

- a) **DOV/20/00541 – Erection of four detached dwellings, car ports, new vehicular access and associated parking – Land on the west side of Station Road, St Margaret’s-at-Cliffe**

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

b) **Summary of Recommendation**

Planning Permission be Refused.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

• Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- 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.
- 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 the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Protection of the countryside, development which would result in the loss of, adversely affect the character or appearance of the countryside, will only be permitted subject to certain criteria.
- DM16 – Landscape character, development that would harm the character of the landscape, as identified through the process of landscape character assessment, subject to certain criteria.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below;

- Chapter 2 of the NPPF seeks to achieve sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development can be broken

down into three overarching and interdependent objectives: an economic objective; a social objective; and an environmental objective.

- Decision should apply a presumption in favour of sustainable development. This means that: development proposals which 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:
 - 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.
 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Chapter 4 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Chapter 5 sets out 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of the groups with specific housing requirements are addressed and that land with permission is developed without necessary delay.
- Chapter 9 sets out amongst other things 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that;
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure use are identified and pursued;
 - e) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - f) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Chapter twelve 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. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Chapter 15 sets out amongst other things that planning policies and decisions should contribute to and enhance the natural and local environment by; recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

Kent Downs AONB Management Plan

The Kent Design Guide (KDG)

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

National Design Guide

National guidance aimed at creating high quality buildings and places.

d) Relevant Planning History

None relevant.

e) Consultee and Third-Party Responses

St Margaret's Parish Council

Original scheme – Objection

Strongly object - as per DDC assessment of site. The site is unsuitable, unacceptable impact on the AONB, high landscape sensitivity, unacceptable heritage impact in relation to views of the Grade I listed church of St Margaret's of Antioch - constrained access. Properties are of poor design, overbearing and incongruous in a rural setting - Kent Downs AONB response is pertinent. There are also severe issues re access and the site is outside the village confines.

Revised scheme comments

Unsuitable site - unacceptable impact on the AONB - high landscape sensitivity - unacceptable heritage impact in relation to views of the Grade I listed church of St Margaret's of Antioch - constrained access. The properties are of poor design, overbearing and incongruous in a rural setting. Kent Downs AONB comments are pertinent. Serious highway issues re access exist, site is outside village confines.

DDC Waste Services

All individual properties will have a launch pack consisting of 180 litre refuse bin, 240litre recycling bin for tins, glass & plastics, 55litre black box for paper/card recycling, 23litre outside food caddy & 7litre kitchen caddy.

Dover District Council Principal Heritage Officer

The proposed development sits within the setting of the grade I listed St Margaret of Antioch Church. Views of the church are afforded from some distance along particular roads and footpaths. The site location is clearly visible to the opposite side of the road due to current use as farmland.

This site was assessed as part of a larger area under the HELAA and found to be harmful to the setting of the grade I listed church, however the current proposal is for a discrete area, and the proposed development is for a small number of units.

The proposed development would impact to a very minor degree on the setting of the church, to the extent that the roof forms and chimneys are likely to be visible above the proposed green boundary. I would recommend removing permitted development rights to manage alterations to the roof forms (dormers for example) to limit the potential for such intrusions.

Historic England

On the basis of the information available to date, HE did not wish to offer any comments and suggest that the views of the councils specialist conservation and archaeological advisers are sought, as relevant.

Kent County Council Archaeology

The application site lies in an area of archaeological potential relating to past archaeological discoveries and identified sites in an around the village of St Margaret's-at-Cliffe. To the south of the site in question, near Townsend Farm, is a known Anglo-Saxon cemetery, itself probably focussed on an early Prehistoric barrow. To the north-east of the site extensive archaeological remains are known as crop-marks visible on aerial and satellite photographs. These crop-marks include numerous ting-ditches, that almost certainly represent the remains of further barrows, a type of funerary monument of likely Late Neolithic or Early Bronze Age date. Other crop-marks include various trackways and enclosures that probably relate to later Prehistoric or Romano-British occupation or agricultural activity. Chance finds from the area include a silver Iron Age coin.

It is possible that the proposed development might impact remains of archaeological interest.

I therefore recommend that provision be made in any forthcoming planning consent for the site's archaeological evaluation and any subsequent safeguarding or investigation measures that might be necessary. The following planning condition covers what would be required:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of: archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

KCC Highways and Transportation

I refer to the additional plan and safety audit reports submitted for the above on 14 December and confirm the proposals are now acceptable.

The trip generation from four dwellings is unlikely to have severe impact on the highway network. Acceptable visibility is available at the proposed site access and sufficient parking and turning facilities are available within the site. The proposals include a new footway between the site and the existing footway network on the southeast side of the Dover Road junction, providing a connection for pedestrians to/from the bus stops, services and amenities in the village.

I therefore now have no objection to the proposals in respect of highway matters, subject to the following being secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking/turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Access arrangements
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and turning areas shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on drawing number T2020-014-02 prior to the use of the site commencing.

- Completion of the footway link shown on drawing number T2020-014-02 or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on drawing number T2020-104-01 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on drawing number T2020-104-02 with no obstructions over 0.6 metres above footway level within the splays, prior to the use of the site commencing.

Kent Downs AONB Unit

Original Comments:

The site lies within the Kent Downs AONB. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the AONB and the way that this purpose is represented in local and national policy. Paragraph 172 of the NPPF confirms that AONBs have the highest status of landscape protection, equivalent to that of National Parks, and that great weight should be given to conserving and enhancing their landscape and scenic beauty. Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must “formulate the policies for the management of the AONB and for carrying out their functions in relation to it”. The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs, including Dover District Council. The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions and this view is confirmed in previous appeal decisions, including APP/H2265/W/19/323500, Site of the former Upper Bell Inn Public House, 1 Chatham Road, Blue Bell Hill, Aylesford, ME5 9QY, where at paragraph 33 of the Inspector’s decision letter it is confirmed that policies of the Kent Downs are afforded significant weight in determining the appeal, although the weight attached to them is less than that of the Development Plan policies. Enhancing landscapes and life in the Kent Downs

The following policies from the Management Plan are considered to be of particular relevance to the current application:

SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.

