- 1.3 Set approximately 23.4m from the edge of the highway would be an access gate and on either side of the access would be a 1.2m post and rail fence. The access road would measure 6m in width and would widen to 10m in depth approximately 46.3m from the highway. This would provide a 4m wide parking area for caravans

on the northeast side of the access road, prior to leaving the site. There would be grassed banks on either side of the access road at a 1:3 gradient, in part measuring 8m in width (on both sides).

- 1.4 In order to provide the required visibility splays, 8 trees along the south eastern boundary would be removed. An arboricultural report has been submitted accordingly and finds that none of the TPO trees would be unduly affected, as shown on amended plans, subject to root protection measures which have been suggested by condition and is discussed further at paragraphs 2.13-2.15 of this report.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - The impact on heritage assets
 - The impact on the countryside and landscape area
 - The impact on residential amenity

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The application site is located outside of the settlement confines and Policy DM1 sets out that "Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses". The proposed access would be ancillary to the existing development and use of the site for camping and caravanning associated with Sutton Vale Caravan Park and Country Club and is therefore considered to be acceptable in principle, subject to other material considerations discussed further below.

Impact on Heritage Assets

- 2.4 The application site lies partly within the Sutton Conservation Area and is to the northeast of the Grade II Listed Building, Parsonage Farmhouse. A heritage statement has been submitted assessing the impact on these heritage assets in accordance with paragraph 189 of the NPPF. The Principal Heritage Officer has also been consulted on the application, and states that "A small section of the proposed new entrance off Vale Road is within the Sutton Conservation Area. Vale Road displays a rural character, being a narrow tree-lined lane. The proposed 5 bar gate and post and rail fencing is what would be expected in this location, and there is consequently no harm to the character or appearance of the conservation area".
- 2.5 In respect of the impact of the proposals on the significance of the setting of the Grade II Listed Building to the southwest, there would be a separation distance

of approximately 226m between the closest part of the access (where it joins the existing access) and the Listed Building. Due to this distance, as well as the design of the proposal, which would not be seen in the context of the Listed Building due to the separation, positioning of other buildings and the single car width Vale Road, the proposed development is considered to preserve the setting of the listed building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, the development is not considered to result in harm (either substantial or less than substantial) to the significance of this heritage asset, in accordance with the NPPF.

- 2.6 In respect of the impact on Sutton Conservation Area, whilst the proposals would result in the loss of several trees and hedgerow along the south eastern boundary of the site, hedgerow would be re-planted to the southwest of the access (set further back from the highway). As identified above at paragraph 2.4, the Heritage Officer has confirmed that the design of the proposed five bar gate and post and rail fencing is as would be expected in this rural location and is not considered to result in harm to the character or appearance of the Conservation Area. Subject to the suggested conditions requiring details of landscaping and schedules of planting, the development is considered to preserve the character and appearance of the Conservation Area in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the Countryside and Landscape Area

- 2.7 The site is outside of the defined settlement confines set out in Policy DM1 and for planning purposes, is therefore considered to be within the countryside and subject to Policies DM15 and DM16. DM15 seeks to avoid development which will harm the character or appearance of the countryside and DM16 seeks to avoid development which would harm the character of the landscape area. Furthermore, Paragraph 170 of the NPPF states that 'decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'. Paragraph 127 states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place'.
- 2.8 The proposed access would be directly visible from the public highway and in views from the public footpath EE425 which runs to the southwest of the site. Whilst the Macadam access road would be raised, the grassed land on either side would be banked and a simple post and rail fence would be installed along either side of the access road. As such, given the context of the adjacent static caravan park, and being similar in appearance to other accesses in the vicinity, such as the access to the Listed Building and associated buildings to the south of the site, the development is considered unlikely to result in the loss of, or to adversely affect the character or appearance of the countryside, in accordance with Policy DM15. For the same reasons, and subject to details of planting and landscaping being submitted by condition as suggested, the development is not considered to harm the character of the wider landscape area in accordance with Policy DM16. Consequently, the development is considered to accord with the objectives of the NPPF.

