

(a) DOV/20/00717 – Variation of condition 2 (approved drawings), condition 3 (materials) and condition 10 (drainage scheme) of planning permission DOV/15/01184 to allow changes to improve floor layouts, amend materials and improve drainage scheme (Application 73) (Amended Plans) - Land rear of 114, Canterbury Road, Lydden

Reason for report: Due to the numbers of objections received

(b) Summary of Recommendation

Planning permission be Granted

(c) Planning Policy and Guidance

Planning and Compulsory Purchase Act 2004

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

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Lydden is a village suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for rural development.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

- DM13 – Parking provision should be design-led, based upon an area’s characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted amongst other things it is in accordance with allocations made in Development Plan Documents or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Land Allocations Local Plan

- LA40 – Land at Canterbury Road, Lydden
- DM27 – Providing Open Space, to meet the any additional need generated by development.

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 granting 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 Governments objective or significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come

forward where is it needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- Chapter 9 sets out that ‘ 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, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - 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 can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribution 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.

- Chapter 16 sets out amongst other things that ' heritage assets range from sites and buildings of local historic value to those of the highest significance, such as world heritage sites which are internationally recognised to be outstanding universal value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The Kent Design Guide (KDG)

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

The Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan

The management plan sets the vision of the future of this special landscape.

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.

d) Relevant Planning History

There have been various planning applications at the site including.

DOV/80/01345 – Outline application for residential development (4approx.. 40 dwellings, shopping facilities and play area) – Refused.

DOV/96/00509 – Erection of six detached houses – Granted.

DOV/05/01436 – Outline application for the erection of 42 dwellings, doctors' surgery and construction of new vehicular access – Refused.

DOV/05/01437 – Outline application for the erection of 24 houses, doctors' surgery and formation of new vehicular access – Appeal Allowed.

DOV/09/00294 – Erection of a detached building providing a doctor's surgery, construction of vehicular access and associated car parking (reserved matters; access, external appearance, layout and scale pursuant to planning permission DOV/05/01437) – Granted.

DOV/15/01184 – Erection of 31 two and three storey dwellings, together with associated access, car parking and landscaping – Granted.

DOV/18/01000 – Variation of condition 2 (approved plans) and 3 (materials) of planning permission DOV/15/01184 (application under 73) – Granted.

e) Consultee and Third-Party Responses

Southern Water

Southern Water has no objections to the variation of condition 02 submitted by the applicant. The Council's Building Control officers/technical staff and Environment Agency should be consulted for condition 10 regarding the surface water drainage.

Environment Agency

Agree the discharge of Condition 10. With regard to surface water condition, from the submitted drawings, it is understood, that clean uncontaminated roof drainage will drain directly to the surface water system (entering after the pollution prevention measures) and discharge into deep soakaway. It is noted that the deepest deep bore soakaway will be 20m below ground level and that drainage from access roads and car parking areas will be collected separately and discharge into an attenuation pond, having previously undergone appropriate pollution control methods (such as trapped gullies and interceptors) to prevent hydrocarbons from entering the surface water system and discharged to the ground. Any variation from the above should be communicated prior to installation.

Dover District Councils Environmental Health Officer

No observations on this variation of conditions application.

Kent Highway Services

Bearing in mind the internal roads are to remain private, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Third-Party Responses

Six letters of representations been received objecting to the proposed development, these are summarised below:

- Overlooking
- Loss of views and harm to the character and appearance of the area.
- Development out of keeping with the village.
- The dwellings are too tall.
- Object to any further alterations to the plans in place, unless it is to reduce the height of these "houses".
- The dwellings should be single storey or two storeys.
- Inadequate drainage.
- At the public meeting in Lydden Village Hall we were assured that the properties being built in the southeast corner would only have 2 floors facing the properties in Canterbury Road.
- Three storey buildings are totally out of place and not in keeping with local architecture.
- The increase in ground levels is unacceptable and inconsiderate.
- The project does not appear to be building to plan. Lorries have been in and out of the entrance for months with huge loads of soil to heighten the levels.
- Land levels have been changed significantly.
- Loss of light to the school and nursery.
- The development is overbearing, sits like a castle fort on the brow of the hill above every other house in the village and generally invades privacy.
- We are horrified at the size of the houses on this development.