SD2 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB Management Plan.

SD3 New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

SD9 The particular historic and locally distinctive character of rural settlement and buildings of the Kent Downs AONB will be maintained and strengthened. The use of locally derived materials for restoration and conservation work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, setting, scale, contribution to settlement pattern

and choice of materials. This will apply to all development, including road design (pursued through the adoption and implementation of the AONB Rural Streets and Lanes Design handbook), affordable housing, development on farm holdings (pursued through the farmstead design guidance), and rights of way signage.

The proposal is justified in part on the basis of it not being very visible in the wider landscape. This fails to acknowledge the impact to landscape features to the AONB, regardless of whether they or the development can be seen from public viewpoints. The Courts have held that the fact a development is not viewable by the general public does not mean that there is no harm to the intrinsic character of the AONB. (*Great Trippetts Estate Ltd v Secretary of State for Communities & local Government* [2011] EWCA Civ 203 26 Jan 2011). Furthermore, the site is visible from several viewpoints. The site is strongly rural in character rather than semi-rural or settlement edge. At present, its characteristics make a positive contribution to the landscape character of the area. The undeveloped nature of the site together with the hedgerows and mature trees that surround it means that it contributes positively to the rural character and appearance of the area and the setting of St Margaret's at Cliffe. Introducing the proposed residential development in this location would urbanise the site, fundamentally changing its character and appearance and extend the built form of the village beyond the existing settlement boundary northwards.

The AONB Unit is also concerned that the design approach of the built form is wholly inappropriate for this sensitive site. Should the principle of residential development of the site be considered acceptable, it is essential that any development here ensures conserves and enhances the AONB in line with national planning policy (paragraph 172) and that the local character, qualities and distinctiveness of the AONB is conserved in accordance with the Kent Downs Management Plan. As identified in the AONB Management Plan, Section 3.4, 'to conserve and enhance the natural and scenic beauty of the Kent Downs, the design of new development is critical'. This is consistent with the recently updated Planning Practice Guidance which provides revised guidance on new development in AONBs, specifying that 'all development in National Parks, the Broads and Areas of Outstanding Natural Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality' (Paragraph: 041 Reference ID: 8-041-20190721). While the AONB Unit does not object in principle to contemporary design, buildings need to adopt a design approach that fits with and complements the values, traditions, forms and patterns of the past, adopting a contemporary interpretation of local vernacular. In our view, the proposed design fails to achieve this, and presents a very urban form of development inappropriate for this sensitive rural location, with overly large and dominant roof forms to the dwellings, over-scaled chimneys and a slack roof pitch to some of the carports. Furthermore, we do not agree with the suggestion that the proposed grey brick work represents a modern interpretation of flint work and consider this a wholly inappropriate material in this location within the Kent Downs, failing to promote local distinctiveness. In conclusion, the AONB Unit considers that the proposals would introduce built development into an undeveloped site in the countryside of a form which would not be in keeping with the rural location on the very edge of the village and would result in significant and demonstrable harm to the character and appearance of the setting of St Margaret's and the AONB. As such, we consider that the proposal would conflict with paragraph 172 of the NPPF as well as Policies DM15 and DM16 of Dover's Local Plan that seek to protect the character of the countryside. The proposal would also be contrary to the Kent Downs AONB Management Plan, in particular policies SD1, SD2 SD3 and SD9.

Revised comments:

While we note and welcome the design refinements, these do not fully address our concerns regarding the design in particular the use of grey brick, overly large and dominant

roof forms to the dwellings and a slack roof pitch to the carports of Unit 4. Furthermore, the Unit's fundamental concerns regarding the principle of the acceptability of development on this site also remain.

We therefore maintain the comments set out in our consultation response dated 8 July 2020; the AONB Unit considers that the proposals would introduce built development into an undeveloped site in the countryside of a form which would not be in keeping with the rural location on the very edge of the village and would result in significant and demonstrable harm to the character and appearance of the setting of St Margaret's and the AONB. As such, we consider that the proposal would conflict with paragraph 172 of the NPPF as well as Policies DM15 and DM16 of Dover's Local Plan that seek to protect the character of the countryside. The proposal would also be contrary to the Kent Downs AONB Management Plan, in particular policies SD1, SD2 SD3 and SD9.

DDC Natural Environment Officer

I have reviewed the PEA and support the recommended mitigation and biodiversity enhancement measures set out within the report. They should form conditions of planning consent and include: Mitigation measures

- Habitat manipulation to keep vegetation short to discourage its use by reptile species
- Removal of woody vegetation outside of the bird nesting season (March to August inclusive);
- A bat sensitive lighting scheme following published guidelines of the Bat Conservation Trust and the Institution of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting;
- If the one sycamore tree identified as having a low potential to support bats is to be removed then the ivy should be removed first followed by an inspection of any underlying cavities by an ecological consultant;
- Hedgehog nesting boxes;
- 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas¹⁶;
- Ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance¹⁷ or mix of open-fronted and hole-nesting boxes and constructed from woodcrete);
- WoodStone Build-in Swift Nest Boxes A(or similar). Each nest box will be integrated in a wall that is not south facing, at a height of at least five metres;
- Integrated bat boxes on new buildings or bat boxes on retained mature trees;
- Integrated bee brick or bee block in the structure of the new building;
- Owl boxes in trees;
- Establish climbing plants on walls and other vertical structures;
- Establish wildflower plug/bulb planting in amenity grassland and private gardens;
- Integration of Sustainable Urban Drainage Systems (SUDS);
- Integration of green or grey roofs;
- Consider using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf;
- Establish Fruit Espalier.

