

- a) **DOV/21/01309 – Outline application for the erection of 7 self-build plots (all matters reserved) - Rose Nursery, Dover Road, Sandwich**

Reason for report – Number of contrary views (23)

- b) **Summary of Recommendation**

Outline Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM15 – Protection of the Countryside

DM16 – Landscape Character

DM27 – Providing Open Space

Sandwich Neighbourhood Area

No neighbourhood plan adopted

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 60 – 62, 86, 79, 110 - 112, 120, 123, 130 - 135, 167, 168, 174, 180

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

SPG4 Kent Vehicle Parking Standards

Self-build and Custom Housebuilding Act 2015 (as amended)

Draft 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**

Various applications including:

CH/5/59/0012 – Outline application for development of land for erection of bungalows/ houses - Refused

CH/5/69/0034 – Outline application for residential development - Refused

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

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

Sandwich Town Council – Initially advised that they resolved to approve this application and requested increased 106 contribution to assist with town accessibility strategy.

In response to amended plans, advised;

Sandwich Town Council resolved to recommend approval with conditions. KCC opens the road, a long term established plan for maintenance of the trees, section 106 money to be allocated to the STC Disability Access Strategy, designated landscape & biodiversity plan; quite extensive tree planting has already taken place in & along the boundaries of the adjoining field (to the north of the application site). The intention for it to be an ecological & environmentally sensitive scheme, including the planting of native hedgerow providing green connections between structures equating to wildlife corridors. There will be reinforcement of the bypass boundary vegetation. A planted bund will be established along the SW boundary. A condition be imposed requiring further details in which to ensure the enhancement of biodiversity. DDC at pre-application stated: there must be suitable landscapes to all boundaries including both tree & native planting; an arboriculture assessment & tree survey as part of the application; they require detailed landscape proposals. Details of the landscape planting which will be an essential part of the integrity of this site are for future consideration. Details of a net gain of biodiversity to increase, promote conservation, restoration, enhancement (para 17, NPPF) are currently not specified. Without which there remains a concern with regards to the impact of the street scene along the southern boundary of the site with no reassurance of the impact on the existing hedgerow, habitat. As the client wishes to develop an ecological & environmentally sensitive scheme suggested that STC stipulate that a detailed landscape plan be a requirement of the PA. This landscape plan should show the nature & extent of existing planting & extent of existing planting and green space along with the intended tree and hedgerow planting and green space both in relation to the boundaries and within the site between build zones. As the aim is for self-build properties it would also be relevant to ask the developer how they intend to enforce the Landscape Plan which they submit.

Environmental Health – Noise - I confirm sighting of acoustic report (Able Acoustics P1423/01 June 2021) which examines the existing noise climate and assesses the suitability of residential properties in this area of Sandwich in relation to potential excessive noise from road traffic. Noise readings included and tabulated within the report indicate that internal habitable rooms noise levels without mitigation will be above guidelines provided in BS:8233:2014 (Table 5.1.1). Table 6.2 provides specific glazing specification ie. 6/(6-16)/ 4mm which is stated to provide sufficient sound attenuation. It is also recommended that additional acoustically screened trickle ventilation with a minimum performance of 40dB d,n,e,w +Ctr should be installed. This is recognised in the Design & Access statement but nevertheless should be secured by a suitably worded condition (or plans submitted and approved). Noise levels in outside amenity garden areas with a 1.8m close boarded fence are generally below the guideline level of 50dB with the exception of Plot 1 which is predicted to have a level of 55dB. Whilst the higher level is not desirable in a rural location, it is nevertheless below the maximum guideline level of 55dB and objection to the

development on that basis would not be sustainable. It is recommended that details and acoustic qualities of the fence be submitted to the planning department and approved. EP do not object to the application on noise grounds. Contaminated Land - Phase I (desktop) & II studies have been submitted (Edge Enviro Ltd) which examine historical land use on the site. Soil sample results reported are generally within industry guidelines and no remediation of further CL concerns are raised. The Landmark site check raises no CL concerns. I would however recommend the following condition be included in any decision notice:-If during the course of development, significant contamination is suspected or found, or significant contamination is caused, works shall cease and the Local Planning Authority shall be notified in writing immediately. Where required, a suitable risk assessment shall be carried out and where necessary any remedial action shall be carried out in accordance with an agreed process and within a timetable approved by the Local Planning Authority. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Reason-To secure the safe development of the site in terms of human health and the wider environment, pursuant to NPPF.