Impact on Residential Amenity

- 2.9 Due to the siting, design and nature of the proposal, the access road would not harm the residential amenities of nearby residents in respect of overbearing, overshadowing or harm to privacy and would accord with the amenity objectives of Paragraph 127 of the NPPF.
- 2.10 Whilst concerns have been raised in public representations regarding noise and disturbance from the use of the field for camping and caravans, as well as noise from vehicles using Vale Road, the proposed vehicular access, which is required to serve touring caravans pitches in order to reduce the conflict between tourers and residents/guests of the statics and Country Club, is considered unlikely to result in unacceptable noise or disturbance in itself to nearby residents.

Other Material Considerations

Impact on Parking/Highways

- 2.11 Concerns regarding vehicle and pedestrian safety have been raised by members of the public. A Highway Statement, including vehicle tracking plans and results of a traffic survey based on a 7 day ATC (Automatic Traffic Count) survey has been submitted in support of the application.
- 2.12 The proposed access has been subject to consultation with KCC Highways and Transportation who have no objections in respect of highway matters and consider that the access provides suitable visibility and manoeuvring room. Furthermore, the proposed gates are set back at a sufficient distance to ensure there is no obstruction of the highway by a waiting vehicle. Subject to conditions for measures to prevent the discharge of surface water onto the highway, use of a bound surface for the first 5 metres of the access from the edge of the highway, completion of the necessary vehicle crossing in the highway prior to the use of the access commencing, and provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays prior to the use of the site commencing, the development is considered to be acceptable in respect of highways safety.
- 2.13 Third parties have raised a concern that the provision of the access may be an attempt to improve the prospects of future development of the site. The applicant has presented the application on the basis of a need for improved access to the existing site. Notwithstanding this, any application must be assessed on its own merits. In this instance, the proposed new access is considered to be acceptable in all material respects (as set out in this report).

Trees

- 2.14 A number of trees within the site are subject to a Tree Preservation Order (TPO 1983, 3). An arboricultural report has been submitted as part of the application and identifies that 15 trees are in the vicinity of the proposed access. Of these, six are protected by the TPO; T1-T5 (Beech trees) and T-12 (Ash). Eight trees would be removed, however the five TPO trees would be retained.
- 2.15 The Tree Officer has been consulted on the application and considers that the suggested removal of trees shown on the Tree Protection Plan does not conflict with the TPO as all are identified as being category C (low quality). The report suggests the loss of these trees can be mitigated by the planting of heavy

standard, native replacement trees, and a condition for details of landscaping including a schedule of planting showing the location, species and size of new trees and planting in accordance with the recommendations of the report, has been suggested.

- 2.16 The Tree Officer comments that “The report identifies that an incursion into the RPA of trees T1-T5 and T12 (five beech and one ash respectively) is necessary in order to implement the access road as proposed. However, the extent of the loss of rooting area is not deemed to be sufficient to result in any significant root damage provided that mitigation measures are adhered to. On this basis, the submission of an Arboricultural Method Statement is recommended which should again be conditioned if consent is granted”. Accordingly, a condition has been suggested.

3. Conclusion

- 3.1 The application site is located outside of the settlement confines, however the proposed vehicular access is considered to be ancillary to existing development and uses and as such, is acceptable in principle. The site is located within the Sutton Conservation Area and to the northeast of the Grade II Listed Building Parsonage Farmhouse. However, the design of the proposed access, post and rail fencing and gate is considered to be in keeping with the rural character of the area and is considered to preserve the character and appearance of the Conservation Area and would not result in harm (either substantial or less than substantial) to the significance of the Listed Building, thus preserving its setting. Furthermore, for the reasons outlined in this report, the development is considered acceptable in respect of impact on the countryside and landscape area, residential amenity and highways safety. Subject to the conditions suggested below, it is considered that the proposed development would accord with the aims and objectives of the National Planning Policy Framework.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions:

(i) Standard time condition, (ii) list of approved plans (iii) details of soft and hard landscaping and schedule of planting showing location, species and size of new trees and planting in accordance with the recommendations of the arboricultural report (iv) submission of an arboricultural method statement (v) development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting (vi) provision of measures to prevent the discharge of surface water onto the highway (vii) use of a bound surface for the first 5 metres of the access from the edge of the highway (viii) completion of the necessary vehicle crossing in the highway prior to the use of the access commencing (ix) provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

- II Powers to be delegated to the Head of Planning, Regeneration 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
Rachel Morgan