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

- 1.1 The site lies within the settlement confines of Lydden, which is described as being a village within the Settlement Hierarchy at Core Strategy Policy CP1. Villages are the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. The site also designated under policy LA40 of the Land Allocations Local Plan for residential development with an estimated capacity of 40 dwellings. The land to the south of Canterbury Road is designated within the East Kent Downs AONB, whilst the land to the north and south of the village is designated as a Site of Special Scientific Interest. Finally, land to the north of the village is designated as a Special Area of Conservation.
- 1.2 Lydden sits within a shallow valley on an east to west axis. The village is roughly Y-shaped with linear development along Canterbury Road and Stonehall Road, together with several small cul-de-sacs linked to these roads. Between these two roads is Church Lane which, whilst significantly less developed, includes St Mary the Virgin Church and Lydden Court Farm. The village has a mixed character of buildings, with a historic core around the junction of Canterbury Road and Church Lane, early to mid C20th miners houses to the northern side of Stonewall Road and mid to late C20th development elsewhere. With the exception of the miners houses, which are relatively uniform and typical of early C20th planned housing, the scale form and design of properties varies greatly.
- 1.3 Lydden contains some facilities and services, commensurate with the size of the settlement. These include a primary school, a church, a doctor's surgery and a public house. This village is also served by regular bus services to Dover and Canterbury. The land falls from south to north, with a steep treed bank to its northern boundary. The site is accessed from Canterbury Road by an access which currently serves a recently built doctor's surgery.
- 1.4 Following a recent site visit, the properties to the west of the site had been erected and ground works were being undertaken for the remainder of the site. The retaining brick walls along the eastern boundary were visible.
- 1.5 This application follows a grant of full planning permission for the residential redevelopment of the site to provide thirty-one predominantly detached dwellings. The dwellings would have a loosely linear layout, with a central block of six dwellings. The buildings would be a mixture of two, two and a half and three storeys in height. This application seeks to vary conditions 2 (approved plans) and 3 (materials) and 10 (drainage scheme) attached to that permission.

2. Main Issues

- 2.1 The main issues are:
- Principle
 - Potential impact on the street scene and surrounding countryside
 - The potential impact on residential amenities
 - Drainage
 - Highways implications
 - Ecology

Assessment

The Principle of Development

- 2.2 The site lies within the confines of Lydden on land which is allocated under Land Allocations Local Plan Policy LA40 for residential development, with an estimated capacity of 40 dwellings. The proposal is for the erection of 31 dwellings and, as such, it is considered that the principle of the development is acceptable. Regard will be had for the seven criteria which must be met in order to comply with Policy LA40 within the body of this report.
- 2.3 Notwithstanding that the principle of the development has been established by planning permissions DOV/15/01184 and DOV/18/01000, which represent a realistic fallback position, the starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise. Paragraph 11 of the NPPF states 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 most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five-year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.4 It is considered that policies DM1, DM11 and DM15 of the Core Strategy and LA40 of the Land Allocations Local Plan are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.39 years' worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located on land which is allocated for development in the plan and the development therefore accords with Policy DM1.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made

sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight. DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is allocated for housing, and given that it adjoins the existing settlement the development accord with Policy DM11. The occupants of the development would be able to access some day to day facilities and services within Lydden and would be able to reach other facilities by more sustainable forms of transport.