KCC Highways and Transportation - I note that all matters are reserved with this application, including access. With this in mind, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority

- A visibility splay of 2.4 metres x 33 metres would be needed to the north of the proposed access, with no obstructions over 1 metre above carriageway level within the splay.
- The proposed footway route connecting to The Crescent should be alongside the carriageway rather than behind the hedge (a substantial part of which would need to be removed in any case to provide the visibility). It appears from our records that the public highway extends beyond the edge of carriageway along the site frontage. The existing footway in The Crescent would need to be extended slightly and dropped kerbs/tactile paving provided.
- The internal layout will need to accord with Kent Design and Manual for Streets. Looking at the submitted preliminary layout this has particular relevance to the need for a footway/service margin around the entire street and the need to accommodate an 11.3 metre-long refuse vehicle.
- Parking will need to be in accordance with Local Plan policy DM13 for a suburban edge/rural situation. Each parking space will need to be 2.5m x 5m as a minimum requirement
- An electric vehicle charging point and secure, enclosed bicycle storage is required for each dwelling in accordance with details to be submitted to and approved in writing to the LPA prior to the use of the site commencing.
- Submission of a Construction Management Plan before the commencement of any development on site.

The nearest bus stops are in the A258 Deal Road and a review of pedestrian facilities serving these stops would therefore be required. I note that the applicants other land to the north of this site was put forward as an allocation for the Local Plan Assuming this land may eventually be allocated, the applicant would also need to consider how access to this land may affect the current site.

Southern Water – The exact position of the public assets must be determined on site by the applicant in consultation with SW, before the layout of the proposed development is finalised.

- The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for

maintenance.

- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

DDC Housing Development Manager - This application relates to the provision of self-build plots, and as such I have no comment to make in relation to affordable housing provision. However, DDC holds a self-build register of local people who wish to build their own home, and these plots would make a contribution towards meeting this housing need.

Kent Fire and Rescue Service – No response received.

KCC Ecological Advice Service - advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached. Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Dover County Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. Due to the time elapsed since the original survey (December 2020) and the features on site (such as brick piles and areas of longer grass), we advise that a biodiversity method statement is secured as a condition. This should provide relevant avoidance and protective measures for protected species (such as breeding birds). Ecological Enhancements

The application provides opportunities to incorporate features into the design which

are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition. This is in accordance with Paragraph 180(d) of the National Planning Policy Framework 2021.

KCC Economic Development - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests. These tests have been duly applied in the context of this planning application and give rise to the following specific requirements:

Request	Per Applicable Household (x7)	Total
Primary Education	£4,642.00	£32,494.00
Secondary Education	£4,540.00	£31,780.00
Community Learning	£16.42	£114.94
Youth Service	£65.50	£458.50
Library Bookstock	£55.45	£388.15
Social Care	£146.88	£1,028.16
Waste	£54.47	£381.29

They also request that all homes are built as wheelchair accessible and adaptable dwellings in accordance with Building Regs Part M 4 (2) and that a pre-commencement condition is imposed requiring details to be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic connections to multi point destinations and all buildings.

Third Party Representations: 23 members of the Public have written in objection to the proposals and 3 in support. Matters such as problems arising from the construction period and loss of views are not material considerations and cannot be considered in the assessment of an application.