Third-Party Responses

Thirty-one letters of representation have been received, of which 16 are objections and 15 are in support, these are summarised below;

Objections:

- The principle in that it sets a precedent for ignoring the current safeguards and that subsequent;
- Applications can rely on these precedents in an attempt to develop the remainder of the site or at the very least a ribbon development along the western side of Station Road. I believe this would be detrimental to the environment and the village as it would adversely impact an AONB and add further to the traffic congestion in the village;
- The proposed development is outside the identified settlement confines of St Margaret's-at-Cliffe;
- The proposed development comprises 4 dwellings squeezed on to the plot, so much so that the architect has been unable to create the vehicle turning head within the Applicant's site and has therefore 'grabbed' a section of the highway verge in front of Clifton Cottage to facilitate vehicle turning;
- The proposal would result in an overdevelopment of the site that would appear intrusive and out of keeping with the semi-rural character of this part of the village. In particular, the impact on the setting of the village would be harmed by the replacement of a loose-knit definition between village and countryside with a scale of development which would have stark impact at this sensitive edge of village location;
- The proposed 3 storey dwellings will tower above the surrounding buildings and most of the adjacent trees. The 'measure' function on the DDC website is not working and the architect's drawings do not have dimensions on them which is a requirement for all planning applications. However, the dwellings appear to scale off as being approximately 11m high;
- The adjoining property, The Patch, is a bungalow which appears to be approximately 5m high and the proposed dwellings, being only 7-10m from the boundary with The Patch, will therefore dwarf the bungalow which will be completely overlooked along its entire north east facing boundary. It is interesting to note that in the 3D Computer Generated Images (CGIs) shown in the Design and Access Statement, the bungalow has been shown as a two storey building, no doubt to prevent the significant difference in scale from being obvious;
- Our own house, which the Applicant has referred to in the Planning Statement as being 2.5 storeys, is approximately 8m high and therefore the proposed dwellings at approximately 11m high will be 3m (10 feet) higher than our own. The roofs of the proposed dwellings are so tall that they are in fact the same height as the two vertical storeys of brickwork and tile hanging below them;
- It is worth noting that Dover District Council has historically resisted allowing any new development in this part of the village, even within the village confines, unless it is single storey to protect the visual amenities. We understand from the owners of The Patch that this dwelling was only permitted on the basis that it was constructed as a single storey bungalow. Planning permission was obtained in 2002 by the previous owners of our own property for a 3 single dwelling to the rear of our house and Dover District Council attached a condition to the planning permission which stated: "The dwelling hereby approved shall not exceed one storey in height". This planning permission lapsed but we obtained planning permission for an identical building in 2012 and again Dover District Council attached a condition to the planning permission which states: "the dwelling shall be restricted to one storey in height".
- The application makes significant reference to the mature landscaping around three sides of the site, however the scale of the proposed development means that the dwellings will be clearly visible. The existing trees on Station Road have been photographed with a 4.27m measuring staff close to their bases. Whilst the photographs are not verified and will be subject to some distortion, they indicate that the trees are approximately 6.2m-9.5m high (see photographs in Appendix 1). The trees will therefore be significantly lower than the proposed dwellings, despite the architect showing the same trees to be approximately 11.5m high on the proposed sections drawing. It should also be noted that nearly all of the trees are deciduous and

shed their leaves in the autumn. The proposed development site is perfectly visible from November to May every year, regardless of the height of the trees.

- Furthermore, we have recently received pre-application advice from Dover District Council in connection with a proposed garden building and the Council has advised us that “the presence of trees is not sufficient to make an otherwise unacceptable development acceptable, as trees do not live as long as buildings stand”.
- One further point to note with regard to landscaping is that the architect shows on the existing site plan trees within the highways verge on the main road junction to the south east of the site i.e. the junction between Station Road and Dover Road. However, there are no trees on the highways verge. The architect also shows new trees to be planted on the highways verge at the point where Dover Road merges with Station Road but these appear to be almost on the kerb side and will therefore obstruct visibility for cars coming out of the junction heading north east down Station Road;
- The vehicle access/egress is totally unsuitable in the position proposed due to its proximity to the main road junction between Station Road and Dover Road. Visibility is poor due to the curve in the road and since the main junction at Station Road/Dover Road is a ‘Give Way’ junction, cars merge from Dover Road onto Station Road at speed and there have been accidents north of the junction in the past;
- The location of the vehicle access/egress creates other highway safety issues since this is outside the 30mph zone and vehicles can often be observed entering the 30mph zone at speeds well in excess of this. The Highways Statement notes that ATCs were used to calculate the 85th percentile measured speeds adjacent to the site at the position of the 30mph speed sign and these were 39.5mph south bound and 41.6mph north bound.
- We note that an amended Access Sight Lines drawing has been submitted by the Applicant, however the curve of the road, the presence of the existing trees and the proposed turning head which cuts into the existing highway verge and is surrounded by a post and rail fence will obstruct a driver’s view of the junction between Station Road and Dover Road.
- The proposed vehicle access/egress also lacks adequate kerb turning for joining a main road. This issue is demonstrated by the Applicant’s proposed site plan which indicates a vehicle having to veer into the centre of Station Road before performing the left turn into the proposed development. The junction design is so poor that even after having veered into the centre of Station Road, the vehicle has to enter the proposed development on the wrong side of the access/egress road. If a vehicle is leaving the proposed development and is moving along the access/egress road, a vehicle intending to perform a left turn from Station Road would be unable to enter and would have to stop on Station Road and wait. This would again obstruct the vision of the driver leaving the proposed development.
- It is noted that the Design and Access statement sets out a history of the site, however the dates of development are wrong. As an example, the Statement indicates that the barn built 4 unlawfully to the rear of Millfield was built between 1930 and 1960. It was in fact built in 1990. The Statement also suggests that The Patch was built around 1980, however it was built around 1968.
- Section 10 of the Application Form asks: ‘And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? The Applicant has stated ‘No’, despite the proposed development relying heavily on the importance of the surrounding landscaping. Had the Applicant answered this question truthfully, a tree survey in accordance with BS5837 would have been required.
- Section 11 of the Application Form asks: ‘How will surface water be disposed of?’ The Applicant has selected ‘main sewer’, however this is not an acceptable solution.
- Section 13 of the Application Form asks: ‘Please state how foul sewage is to be disposed of:’. The Applicant has selected ‘Unknown’ which is not considered as

acceptable answer for such a significant development of 4 three storey houses given the existing issues with the drainage in Station Road.

- Finally, it is not entirely clear what a 'car barn' is? The architect's drawings appear to show a conventional brick built double garage, so it might be appropriate to explain the difference between the two.
- Those better read than I, can explain the inadequacies of the plans, and the vagaries with regard to trees visibility etc. For my part, having lived in the "village" since I was 4, there was always the feeling that villagers wanted a village and not a sprawling town.
- The proposed development will urbanise this site with unsympathetic buildings and over utilisation of the plot.
- The site plan clearly indicates an intention by the developer to seek a ribbon development extending the length of the west side of Station Road at a later date.
- The access to this site has been shown to be dangerous;
- The proposed development is out of character:
- The Housing proposed is not Sustainable:
- Unacceptable Impact on Ecology and Environment (ANOB):
- The proposed site is designated an area of outstanding natural beauty (AONB). As such the land is protected by the Countryside and Rights of Way Act, granting of planning permission here would be a betrayal of this Act;
- The road is a busy one, especially during the summer months when we have many holiday makers descending on our village. The volume of traffic survey, I believe was done about March, this does not reflect the true usage of the road the whole year around.
- The height of these buildings would overshadow all other buildings in the area and would be obtrusive.
- Trees & hedgerows will be removed while clearing the land to build & will take years to become mature, it's difficult to see how four tall buildings will be squeezed into that dark corner with no view back or front.
- The amendments to the scheme are minor and do not alter the fact that there is no justification for development of this part of the Area of Outstanding Natural Beauty.

Support:

- This site is ideal as it would alleviate any more traffic problems which we have with building inside the village this side of the village should be looked at in the future having been born in the village I've also worked here all my life and have seen too many back garden developments.
- I support this application as this is an obvious area for development. It has very good road access, and would not add traffic to the narrow roads through the village itself.
- A major concern of those objecting to the development would appear to be that it lies within an AONB. Such is the beauty of the village of St Margaret's and its surrounds it is difficult to see how any planning application in the past has been successful and how any in the future could hope to succeed;
- The limited site proposal of four detached dwellings adjacent to existing properties does not constitute "ribbon development". Any further development along the western side of Station Road would be seen as such and not gain approval.
- For many years the country's need for more homes has been apparent and the more recent problem of COVID19 has brought rising unemployment in all sectors of the community. Approval of an application such as this will hopefully provide opportunities for our local builders and their staff.
- This site is a nondescript piece of land, bordered on three sides by development.
- The proposed houses are of excellent quality and have been designed by a very well respected firm of architects.

- They would only be an asset to the village and because of the location of the site, would not increase traffic through it;
- Over the years the village has lost many of its amenities and the addition of four families would hopefully contribute to the viability of those that remain.
- There is a shortage of housing in the area and i can see no reason why this application should not be approved.
- The road already has housing on the opposite side and further housing on the same side towards the Deal road.
- Access would be safe and easy.
- The location also makes sense for transport.
- The proposed landscape plan providing for the retention and reinforcement of the existing mature trees and hedgerows on site will ensure effective screening.
- The height of these buildings would overshadow all other buildings in the area and would be obtrusive.
- Firstly, the area of land is surrounded on 3 sides by housing and could not be considered 'rural countryside'. In fact, they would be sited in a perfect position for a family such a mine, being just a few minutes' walk to the village shop, school and pubs.
- Lastly, in refence to comments regarding the road speeds and access, and that this study was taken at a quiet time (lockdown) - if anyone had actually read the Highway Statement, it was well before lockdown. The report also recommends that there are no highway reasons for refusing the application.
- I think this is a good design and developments of this kind should surely be looked upon favourably, especially in light of the current economic climate

1. The Site and the Proposal

- 1.1 The site is located on the western fringes of St Margaret's but outside the St Margaret's Settlement boundary and within countryside forming part of the Area of Outstanding Natural Beauty. It lies within an Area of Archaeological Potential and is within close proximity to the St Margaret's at Cliffe Conservation Area.
- 1.2 The application site fronts Station Road (which connects St Margaret's with the A258) to its south side and just west of the junction with Dover Road. The site is part of a field used as farmland primarily for arable farming rotation. The site is surrounded on 3 edges by mature trees and vegetation with the north western boundary being open, comprising farmland, of which the site forms part.
- 1.3 Station Road is the main road leading into St Margaret's from the A258. The eastern side of the road, just north of the application site, comprises ribbon development dating predominantly from the post war era. The properties here are well established - of a mixture of styles (bungalow and two storey), but are generally set back from the road frontage and screened in part by mature planting. Opposite the application site, the properties are somewhat older, reminiscent of the more historic core of St Margaret's which lies to the south east, albeit still within a relatively loose-knit character. The application site lies on the western side of Station Road. This area, formed by a roadside verge with open fields beyond, reads as part of a rural hinterland extending westwards beyond St Margaret's. The verge has some planting, albeit this is more substantial along the frontage of the application site, blocking views of the farmland behind at this point. The intersection of Dover Road with Station Road to the south east of the site signals a change in the character to the western side of Station Road, appearing as the start of the transition into the more built-up, tight-knit, historic core of the settlement. At this point is a collection of buildings within Townsend Farm Road (of which some are listed). Dover Road runs along the south/south east axis, Holm Oaks is adjacent to the site, whilst The Patch (within the same ownership as the application site) is to the south west of the proposed site. The application site is

surrounded from the west to north by arable farmland and as stated, the site forms part of this farmland.

- 1.4 The Dover District Council Land Allocations Local Plan advises that St Margaret's benefits from a village hall, primary school, church, medical facility, village shop, playing field with play area, numerous public houses, tea rooms, county club and a conference centre. Most of these facilities and services are located within a loose grouping, within walking distance of the application site. The village is also served by a bus service.
- 1.5 Full planning permission is sought for the erection of four detached dwellings, car ports, which would provide a minimum of one car per plot and allocated spaces to cater for two cars per unit. The proposed dwellings would be accessed by a private shared driveway accessed off Station Road. The plans show the proposed access cutting through the existing screened frontage at its western end. Space for a vehicle turning area, accessed from within the site, also penetrates the screened frontage. A pedestrian route runs from this point, connecting to a new pedestrian side-walk extending around the frontage with Station Road. This new route crosses Dover Road and then connects, over an existing grassed verge, to a current surfaced pavement, some 30m east of the Dover Road/Station Road junction. This link, providing a surfaced walking route from the site into St Margaret's, would be provided under a S.278 agreement of the Highways Act.
- 1.6 The proposed housing is laid out in a linear fashion parallel to a new access drive, which is set behind the boundary screening to Station Road. The dwellings are of a contemporary design, providing 3 storey's of accommodation, with the 2nd floor set within the roof pitch. The dwellings are shown to have grey brick to the ground floor, tile hanging to the first floor, under a high slate tile roof with feature chimneys.
- 1.7 Supporting landscaping is shown, including along what is currently the exposed northwest boundary with the farmland.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- Heritage Impacts;
- Impact on the character and appearance of the area;
- The potential impacts on the residential amenities;
- Highways
- Ecology
- Other Matters
- Planning Balance

Assessment

The Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development

plan policies or where the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

- 2.3 In assessing point (i) above, the 'policies' referred to are those relating to: SPA's; SAC's; Ramsar Sites; SSSI's; Greenbelt; Local Green Space; AONB's; National Parks; Heritage Coast; irreplaceable habitats; designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding or coastal change.
- 2.4 The Council has now published the Councils Housing Topic Paper, dated 19^h January 2021 . This sets out that, from the 1st April 2020, Dover District Council has a Local Housing Need of 596 dwellings per annum, which means a requirement of 2,980 dwellings over the five-year period (2020-2025). The Council at can demonstrate 5.39 years' worth of housing supply measured against the governments housing land supply calculation. The council have delivered 80% of the required housing as measured against the housing delivery target, above the 75% figure which would trigger the tilted balance to be applied. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1, DM1, DM11, DM15 and DM16) are to various degrees, now considered inconsistent with aspects of the NPPF (as set out below). That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.5 As a matter of judgement, the most important policies for the determination of this application are considered to be Core Strategy policies CP1, DM1, DM11, DM15, DM16. These policies relate to the principle of whether the development is acceptable on this site or, in the case of policy DM16, whether the development would cause harm to the character of the landscape.
- 2.6 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation herein including (where appropriate) the framing of conditions or reasons for refusal. For completeness, the current application site formed part of a larger site that was put forward for consideration for housing as part of the call for sites for the emerging plan.

This larger site however has not been brought forward in consultative draft Regulation 18 Plan; the Plan identifying other sites within St Margaret's for some 86 houses.

- 2.7 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the District must comply with the Settlement Hierarchy". In locations such as the application site, the policy states 'that it is suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight.
- 2.8 Policy DM1 generally seeks to restrict development, which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance, the proposed development is outside of the settlement confines and is therefore considered to be within the countryside, the development does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy. This said, 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, should carry only limited weight.
- 2.9 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard in particular to the relatively close proximity of this site to the village confines of St Margaret's.
- 2.10 Policy DM15 advises that applications which would result in the loss of, or adversely affect the character or appearance of, the countryside, will only be permitted if one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats. Development will also be required to incorporate measures to reduce, as far as practicable, any harmful effects on countryside character. Again, the blanket protection for the countryside is contrary to the NPPF. The objective to prevent development that would adversely affect the character or appearance of the countryside has similarities to, albeit is arguably slightly more restrictive than the NPPF, which seeks that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside. For these reasons Policy DM15 has reduced weight
- 2.11 Policy DM16 is consistent with the NPPF and is considered to attract full weight. Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. In this instance as set out below, the proposal is considered to harm the character of the prevailing landscape.
- 2.12 Regard must be had for whether the tilted balance is engaged, having regard for paragraph 11 of the NPPF. The majority of the most important policies for determining the application are considered to be out of date to varying degrees, with policy DM1,

which is particularly crucial in assessing the principle of the development, being particularly so. Consequently, it is concluded that the 'basket' of policies is out of date. Whilst this would ordinarily engage the 'tilted balance', footnote 6 of paragraph 11 states that if the policies of the framework that protect areas or assets of particular importance (such as AONB's) provide clear reasoning to refuse permission, the tilted balance should not be engaged. As will be set out later in this report, it is considered that this is the case in this instance and, as such, the tilted balance should not be applied.

Heritage Impact

- 2.13 The application site is located within close proximity to the St Margaret's-at-Cliffe Conservation area and sits within the setting of the Grade 1 listed St Margaret of Antioch Church and therefore careful consideration needs to be given in respect of paragraphs 192 – 196 of the National Planning Policy Framework which sets out amongst other things that 'in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.14 Advice has been sought from the Council's Principal Heritage Officer who states that, "views of the church are afforded from some distance along particular roads and footpaths". This site, in addition to adjoining land, was assessed as a potential housing site, as part of the HELAA process (for the emerging Local Plan) and was found to be harmful to the setting of the grade I listed church. The current application however relates to a smaller and more discrete area, for a small number of units. The Heritage Officer does not object to the design and use of materials relative to the setting of the Church. Importantly, the development would be well separated from the Church. In addition, the proposal would introduce vegetation to act as a boundary between it and the farmland. This would be along the line of the small woodland to the west and would reduce the visibility of the development.
- 2.15 It is accepted that the development would impact to a very minor degree on the setting of the church, to the extent that the roof forms and chimney are likely to be visible above the proposed green boundary, however having taken advice from DDC Principal Heritage Officer and Historic England who do not wish to offer any comments, it is concluded that the proposed development would have a neutral impact on the conservation area and the listed buildings. The proposal is therefore considered acceptable in respect of the heritage impact and is considered to comply with the aims and objectives of the National Planning Policy Framework.
- 2.16 The application site lies in an area of archaeological potential relating to past archaeological discoveries and identified sites in an around the village of St Margaret's-at-Cliffe. Having taken advice from Kent County Council's Principal Archaeologist they have stated 'it is possible that the proposed development might impact on the remains of archaeological interest'. Therefore, it is deemed reasonable to impose a condition in respect of archaeology should permission be granted.