- 2.7 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this Policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance the site is allocated for housing by Policy LA40, whilst it has been concluded that it would have a limited impact on the character and beauty of the countryside.
- 2.8 Policy LA40 allocates this site for housing development, with an estimated capacity of 40 dwellings. Permission will be granted under this policy, subject to meeting seven criteria. It is considered that the policy accords with the NPPF, being permissive unless planning harm is caused. Consequently, this policy is up to date and should be afforded full weight.
- 2.9 Policy DM1 is out-of-date, whilst DM11 and DM15, whilst to differing degree are in tension with the NPPF, are not out-of-date. Policy LA40 is not out of date and should be afforded full weight. Whilst DM1 is important to the assessment of the application, it is considered that LA40 is critical and, on balance, it is therefore considered that the basket of 'most important policies' are not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

Visual Impact and Heritage

- 2.10 The site is in a sensitive location, being on the edge of the village and adjacent to the Area of Outstanding Natural Beauty (AONB) and open countryside. Regard must also be had for the developments impact on the settings of nearby listed buildings, in particular St Mary's Church and Lydden Court Farmhouse to the north west.
- 2.11 The site is highly visible from both the AONB to the south and west, and the publicly accessible countryside to the north. Within the village, the site is partially screened by the houses to the south, in views from Canterbury Road. However, from the north, the site is visible in views from Stonehall Road and Broadacre. The site is also prominent from the footpaths which lie to the north and west.
- 2.12 As per the approved scheme, the development would have an organic layout, broadly comprising three cul-de-sac's linking to a central, adopted, access. The areas would form a loose perimeter around the site, of 25 dwellings, with a 'core' containing a further six dwellings and play space. Each of the cul-de-sac's would have a pedestrian link to

the next (the stairs were originally to be omitted from the scheme but have been reintroduced following concerns). Whilst the village is predominantly formed of linear, street fronting development, later additions have taken the form of small, intimate cul-de-sac's. As such, it is not considered that the layout of the development is out of character. This layout also prioritises pedestrian movement through the site and would be easily legible. Importantly, the layout is not being altered by this application, compared to the extant permission.

- 2.13 Lydden predominantly comprises a mixture of one and two storey dwellings, although some two storey properties also contain accommodation within their roofs. The development comprises a mixture of two and three storey dwellings. However, where three storey dwellings have been proposed, these properties either include a floor which is partially below ground level or contains the third floor within the roof space, significantly reducing the bulk of the resultant buildings. It must also be noted that the development lies towards the middle of the village, where views of the buildings would be taken in the context of the surrounding development. This is a steeply sloping site and due to adjustments required on site some of the levels of plots requires being adjusted, this application is seeking to gain permission to accommodate the levels, so the plots are able to suitably access to the road.
- 2.14 The plots to the southern side of the application site are plots 13 to 21 which backs onto those properties within Canterbury Road, these properties are to be lowered by between 50mm and 960mm, other than plot 21 which is to remain unchanged. Given the minimal decrease in land levels, these properties will not appear noticeably changed from the previously granted planning application.
- 2.15 Within the centre of the site are plots 9 – 12 (within phase 2 of the previously approved scheme). These plots are not readily visible from public vantage points due to the development wrapping around the site to the west (plots 1-8, phase one) and the remaining plots of phase two positioned to the north and south. Plots 10 – 12 floor levels would be reduced between 50mm – 455mm thus not impacting on the visual appearance of the existing scheme. That said, plot 9 would have a floor level of an increase of 225mm, given the position of this property within the site and being set back from Canterbury Road, this is not considered to cause visual harm to the street scene from public vantage points.
- 2.16 Along the northern boundary are plots 22 - 31, these plots are visible from Church Lane to the north and along Stonehall Road. The proposed development is seeking to increase plots 22,23 and 29 by 50mm, whilst plots 24, 25, 26, 27, 28, 30 and 31 would remain unchanged. Given, the minimal increase in floor level, coupled with the dividing distance separating these properties from Stonehall Road and Church Lane, I am satisfied that this increase in floor levels would not result significantly change the character of the previously approved scheme.
- 2.17 For these reasons, it is not considered that the scale of the buildings would cause significant visual harm. The scale of the buildings is comparable to the approved scheme, having been amended during the course of the application.
- 2.18 Whilst the scale of buildings within the village has a degree of uniformity, it is considered that this part of Lydden lacks a distinctive character in terms of building design. However, other parts of Lydden display a more distinctive, unifying character, such as the historic core of the village, around the junction of Canterbury Road, Church Lane and Lydden Hill, and the area of early C20th miners housing to the north of the site.