Objection

- Future development of field to north of site – identified as potential future site for 100 new houses in draft local plan (HELAA ref SAN010), potential access through site. Concerns development at this site would justify development at adjacent land. Original plans for 10 self-build plots at site and access road to adjacent field.
- Acoustic report – concerns regarding survey times (avoiding rush hour) and traffic levels (reduced traffic and working from home following end of Covid lockdown period). 1.8m fence mentioned in report left out of landscaping scheme.
- Noise/disturbance/pollution – land directly next to major A road/intersection, noise/pollution will be significant for potential new residents even with mitigations proposed (including bund). Concerns development would cause street and reduced quality of life and would be at detriment of residents mental health and well-being. No evidence of discussion with Southern water prior to application in respect of utilities, water supply and foul sewer system capacity. Concerns regarding water pressure, street flooding and blocked drains. Pre-

application advise suggested drainage/SUDs assessment, statement of community involvement, landscape proposals and construction management plan required.

- Wildlife/trees – concerns regarding date survey was undertaken (23rd December 2020) and species identified/not identified (including bats and other European protected species – requests bat survey submitted). Loss of natural habitat for wildlife. No tree survey submitted. No evidence of net gains for biodiversity (NPPF Para. 179) – would result in net loss of biodiversity
- 5 year housing land supply/development/need – 5yr supply has been demonstrated although not enough self-build plots allocated. Concerns regarding additional development in Sandwich and existing infrastructure, with other sites in area identified. Cumulative impact of development not established to determine adverse effects on Dover Road and residents. Will change character of market town. Concerns regarding impact on GP, dental services, local amenities/support services. Not aware whether a public consultation took place. Concerns in respect of self-build need for family members and not affordable housing provision. Loss of farmland that could be re-farmed.
- Climate change/emergency – greenfield site should take climate emergency into account.
- Highways/Traffic/pedestrian safety – road is narrow and does not have capacity to cope with added traffic. Concerns regarding safety for school children and points along Dover Road where pavement is narrow or non-existent. Concerns this end of Dover Road could be opened up to assist traffic congestion, becoming 'rat run'. Concerns bypass could be dualled at this point. Issue with overcrowding and increased traffic volumes. No space provided for potential junction upgrades (due to proposed planted bund). Residents at this end of Dover Road have been subjected to large HGV's supplying plant hire and materials to building site, turning in narrow entrance. Systematic travel assessment not provided and will increase travel by car (contrary to DM11). No visibility splays or swept path analysis submitted. No measures in place to assist pedestrians or cyclists to access public transport
- Design – eco housing model sounds great but assume there is no obligation to those purchasing plots to adhere to this. Not in keeping with local character of the area, would place housing development at higher density than existing surrounding development. Concerns regarding loss of outlook for Johns Green residents. Concerns regarding styles of houses with 7 different sales.
- Impact on countryside and landscape (DM15 & DM16) – dense housing development where none previously existed, southern boundary would see loss of hedgerow as required by KCC for public footpath, loss of farmland, loss of natural visual appeal. Cannot be mitigated against to acceptable level as required by DM16. No landscaping details or LVIA submitted. No justification for rural location contrary to DM15
- Request conditions put in place to protect residents from undue disturbance and inconvenience.
- Location/principle - outside settlement boundary (CP1, DM1) should not be considered as natural extension of existing boundary but on edge of settlement boundary incorporating only Johns Green, The Crescent and small part of Dover Road. Site not included in draft local plan for housing development. Local plan being 'out of date' should not be used as argument to apply tilted balance. No justification for rural location – other development sites identified in Sandwich in local plan. No evidence this meets the economic objective of NPPF (Para 8). Section 38(6) Planning and Compulsory Purchase Act 2004, Section 70(2) of Town and Country Planning Act 1990, Regulations