The Potential Impact on the Character and Appearance of the Area

- 2.17 The NPPF (Para 170) requires that planning decisions should contribute to and enhance the natural a local environment by (inter alia) protecting and enhancing valued landscapes. In this case the application site is located within the Area of Outstanding Natural Beauty (AONB), which the NPPF (para 172) identifies as having the highest status of protection (along with the Broads and National Parks) with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty of these areas. It goes onto state that, "the scale and extent of development within these designated areas should be limited".

- 2.18 The policy context as set out in the NPPF highlights the high level of protection to give to the AONB (at national level) and suggests the need for particular rigour when considering the impact and suitability of new development within this area. The requirement that development be “limited” in such areas, implies the need for any scheme to clearly demonstrate that it would not cause harm to the character of the AONB and that any harm occurring would be a significant/important factor to weigh in the overall planning assessment. It also suggests that there might need to be an exceptional justification (over and above ‘normal’ planning benefits) for any development in the AONB that did cause harm to its landscape and/or scenic beauty.
- 2.19 The Countryside and Rights of Way Act 2000 stipulates that the local planning authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 2.20 The NPPF states that the AONB Management Plan can be a material consideration in planning decisions. Submissions made by the AONB Unit (above) refer to a recent Kent planning appeal where the Inspector confirmed that policies of the Kent Downs Management Plan were afforded significant weight in determining the appeal, although the weight attached to them is less than that of the Development Plan policies.
- 2.21 While the site doesn’t lie within an ‘isolated’ location as such and other development is nearby, its proximity just beyond the edge of the settlement, west of the Dover Road/Station Road junction and fronting the west side of Station Road (which is essentially natural in appearance) and its function (as arable farmland), clearly establishes that the site reads as part of the countryside forming part of the AONB, as opposed to land ‘at’ the village of St Margaret’s. On this basis, there’s considered to be a risk that any development in this location could ‘intrude’ within and/or erode the prevailing rural character.
- 2.22 The application site is clearly visible along Station Road as you approach the village settlement, due to the openness of the site. Dover Road (to the east of the site), is a rural lane interspersed with mature vegetation and connective views through to Station Road. It’s considered that the application site provides an important undeveloped area of land, which continues the prevailing rural character to the west side of Station Road at this point, forming an essential and attractive transition between the village, the more loose-knit ribbon development to the east of Station Road and the more open countryside beyond. The application site can also be seen from along Dover Road, especially within the winter months, where this essentially rural character can also be appreciated.
- 2.23 Surrounding the site are a number of footpaths, the most important ones are considered to be ER23, ER32, ER28, with some visible views from public vantage points (acknowledged within the Landscape and Visual Impact Assessment (LVIA) submitted with the application).
- 2.24 The LVIA (accompanying the application) states:
- “where the site is visible and space allows, landscape mitigation is recommended to reduce the visibility of the site and soften the development from the neighbouring landscape, roads and existing dwellings. The development will achieve this through the retention and reinforcement of the existing hedgerows, shrub, and mature trees on all of the boundaries of the site. In particular, the eastern boundary vegetation separating the site from Station Road will be retained throughout the construction of the development and therefore provide an instant screen for the majority of the site once built. The northern boundary of the subject site will provide suitable native trees and shrubs some 3m wide to create a dense buffer once established. This will aid

to reduce views into the site, from the north. The analysis of the views from the carefully selected viewpoints shows that the development of this site will have a high impact during construction and within the first year of built form, with a medium to low impact within 5 to 10 years”.

- 2.25 The LVIA goes on to set out, “once built - the retained landscape across the boundaries of the site and within the surrounding properties gardens will obscure views of the proposed development. 5 - 10 years - the mitigation planting and enhancement of the existing landscape will have matured and created an appropriate landscape to reflect the surroundings on the site. The native trees and shrubs chosen will reflect the existing landscape character and will create additional screening across the site”.
- 2.26 Officers have some concerns that the proposal is by and large relying on screening to attempt to make it acceptable within the prevailing landscape setting. It’s also noted that it will take a number of years before the impact, from specified views, is ‘medium to low’.
- 2.27 While the applicant is proposing to retain as much of the tree screening along the Station Road frontage as possible, it will be noted that part of this screening will be lost as a consequence of providing the new vehicle access and to facilitate a vehicle turning area within the site and a pedestrian access. These changes will afford some views into the site of the new development from Station Road from ‘day one’. One must also be mindful that with the screening falling within a more residential demise, there’s a risk (over time) that its effectiveness will be threatened, possibly by general husbandry, but also in the event of pressure to remove and/or thin these trees by future residential occupiers to secure more light into the their dwellings. The existing rural character to this part of the Station Road frontage will also be eroded by the laying of a pavement to part of the grass verge fronting the prevailing screening. Notwithstanding attempts to retain the existing screening, the cumulative impacts of proposed and likely changes as described would arguably create an evidently more domestic character at this point when compared to the current appearance of the site. The applicant is also proposing to plant a new native hedge and specimen trees to soften the boundary between the private gardens and the adjacent farmland. Whilst this form of screening would be welcome, the amount and height of screening to ‘hide’ the large expanse and height of visible roofs within the scheme, which would be visible along the approach from Station Road would, at best, be likely to take some years to establish.
- 2.28 The proposed development is contemporary in design with a mixture of different materials including slate roofs, brick and tile hung façade with window reveals. The original submission incorporated large chimneys. The applicant stated: “the handling of the units and position of chimneys are to enhance the views of the development on approach from station road”. Concerns were raised by the AONB Unit who indicated, that they did object in principle to contemporary design – “buildings need to adopt a design approach that fits with and complements the values, traditions, forms and patterns of the past, adopting a contemporary interpretation of local vernacular”. However, in this context, the AONB unit consider that the proposed design fails to achieve this, and presents a very urban form of development inappropriate for this sensitive rural location, with overly large and dominant roof forms to the dwellings, over-scaled chimneys and a slack roof pitch to some of the carports. Furthermore, they do not agree with the suggestion that the proposed grey brick work represents a modern interpretation of flint work and consider this a wholly inappropriate material in this part of the Kent Downs AONB which fails to promote local distinctiveness. To try and overcome these issues the applicant made changes to the designs which included a reduction in the size of the chimneys and some changes to the carport. Notwithstanding, the AONB Unit concerns remain (over the use of grey brick, overly large and dominant roof forms to the dwellings and a slack pitch roof).

- 2.29 In terms of the general layout of the scheme, the proposal, involves dwellings accessed off Station Road with a private driveway being formed in front of the proposed dwellings, to allow vehicular access. Whilst this is not a common feature within the immediate vicinity, it replicates some of the characteristics of the properties within Station Road, with the access to these properties being set back from the road. Given the sites position, it's considered the proposal would be seen in context of the neighbouring development within Station Road, rather than those within the village of St Margaret's. The fact that the proposed dwellings are sited within smaller plots than those commonly found within Station Road and would be of a higher density, is felt to draw further attention to whether this development is suitably contextual.
- 2.30 Your officers have sympathy for the concerns raised by the AONB Unit. In addition to the harm identified regarding the principal of introducing built development in this rural AONB context, it's felt that the distinctive contemporary nature of the scheme, whilst creditable in and of itself, in this sensitive rural location (beyond/separate from the village), would have the effect of emphasising the unsuitability of this site to accommodate development of a type that would contribute to and enhance the natural and local environment at this point and more particularly (and importantly) conserve and enhance the AONB as required by the NPPF.
- 2.31 In their comments on the application, the AONB Unit refer to the applicants reliance on the site not being very visible in the *wider* landscape (as opposed to the more local views discussed above) and state: "This fails to acknowledge the impact to the landscape features of the AONB, regardless of whether they or the development can be seen from public viewpoints. The Courts have held that the fact a development is not viewable by the general public does not mean that there is no harm to the intrinsic character of the AONB. (Great Trippetts Estate Ltd v Secretary of State for Communities & local Government [2011] EWCA Civ 203 26 Jan 2011)".
- 2.32 Whilst not determinative in this case, it's relevant to mention the identification of sites for housing at St Margaret's as part of the consultation on the emerging local plan. One of the criteria in Policy DM15 (criteria IV) of the current Core Strategy, requires that where development would result in the loss of, or would adversely affect the character or appearance of the countryside, it would need to be demonstrated that the proposal cannot be accommodated elsewhere. It's considered that the identification of other sites through the emerging plan process, suggest that there might be other sites at St Margaret's that are more suitable for development and that could accommodate housing in a location that would more appropriately safeguard the character of the countryside and the AONB than this current site.
- 2.33 In conclusion, it's considered that the application site has a strong rural character. The undeveloped nature of the site together with the hedgerows and mature trees that surround it means that it contributes positively to the rural character and the setting and appearance of the settlement of St Margaret's, providing an important visual gap which separates and distinguishes the settlement from the wider countryside. The introduction of residential development in this location, particularly of the scale and form proposed, would seriously erode the rural character through a prominent urbanisation of the site. This would fundamentally change the character and appearance of the site and the immediate area to the detriment of the setting of the village and character and appearance of its rural hinterland. The proposal would fail to contribute to and enhance the natural and local environment or conserve and enhance the landscape and scenic beauty of the AONB. The proposed development would therefore be contrary to the aims and objectives of the NPPF (which gives the AONB the highest form of protection), policies DM15, DM16 of the Dover District Core Strategy and the Kent Downs of AONB Management Plan, in particular policies SD1, SD2, SD3 and SD9.

Residential Amenities

- 2.34 Chapter 12 of the National Planning Policy Framework aims to achieve well - designed places. Paragraph 127 (f) of that chapter sets out 'planning decisions should ensure that developments create places with a high standard of amenity for existing users. The proposed dwellings have been designed to be set back from Station Road by approximately 15 metres with the objective being to keep the existing screen largely in place. Whilst it is accepted the proposed dwellings are of a substantial height, I am satisfied given the diving distance and screening in place, the proposed development would not result in an overbearing or overly dominant form of development thus ensuring the residential amenity currently enjoyed by the occupiers within Station Road are protected. That said, a detached car port to serve unit 1 is proposed to be built up against the eastern boundary (fronting onto Station Road), however given this element of the proposal is single storey with an overall height of approximately 3.89 metres, it is not considered this would result in harm to the residents currently living in Station Road. To the rear of the application site is The Patch (which is in the same ownership as the application site) a detached dwelling and set within two metres of the dividing boundary denoting the application site, with some established screening in place. The proposed development has been designed with the rear elevation being set off the boundary by approximately 10 metres and therefore I am satisfied the proposal would not result in a detrimental impact on the residential amenities currently enjoyed by the occupiers in respect of having an overbearing impact.
- 2.35 Within Station Road, the closest property known as 'Clifton Court' has an articulated front nib with windows at ground and first floor overlooking the application site. Whilst the proposed dwellings have windows at ground and first floor, I am satisfied given the dividing distance that the proposal would not result in perceived or direct overlooking in respect of the occupiers within Station Road. There are rooflight windows proposed within the roofslope, however given the nature of these windows facing towards the sky, this would limit the possibility of overlooking the properties within Station Road. The proposed dwellings have been designed within windows at ground floor and first floor of which one is to be a frosted window to serve a bathroom. Whilst this could result in the perception of overlooking, given the separation distance and screening in place, this could alleviate any direct overlooking and this concern alone would not warrant a reason for refusal.

Ecology

- 2.36 The Natural Environment and Rural Communities Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity is a material consideration in planning and the PPG on the Natural Environment states that, "Information on biodiversity impacts and opportunities should inform all stages of development ..." and that, "an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate".
- 2.37 In this case the applicant has submitted a Preliminary Ecological Appraisal dated the 17th April 2020. Within this report, there have been a number of recommended biodiversity enhancements for the site which include;
- Provision of hedgehog nesting boxes;
 - Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas;

- Provision of ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete);
- Provision of WoodStone Build-in Swift Nest Boxes A'(or similar). Each nest box will be integrated in a wall that is not south facing, at a height of at least five metres.
- Provision of integrated bat boxes on new buildings or bat boxes on retained mature trees;
- Provision of integrated bee brick or bee block in the structure of the new building
- Provision of owl boxes in trees
- Establish climbing plants on walls and other vertical structures.
- Establish wildflower plug/bulb planting in amenity grassland and private gardens.

2.38 The ecological report was sent to Dover District Council's Natural Environment Officer who has advised that they support the recommendation of mitigation and biodiversity enhancements measures as set out in the report subject to conditions and the incorporation of the suggested enhancement. I am therefore satisfied that the proposed development would not result in an unacceptable impact on ecology and therefore the proposed is considered to be acceptable in respect of paragraph 174 of the National Planning Policy Framework.

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

- 2.39 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.
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.44 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

Transportation

- 2.45 Policy DM11 of the Dover District Council's Core Strategy states that, "development that would generate travel will not be permitted unless justified by development plan policies. 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 transport". The applicant has submitted a Highway Statement which sets out, according to the TRICS data, the number of daily movements that would be generated. In addition to this, there is a regular bus service providing connections to both Dover and Sandwich which are on an hour frequently with the bus stop approximately 120 metres away. Furthermore, the village benefits from a number of local facilities such as a doctor's surgery, post office and shops, this reducing the need to primarily rely on private car journeys. Kent Highway Services have been consulted and they have advised 'the trip generation from four dwellings is unlikely to have severe impact on the highway network'. Therefore, taking all these factors into account, I am satisfied the proposed development would comply with the aims and objectives of policy DM11 and paragraph 102 of the National Planning Policy Framework.
- 2.46 Further concerns have been raised over the provision of adequate sight lines, and the acceptability of the proposed site access into the development in respect of highway safety. The original plans did not demonstrate that adequate visibility was available at the crossing point at the Dover Road junction, particularly bearing in mind the existing vegetation which would appear to obstruct visibility to drivers approaching from Dover Road and turning left from High Street. The applicant has undertaken a safety audit and has made the required amendments to achieve acceptable visibility at the proposed site access to overcome the previous objections by Kent Highway Services. Following all the additional information and amendments Kent Highway Services have now confirmed the acceptability of visibility at the proposed site access and sufficient turning facilities and have now removed their objection.
- 2.47 Policy DM13 of the Dover District Council sets out 'provision for parking should be a designed led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives and that parking provision for residential development should be informed by the table 1.1. Expectations for parking provision on a suburban edge/village/rural location for a 4-bedroom dwelling would be a for 2 independent accessible spaces per unit, the applicant has demonstrated this is achievable on site and therefore the proposed development is considered to comply with the aims and objectives of policy DM13 of the Dover District Core Strategy. Therefore, it is considered the proposed development is acceptable in highway safety.

Sustainability Overview

- 2.48 The National Planning Policy Framework seeks to achieve sustainable development. Paragraph 8 of the National Planning Policy Framework states, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These three overarching objectives to sustainable development are economic, social and environmental. In respect of the proposed development these can be divided as set out below:

Economic role – The application is for four dwellings and therefore there would be the potential for temporary employment during construction. Given the edge of village

location there is the potential for the future occupants to use the shops and facilities thus contributing to the local economy.

Social Role – The application site would provide four 4-bedroom dwellings. . Whilst DDC can demonstrate a five-year housing land supply, the provision of additional dwellings continues to carry positive weight, providing housing to meet the needs of present and future generations.

Environmental – The application site is located within the countryside forming part of the AONB. This area has the highest status of protection. The proposal would introduce a built development on an undeveloped site in the countryside of a form that would not be in keeping with the rural location and would result in significant and demonstrable harm to the character and appearance of the setting of St Margaret's and the AONB. The NPPF advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONB's.

- 2.49 It is acknowledged that there are some limited benefits as far as the sustainable objectives of the NPPF are concerned. However, these benefits are considered to be significantly outweighed by the harm arising to the natural beauty of the AONB at this point, taking account of the 'great weight' applied in the NPPF to safeguarding this area and the harm caused to the character and setting of the village. For this reason, it is not considered that the proposal would constitute a sustainable form of development.

3. **Conclusion**

- 3.1 As outlined above, the site lies beyond the village of St Margaret's, within an area that reads as part of the countryside and falls within the AONB. The NPPF requires that planning decisions should contribute to and enhance the natural a local environment by (inter alia) protecting and enhancing valued landscapes. The AONB is a landscape that has the highest status of protection nationally (along with the Broads and National Parks). The NPPF states that 'great weight' should be given to conserving and enhancing the landscape and scenic beauty of these areas. It also states that the scale and extent of development within these designated areas should be limited.
- 3.2 The implications of planning policy are that new development within the AONB should be very carefully controlled and that where harm occurs, this should weigh significantly against the grant of permission.
- 3.3 From the foregoing, it's considered that the development of this site would harm the rural character and appearance of the area, contrary to the policy objectives for this area, including the objectives relating to safeguarding the AONB. In line with paragraph 11 of the NPPF, it's concluded that the impact on the AONB would disengage the tilted balance, meaning that the application should be assessed on a 'flat balance'.
- 3.4 While the proposal has social and economic benefits, there are no exceptional and overriding benefits arising that would outweigh the environmental harm identified sufficient to set aside the 'great weight' that should be afforded to safeguarding this rural AONB location. As such it is recommended that permission be refused as set out below.

g) **Recommendation**

- I. Planning permission BE REFUSED for the following reason: The proposed development would result in an unjustified intrusion of built development into an undeveloped countryside location, which would harm the prevailing rural character at this point and result in significant and demonstrable harm to the character and appearance of the AONB and the setting of the village of St Margaret's within its rural

context. The proposal would therefore conflict with Policies DM15 and DM16 of Dover District Local Plan that seeks to protect the character of the countryside and paragraphs 170 and 172 of the NPPF as well as policies SD1, SD2, SD3 and SD9 of the Kent Downs AONB Management Plan.

- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions/reasons for refusal, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Karen Evans