- 2.19 Where a site is located in an area which lacks a strong defining character, Building for Life advises that the appropriate response is to explore how the development can reinforce an existing character or create a new character which responds to the existing character, by introducing new elements but referencing positive forms, proportions, features or materials, to root the development in its context.
- 2.20 The most prominent character of the site is the landscape and steep sided valley within which Lydden sits. In long views of the village from the surrounding AONB and public footpaths, the most prominent buildings are the miner's houses, the gables of which produce a distinctive silhouette. The detailed design of the development does not seek to replicate the design of buildings within the village. Instead, the design seeks to produce a contemporary architectural style which references key components of the existing buildings in the village. The design of the elevations and the arrangements of fenestrations would be overtly new to the village; however, the proportions and gabled roof forms would respond to the miner's houses to the north. Whilst the design of the building is striking, it is considered that it would provide the development with a strong character and positively reference details which are found in the area. Overall, it is considered that architect has been successful in the approach which has been employed.
- 2.21 This application seeks to modestly alter the approved designs. Largely, these changes comprise of removing the spandrel panels running past the floor zones on plots 9-21 for technical reasons and replaced with masonry, enlarging some openings, moving roof lights and windows and pulling the front entrance doors forward to line up with the upper floors. The proposed changes are to match the changes to the previously approved plans relating to plots 1 -8 (DOV/18/01000). It is considered that most of the changes have been positive, providing buildings with more balanced proportions. Whilst some changes have been less successful, overall it is considered that the changes have enhanced the scheme.
- 2.22 Condition 3 relates to materials to be used on the site, the proposal seeks to amend these materials and to match those previously approved (DOV/18/01000) under the section 73, which in your officer's view would give some uniformity to the overall development. When the original planning application was approved in 2015, it was considered that these materials were fundamental to the success of the proposed architectural style. Consequently, the materials palette was amended to reintroduce some of the more important materials. Again, some of the substitute materials would be of lesser quality than those which were approved (for example the replacement of oak entrance doors with composite entrance doors), however, it is not considered that these would cause unacceptable harm, when balanced against the introduction of higher quality materials and the higher quality materials which are to be retained. Overall, the appearance of the scheme would continue to positively reference the 'miner's housing' in the village, whilst producing an innovative development which would add a distinctive product to the local housing market.
- 2.23 Whilst the site is not within the AONB, the development does have the potential to impact upon the setting of the AONB. Section 85 of the Countryside and Rights of Way Act 2000 states that "in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty". Whilst not planning policy, regard should also be had for the Kent Down AONB Management Plan and the Kent Downs Handbook, which provide advice on how to protect and enhance the AONB.

- 2.24 In accordance with the above Act, particular regard must be had for the impact of the development on the setting of the AONB to the south and the countryside beyond the village, in particular in important views of the site from the north. Within these views, the development would be seen in conjunction with, and a continuation of, the rest of the village. The scale and form of the development would also integrate into the existing village. For these reasons, it is not considered that the development would harm longer views of the village, the setting of the AONB or the character of the landscape.
- 2.25 The site and the surrounding area are particularly susceptible to increases in light pollution and consequently, criterion 7 of policy LA40 requires that "if street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB". As such, the external lighting within the development will need be kept to the minimum required to provide a safe environment. Where external lighting is required, it should be designed in such a way to avoid light spill, sky glow and light intrusion outside the site. The application does not seek to amend the approved lighting plan, agreed following the submission of details pursuant to condition.
- 2.26 Regard must be had for how the development would impact upon listed buildings, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity of the site, and their settings. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial) consider whether this harm is outweighed by public benefits.
- 2.27 The nearest listed buildings to the site, are 138-140 Canterbury Road which lie 145m to the west. These buildings are a significant distance away from the site and it is not considered that the characteristics of the site contribute to the setting of these buildings, particularly given the built-up nature of Canterbury Road to either side of these heritage assets. Furthermore, the development would not block or unacceptably alter any important views of these buildings. As such, it is not considered that the significance of these listed buildings or their settings would be harmed by the development.
- 2.28 To the north west are the Grade II* listed Church of St Mary and the Grade II listed Lydden Court Farmhouse, which are approximately 190m and 220m from the site respectively. The Church, in particular, is an important landmark building within the village, featuring in many important views due to its location and scale. Despite this, in views from Canterbury Road, the Church is not highly visible, and the development would not therefore impact upon any views from the south. In closer views of the Church from Church Lane, the development would be visible above the height of the vegetation to the northern and western boundaries of the site. Whilst the development would, therefore, alter the setting of the listed building, it is noted that at present the setting in these views is that of the buildings within the village. The development would be well separated from the Church, retaining a generous undeveloped buffer and, having regard for this together with the existing context of the Church, it is not considered that the change to the setting of the Church would be harmful. Furthermore,

it is noted that the provision and retention of landscaping development will be conditioned, which will significantly reduce the prominence of the development in the landscape.

- 2.29 There is a further cluster of listed buildings located approximately 350m to the west. However, given the separation distance and relationship between the application site and these buildings, the development would have no impact on these buildings or their settings.
- 2.30 There have been few archaeological finds within the vicinity of the site, whilst a significant proportion of the site is made ground. Recent archaeological work at The Former Hope Inn, 144 Canterbury Road, revealed little significant archaeology. As such, it is not considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, it is not considered that it would be reasonable to require a programme of archaeological work in this instance.

Impact on Residential Amenity

- 2.31 The site is bounded by residential areas to its north and south, whilst to the east and west is the Primary School and open fields respectively. As such, the only potential impact on residential amenity relates to the properties on Broadacre to the north and Canterbury Road to the south.

Plots	Approved FFLS 2015	Proposed FFLS 2020	Variance black = higher Red = lower
Plot 9	78.150	78.375	0.225
Plot 10	76.280	75.825	(0.455)
Plot 11	76.255	76.205	(0.050)
Plot 12	76.255	76.205	(0.050)
Plot 13	78.980	78.675	(0.305)
Plot 14	78.305	77.770	(0.535)
Plot 15	77.700	76.965	(0.735)
Plot 16	76.600	75.940	(0.660)
Plot 17	76.110	75.150	(0.960)
Plot 18	75.285	74.735	(0.550)
Plot 19	74.580	74.100	(0.480)
Plot 20	73.730	73.700	(0.030)
Plot 21	72.800	72.800	0.000
Plot 22	72.650	72.700	0.050
Plot 23	72.650	72.700	0.050
Plot 24	75.200	75.200	0.000
Plot 25	75.200	75.200	0.000
Plot 26	75.350	73.350	0.000
Plot 27	75.450	75.450	0.000
Plot 28	75.450	74.450	0.000
Plot 29	75.550	75.600	0.050
Plot 30	75.500	75.500	0.000
Plot 31	74.800	75.800	0.000

- 2.32 Of concern to local residents is the overall scale and principle of the dwellings and amendments to the fenestration of plot 1. Whilst I am sympathetic to the issues raised the principle of the dwellings and scale were considered and approved in 2015. In

respect of the fenestration within plot 1, this cannot be addressed within this application, due to the proposed amendments relating purely to plots 9-31. The application proposes to amend the finished floor levels, the majority of the plots are being lowered (as set out below), with the maximum increase in height being 0.225 which relates to plot 9 (within the middle of the site). On this basis I am satisfied these levels will not impact on the residential amenities currently enjoyed by local residents.

- 2.33 The closest property on Broadacre is set approximately 63m away from the nearest part of the retaining wall to Units 24 to 28 and approximately 70m from the rear elevations of these properties. Whilst these buildings would rise to three storeys and be at a significantly higher level than the properties on Broadacre (rising to approximately 15m above the level of the reed bed attention pond), it is considered that given the separation distance, no significant loss of light or sense of enclosure would be caused.
- 2.34 Whilst there are changes to the fenestration of the proposed dwellings, these are not considered to impinge on the amenities currently enjoyed by local residents surrounding the site. That said, the proposed balcony relating to unit 16 which was originally on the eastern side, is now proposed to be moved to the west elevation due to fire regulations. I am satisfied that given a balcony has already been approved in principle and given the separation distance between the balcony and No.'s 106 and 104 Canterbury Road, the relocation of the balcony to the other side of the dwelling will not result in an unacceptable level of overlooking.
- 2.35 The proposed houses would all be of generous sizes and would be naturally lit and ventilated. All would have access to reasonably sized outdoor amenity spaces and have been laid out in a manner which reduces overlooking between properties. Refuse storage has been provided in integrated stores to the front of each dwelling which are easily accessible from each dwelling and easily accessible on collection days. Overall, it is considered that future occupiers would have an acceptable standard of accommodation.

Drainage

- 2.36 Criteria 6 of Policy LA40 requires that the development provides a connection to the sewerage system at the nearest point of adequate capacity. The previous application had addressed this through the imposition of a condition, requiring details to be submitted for approval. Details have now been submitted in relation to units 9 -31, which would comprise of the second phase of the development. Having taken advice from the Environment Agency they have set out that "with regard to surface water condition, from the submitted drawings, we understand that clean uncontaminated roof drainage will drain directly to the surface water system (entering after the pollution prevention measures) and discharge into deep soakaway. We note that the deepest deep bore soakaway will be 20m below ground level. We also note that drainage from access roads and car parking areas will be collected separately and discharge into an attenuation pond, having previously undergone appropriate pollution control methods (such as trapped gullies and interceptors) to prevent hydrocarbons from entering the surface water system and discharged to the ground". It is on this basis; the Environment Agency have agreed to these details being approved.
- 2.37 The existing site is undeveloped and, as such, surface water drains naturally. This takes the form of infiltration to ground, although some representations have commented that in recent years some water has drained from the site to neighbouring properties. The proposal would increase the impermeable areas of the site. Whilst the site overlies chalk, which is relatively permeable, there site includes upper deposits

which are less permeable. As such, there is a need to provide a drainage system which allows for water to be stored and discharged slowly to ensure that the surface water is discharged within the boundaries of the site. The capacities of the proposed system for storing and discharging surface water has been modelled by the applicant's engineers. The proposed method of drainage proposed by this application (deep bore soakaways which will allow water to drain naturally into the ground at a depth of 20m below ground level, achieve a level of surface water drainage which will not increase the risk of flooding on site or elsewhere. As such, subject to the imposition of an updated condition regarding surface water drainage, requiring the implementation and maintenance of the system, the site would not cause any localised surface water flooding either on or off site.

Highways Implications

- 2.38 With regards to the highway implications, the proposed development will not result in changes to the traffic and parking implications and as such the proposal adheres to policies DM12 and DM13 of the Dover District Core Strategy.

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

- 2.39 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment and this information has been reviewed by the Councils Principal Ecologist and Natural England.
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has secured a payment to fund this mitigation via a legal agreement.

- 2.45 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.

3. Conclusion

- 3.1 This application seeks to make minor changes to the development which has been approved. In this instance, the proposed changes to the approved drawings (condition 2) and materials (condition 3) would not cause undue harm to the visual appearance of the development within the locality in which it sits, or adversely impact on the residential amenities of the local residents. In respect of condition 10 (drainage) having taken advice from the Southern Water and the Environment Agency I am satisfied the amendments will not adversely affect drainage. The development is acceptable in all other material respects. For these reasons the proposed development is considered to comply with the aims and objectives of Dover District Core Strategy, the Land Allocations Local Plan and the National Planning Policy Framework.

g) Recommendation

- I PERMISSION BE APPROVED subject to the following conditions:
1. Time period.
 2. In accordance with approved plans
 3. Materials
 4. Landscaping
 5. Prior to first occupation a timetable for provisions off all roads, footpaths, manoeuvring areas and parking areas to be submitted and approved
 6. Bicycle storage
 7. Visibility splays
 8. Surface water drainage
 9. Foul surface water
 10. Gas monitoring
 11. Removal of permitted development within Part 1, Classes A, B and C
 12. No additional windows
 13. Contamination
 14. Biodiversity enhancements
 15. Badger mitigations
 16. External lighting
 17. Refuse storage
- 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 report and as resolved by Planning Committee

Case Officer

Karen Evans