Support

- Need - shortage of self and custom build sites within District. No provisions within LPA policy to allocate plots for self/custom build. Competition for plots from builders/developers. National Planning Policy requirement to maintain register for services self/custom build plots. Duty under Section 2 & 2A of Self-Build and Custom House Building Act to have regard to and give enough suitable development permission to meet identified demand. Reliance on windfall sites.
- Area appears to consist of rough grazing and derelict glasshouses of limited biodiversity. Appears to be no significant structures of the proposed site that could provide bat roosting sites
- Proposal appears to indicate the significant boundary screening it so the retained and enhanced by further planting.
- Proposal appears as small, self contained site, well screened from and having little impact on neighbouring houses
- Impact would be no greater than that of the new development at Woodnesborough Road and much less than that of Poulders Gardens. Given appropriate planting and a little time the impact would be no more significant than the houses at Johns Green
- Appears to be the only self-build in the area and has promising noise mitigation proposals

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

1.1 The site relates to the former Rose Nursery, covering an area of approximately 0.49 hectares, located on the north side of Dover Road. The land comprises a large area of redundant greenhouses and growing areas once forming part of a wider horticultural holding. The site lies outside of, but in close proximity to the settlement confines, which are to the northeast and southeast. The site is also within the Sandwich Neighbourhood Area, however there is no adopted neighbourhood plan.

1.2 This is an outline application for the erection of 7no. self build plots, with all matters reserved. During the course of the application, the proposals have been revised and no longer include the change of use of part of the former nursery to residential garden land (and the amended scheme has been re-advertised accordingly). Indicative site plans and parameter plans have been submitted demonstrating a possible layout of the development, which could contain two/three storey detached dwellings.

1.3 **Response from the applicant**

- Land used as nursery for many years. OS maps 1897 show extensive greenhouse on this site. OS map 1937 shows current greenhouse format with further greenhouses which only now exist in form of footings, underground drainage and irrigation pipework. Areas of hardstanding between greenhouse and greenhouse footings, not currently visible being covered by thin layer of soil and grass. This land cannot be farmed nor is it financially viable to return this area of land to agricultural production.
- Owners have previously engaged with DDC with a view to exploring a viable use for the site, but unable to support use of this site for any means including continued use as a nursery.

- Very limited number of properties with any clear view of proposed site. Boundary planting between field in applicants' ownership and gardens of Johns Green has been re-enforced with a planting scheme of mixed native trees and shrubs and other plants. Anticipate that within a short time, properties at Johns Green will be fully screened. Properties further north of site fully screened by mature hawthorne hedge. Further planting planned on strip of land to north abutting public right of way. Additionally, engaging with the woodland trust regarding eligibility for inclusion in the MOREhedges scheme.
- Regarding comments of bias from various professionals engaged to carry out required surveys, we have no connection to these professionals, have simply engaged their services because we are required to do so.
- Regarding comments of plots for family members, it is not envisaged that all the plots would be utilised by family members, however it is hoped it will provide for some elderly family members and at least one other planning a family in order to develop a mutually supporting family environment. If successful, there will be a net reduction in the amount of traffic movements associated with these units.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the countryside and landscape
- The impact on residential amenity
- Other material considerations

Assessment

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 adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located just outside of the settlement confines (approximately 7.7m between the proposed access and confines to the southeast) and a public footpath (0217/ES15/1) to the northeast of The Crescent (on the opposite side of Dover Road) would provide access to a bus stop with regular services to Sandwich where a wider

range of services and facilities, including public transport, is available. Notwithstanding this, the development is contrary to Policy DM11.

- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside, this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.6 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside and no significant adverse impact on the landscape. Consequently, the development would not conflict with DM16.
- 2.7 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy, but would accord with DM16. It is considered that these policies are also the most important policies for determining the application.
- 2.8 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.9 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The council have delivered 88% 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, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.10 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Given the particular characteristics of this application and this site, which is in close

proximity to public transport, it is considered that the use of the site as proposed would not conflict with the sustainable travel objectives of the NPPF. Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intension of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.

- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside 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 (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the sites appearance does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.13 Policy DM16 seeks to avoid development that would harm the character of the landscape and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.14 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. At the time of preparing this report, 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.
- 2.15 It is considered that policies DM1, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on the Countryside and Landscape

- 2.16 The site is located just outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. As this is an outline application with all matters reserved, full details of the design (appearance), layout and scale of the dwellings, landscaping and vehicular access would be submitted at reserved matters stage. Notwithstanding this, indicative plans have been submitted to demonstrate how the 7 detached self/custom build dwellings could be accommodated within the site, with a vehicular access connecting to the existing access at Rose Nursery and Dover Road to the southeast (with a pedestrian access also indicated). The indicative information suggests a maximum height of 8.5m for each detached dwelling, which would be set at least 2m from the boundary line of each plot.
- 2.17 There is an existing line of planting along the southwestern boundary of the site, running further northwest, adjacent to the Sandwich Bypass which would provide screening for the proposals. Notwithstanding this, the development would also be seen within the context of the existing cluster of residential development to the north, particularly in views from Dover Road. In order to provide visibility splays from any access onto Dover Road, there may be a requirement to remove some of the hedgerow fronting the site. Whilst the access and landscaping would be considered further at reserved matters stage, the loss of part of the hedgerow is considered to have a localised impact only. In the interests of visual amenity, it is considered appropriate to recommend a condition is imposed for a parameter plan or design code to be submitted prior to the submission of the reserved matters. It would be expected that this would clarify the building heights, plot areas, build zones, general materials, energy performance criteria, site wide landscaping principles off and on plot and street lighting. Subject to further details (to be dealt with at reserved matters stage), it is considered that a scheme could be submitted which would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area, as required by Paragraph 130 of the NPPF, and could preserve the intrinsic character and beauty of the countryside in accordance with Policy DM15.
- 2.18 In respect of the impact on landscape character, as set out above, the development would be seen within the context of the existing residential development at Rose Nursery and on Johns Green to the north of the site. Subject to further details in respect of the scale and landscaping of the scheme (dealt with at reserved matters stage), it is considered a detailed scheme could be submitted that would preserve the character of the wider landscape area in accordance with Policy DM16.

Impact on Residential Amenity

- 2.19 The site would be located to the southwest of the existing Rose Nursery dwelling. Whilst details of the siting, scale and design of the dwellings would be dealt with at reserved matters stage, the indicative plans submitted suggest that the dwellings could be sited a sufficient distance from other nearby dwellings to avoid overshadowing/loss of light or an overbearing impact. At reserved matters stage, the design of the dwellings would be considered to ensure the development would result in no unacceptable harm to privacy and would accord with the objectives of Paragraph 130 of the NPPF.
- 2.20 In respect of the amenity of the occupants, careful consideration would need to be given at reserved matters stage to ensure future occupants of the development would enjoy a high standard of amenity as set out in Paragraph 130(f) of the NPPF. An acoustic assessment has been submitted examining the existing noise climate and assessing the suitability of residential properties in this area, in relation to potential excessive noise from road traffic. This has been subject to consultation with DDC

Environmental Health who advise that noise readings within the report indicate that internal habitable rooms noise levels without mitigation will be above guidelines. The report provides specific glazing specification which is stated to provide sufficient sound attenuation and it is also recommended that additional acoustically screened trickle ventilation with a minimum performance should be installed (secured by condition). Noise levels in the outside amenity garden areas with a 1.8m close boarded fence are generally below the guideline level of 50dB (with the exception of Plot 1 predicted to have a level of 55dB). Whilst the higher level is not desirable in the rural location, it is below the maximum guideline level of 55dB and an objection on that basis would not be sustainable. Environmental Health recommend that details and acoustic qualities of the fence are submitted for approval and do not object to the application on noise grounds. Having had regard to Paragraph 185 of the NPPF, it is suggested a condition is imposed accordingly. Other matters such as provision of secured bicycle storage and refuse/recycling storage should also be provided at reserved matters stage.

Other Material Considerations

Impact on Travel

- 2.21 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. The site is outside of, although is in close proximity to the settlement confines (to the northeast and southeast) where residential development would be acceptable in principle. An additional settlement confine (which includes Sandwich Town Centre) is located further northeast on Dover Road. Although there is no continuous public pavement between the site and these confines, due to the nature of the road (which is of a reasonable width and has no through-traffic, with Dover Road terminating near the site), it is not considered that occupants would be discouraged from walking or cycling to the settlement. In addition, a public right of way is located on the opposite side of Dover Road, to the northeast of the site which provides a connection to a bus stop on Sandwich Bypass, with regular services to Sandwich, where a wider range of services and facilities, including railway station, are available. Whilst the development would be contrary to Policy DM11 by being located outside the settlement confines, in this instance, given the particular characteristics of the site, it is considered that the location of the site, relatively close to a number of facilities and services (accessible by public transport providing connections to Sandwich and other settlements), could provide some assistance in providing further access to local services and the vitality of rural services (NPPF paragraph 79). Some weight should be provided in favour of the development in this respect which provides some counterbalance to the otherwise unsustainable nature of the site's location.
- 2.22 It is important to note that, above, reference has been made to paragraph 79. In doing so, it has been concluded that the site is not 'isolated' for the purpose of assessing this rural housing application.

Impact on Parking

- 2.23 Detailed site layout would be required at reserved matters stage, however it is noted that the indicative information submitted proposes each dwelling would have two parking spaces, which would likely accord with the requirements of Policy DM13 (depending on the finalised number of bedrooms within each unit). KCC Highways and Transportation has been consulted on the application and advises that subject to the imposition of conditions or obligations, they would raise no objection. Of the conditions/obligations set out, it is considered that at this stage, with all matters

(including access) being reserved, a condition requiring a construction management plan would be reasonable. However, as the exact location of the access and design of the internal road and parking areas would be dealt with at reserved matters stage, it is not considered reasonable at this stage to include conditions in relation to the visibility splay (2.4m x 33m to the north of the proposed access with no obstructions over 1m above carriageway level within the splay), footway route (connecting to The Crescent), that the internal layout will need to accord with Kent Design and Manual for Streets, and for parking provision to be in accordance with Policy DM13 (and parking spaces of 2.5m x 5m as a minimum requirement).

- 2.24 As the site is located outside of the settlement confines (where there is limited public transport), and in order to provide sustainable transport in line with the objectives of Paragraph 112 of the NPPF, it is considered appropriate to impose a condition requiring electric vehicle cable ducting to be laid to serve the proposed development. The number of vehicle movements generated from the proposed use of the site are considered unlikely to result in an unacceptable impact on highway safety (Paragraph 111 of the NPPF).

Impact on Flood Risk/ Drainage/Contamination

- 2.25 The site is located in flood zone 1 which has the lowest risk from flooding and as such, the sequential and exceptions test are not required. Furthermore, due to the size of the site; less than 1 hectare, a flood risk assessment is not required. The application form states that surface water would be disposed of to a sustainable drainage system, no details of foul sewage drainage have been specified. Notwithstanding this, further information could be submitted at reserved matters stage or required following that stage by condition.
- 2.26 Phase I and II studies have been submitted, examining the historical land use on the site. Environmental Health has been consulted accordingly, considering the soil sample results reported are generally within industry guidelines and no remediation of further contaminated land concerns are raised. They recommend a condition is imposed dealing with any contamination that may be suspected, found or caused during the course of the development and it is suggested this is imposed accordingly.

Ecology

- 2.27 An ecological scoping survey has been submitted in support of the application. Whilst numerous species of plants and animals were recorded, no evidence of species or habitat suitable for any species which are specifically protected under wildlife legislation was found anywhere on the site. A number of wildlife conservation and mitigation measures (which should be incorporated by means of a biodiversity plan) were suggested, and it is considered appropriate to suggest a condition is imposed requiring a scheme to be submitted. Whilst not identified at the site, given the reference made in third party representations to bats being seen in the surrounding area, it is recommended an informative regarding protection of bats and their roosts (under the 1981 Wildlife and Countryside Act (as amended) and the Conservation of Habitats and Species Regulations 2017) is included in this respect.

Archaeology

- 2.28 The site is not located within an area of archaeological potential. Notwithstanding this, a desk based assessment has been submitted identifying finds in the surrounding area. It is considered that the site has been heavily disturbed, to a shallow depth. As such, it is considered that no further details are required.

Open Space

- 2.29 The proposals are for the erection of 7 dwellings and Policy DM27 sets out that to meet any additional need generated by development, planning applications for residential development of 5 or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. It has been identified that the Bulwarks Play Area Improvements could generate Open Space and Play Area contributions. However, no details of the funding requirements or specific project proposals have been provided and given the distance from the site to the play area (located near the Quay), it is not considered that a contribution towards off-site open space provision could be supported in this instance.

Contributions

- 2.30 In response to the original scheme proposed, KCC Economic Development requested a number of financial contributions (set out in the consultee response above). However, the proposals were subsequently amended and re-advertised accordingly (with no further response received from KCC). Noting the representation of KCC Economic Development, which identifies that contributions are applicable on a site of more than 0.5 hectares, the revised site area is 0.49 hectares. As such, contributions are therefore not required or justified.

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

- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 Given the limited scale of the development proposed by this application, a contribution towards the Councils 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.

- 2.36 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.

Planning Balance

- 2.37 The principle of the development is contrary to the development plan in respect of Policies DM1 and DM11 (however accords with Policies DM15, save for the loss of countryside and DM16). It is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 2.38 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. The development would generate travel outside of the rural settlement confines contrary to Policy DM11. Notwithstanding, the site is within close proximity to the confines and the nearby rural service centre of Sandwich and other surrounding settlements can also be reached on foot (albeit there is not a continuous pavement), by bicycle or by public transport. It is considered that the location of the site, relatively close to a number of facilities and services, could provide some assistance in providing further custom to local services and the vitality of rural services in accordance with Paragraph 79 of the NPPF, which weighs in favour of the scheme.
- 2.39 This application is for 7no. self/custom build dwellings. The provision of such dwellings are supported by the NPPF (paragraphs 60-62), which advises that the provision of self-build types of housing should be reflected in planning policies. The Councils' current policies do not reflect this. Regard should be had to the application proposal to provide seven self/custom build serviced plots. The definition of self-build is "Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act". The provision of self-build housing is considered to be a benefit, albeit a marginal one and would not by itself justify permission had other planning considerations not found in favour of the scheme.
- 2.40 At this outline application stage, matters such as appearance, access, landscaping, layout and scale are reserved. Notwithstanding, it is considered that based on the indicative information provided and subject to the detailed design of the development, 7no detached dwellings could be accommodated at the site. Overall, whilst this is a very finely balanced assessment, it is considered that the disbenefits of the scheme do not significantly and demonstrably outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Notwithstanding the location of the site outside the confines (DM1) and the additional travel that would be generated contrary to Policy DM11, the proximity of the site to the confines and to the rural service centre of Sandwich and other settlements weigh in favour of the development. Subject to the detailed design, it is considered that a scheme for 7no. self/custom build dwellings could be accommodated at the site which would achieve suitable appearance, access, landscaping, layout and scale having regard to Policies DM13, DM15, DM16 and the objectives of the NPPF. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

g) Recommendation

- I OUTLINE PERMISSION BE GRANTED subject to conditions: (1) approval of the reserved matters, (2) time condition (3) list of approved plans (site outline) (4) samples of materials (5) cables for EV charging points (6) scheme for biodiversity protection and enhancements (7) dealing with contamination (8) development shall be constructed in accordance with glazing specification and acoustically screened trickle ventilation prior to occupation (9) details and acoustic qualities of fencing as set out in the acoustic assessment prior to occupation (10) construction management plan (11) self build only (12) submission of parameter plan/design code
- II Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan