

a) **DOV/22/00768 – Erection of one detached, two pairs of semi-detached and three terraced dwellings (eight dwellings), cycle/bin store, new vehicular access and associated parking – 215 St Richards Road, Deal**

b) Reason for report: Due to the number of contrary views (16)

c) **Summary of Recommendation**

Planning permission be granted.

d) **Planning Policies and Guidance**

Planning and Compulsory Purchase Act 2004

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

Core Strategy (2010)

CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Policies relevant to this application are: SP2, SP3, SP4, SP13, SP14, CC4, CC6, PM1, PM2, T11, T13, NE1, NE2, NE3, HE3

National Planning Policy Framework (NPPF) (2021)

The most relevant parts of the NPPF are 2, 8, 11, 12, 47, 55, 107, 79, 130, 180

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that considers context as part of the evolution of design.

Other

Supplementary Planning Guidance SPG4 Vehicle Parking Standards July 2006

Technical Housing Standards – nationally described space standards

e) **Relevant Planning History**

DOV/88/00550 – Outline permission for residential development - refused.

22/00979 - Erection of single storey rear extensions, new front porches, garage conversion, alterations to windows/doors, to create an additional dwelling, car ports to rear and cycle/garden store at the properties at 215 St. Richards Road – granted.

21/01200 – Outline application for the erection of 10 dwellings (with appearance and access reserved matters – refused for the following reasons:

- Density of development, poor layout and landscaping would be out of character with the context of the site.
- Required visibility splays had not been demonstrated;

- Harm to neighbours at Nos. 215 and 219 St Richards Road, through noise and disturbance from vehicle movements.
- In the absence of evidence to the contrary, potential harm to protected species;
- In the absence of evidence to the contrary, potential localised off-site flooding
- Lack of affordable housing provision

Nearby housing development

18/00682 – Erection of 21 dwellings, creation of new access road, parking and landscaping (existing dwelling to be demolished) – land to the rear of 135-147 St Richards Road, Deal – Granted. This development has been built out and is occupied in the main.

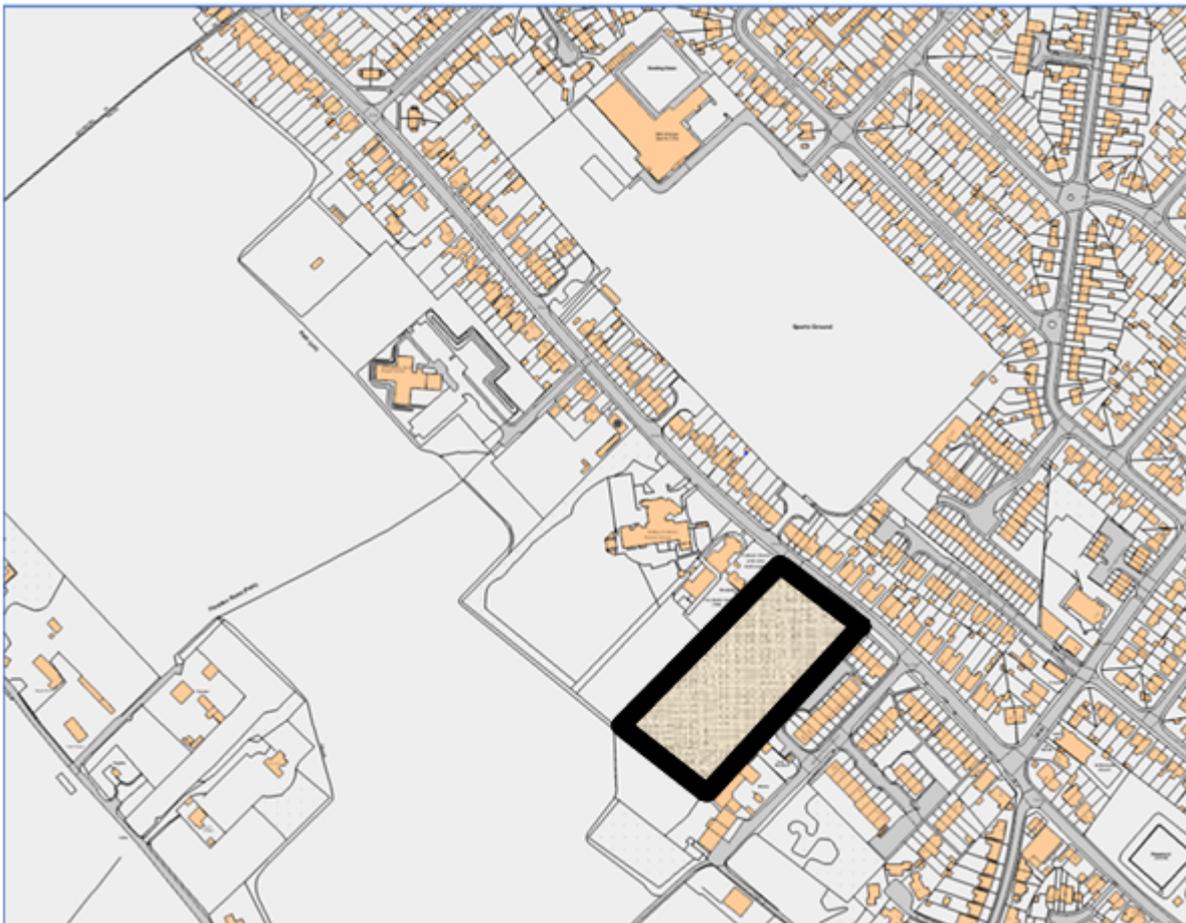


Figure 1 – Nearby approved development

f) **Consultee and Third-Party Responses (Summarised)**

Deal Town Council

Objection, raising concerns regarding vehicle tracking for refuse vehicles, highway safety and crime and disorder prevention. (**Officer comment:** Kent Highways is happy with the submitted detail)

Kent Highway Services

Raise no objection following the submission of additional plans, subject to appropriate conditions.

Environment Agency

Raise no objection to the proposal in principle due to the scale, nature and setting of this proposal and the supporting information submitted, raise subject to a contamination condition..

Dover District Council's Senior Environmental Health Officer

Raise no objection, subject to securing the submitted Construction Environmental Management Plan by condition.

Kent Police

Makes various comments regarding what the development would need to demonstrate in order to achieve Secured by Design accreditation. Comments are specifically made regarding: boundary treatments; the need for secure gates; pavements to both sides of the road; the need for natural surveillance; management of car parking areas; the choice of tree species; defensible private spaces; lighting; window and door specification; and cycle storage.

Public Representations

16 letters of objections have been received and 27 letters of support. These comments are summarised.

Objections

- The road is dangerous and busy.
- Within close proximity to the school putting children at risk.
- Loss of wildlife
- An application for 10 dwellings has been refused
- The driver's view is still obscured even with making the substation an eye sore.
- No footpath serving the new houses
- No more houses needed in the area
- New builds nearby the site are still up for sale.
- Lack of infrastructure (doctors)
- Proposed entrance is a total of 5m wide, without a footpath or verge, the entrance would only just be suitable as a single-track drive.
- The alteration to the substation fence, may help visibility a little but also turn the substation into an eyesore.
- The fence is not in keeping with a residential road.
- Telegraph pole by substation would reduce visibility.

Support

- Nicely designed development
- In keeping with the local area
- Local firm using local trades people and merchants
- Sustainable development

1. **The Site and the Proposal**

The Site

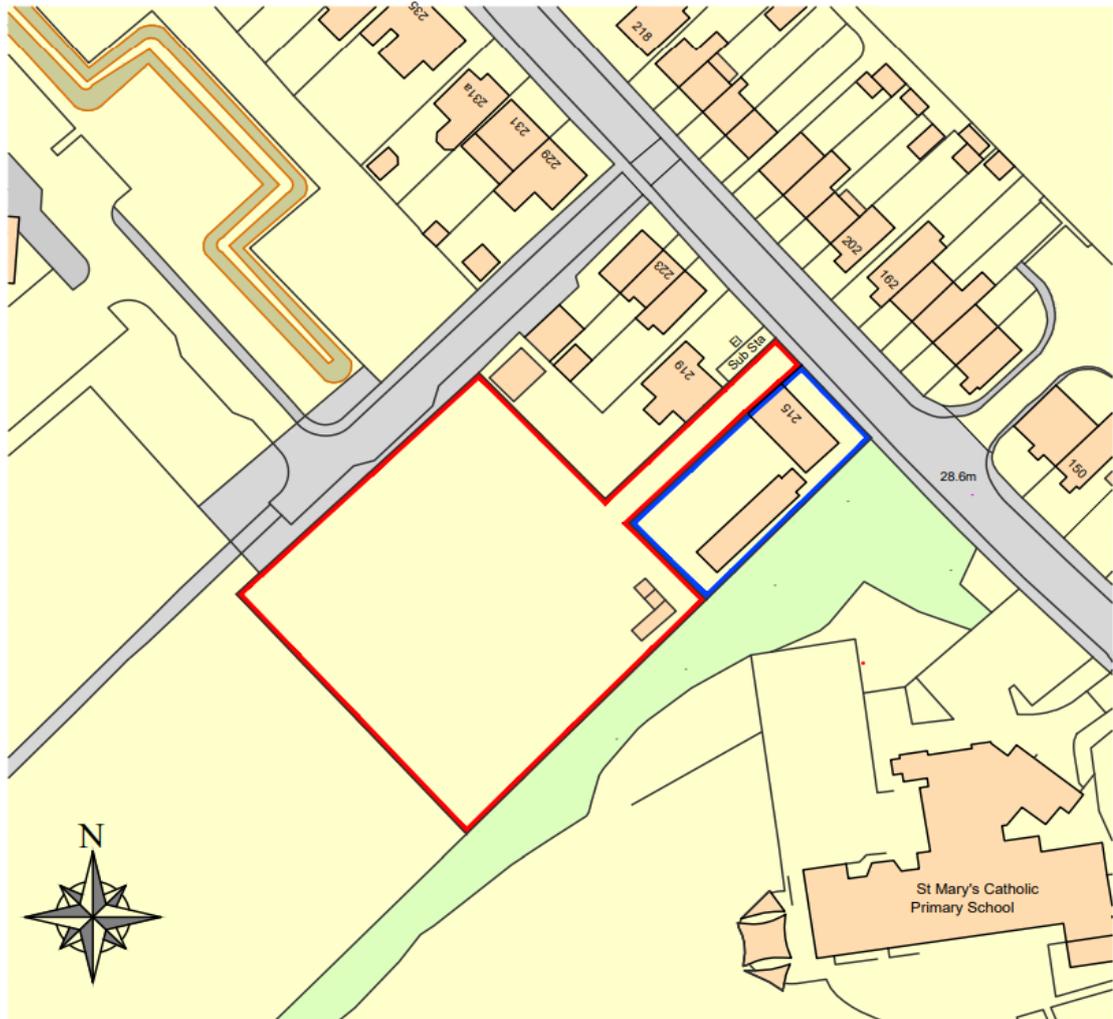


Figure 2: plan showing site location

- 1.1 The application site relates to a parcel of land to the rear of gardens serving numbers 215, 219 and 223 St Richards Road. The area of land is currently used as a garden and consists of lawns, vegetable growing areas along with general planting. The proposed area consists of a total area of 0.77 acres and has two dropped kerb access points. Surrounding the site are mature hedges to the southwest and northwest boundaries along with a substantial hedge and tree planting behind and along the southeast boundary to the adjacent school. Public footpath ED45 runs SW to NW of the application site, some 300 metres away, whilst an informal track runs between the fields connecting Alexandra Drive (serving the doctor's surgery) and Ellens Road to the southwest.
- 1.2 Directly to the front of the application site (northwest) is an electrical substation and telegraph pole. The site adjoins St Marys Catholic Primary School and abuts Alexandra Drive to the northwest. To the southwest of the site is open countryside.
- 1.3 St Richards Road is characterised by a mixture of different architectural styles and designs, predominately two storey dwellings.

The Proposal



Figure 3: block plan

- 1.4 Planning permission is sought for the erection of 8 dwellings consisting of 2 x 2 bedrooms, 5 x 3 bedrooms and 1 x 4-bedroom dwelling. The application also includes a new vehicular access (leading from an existing parking area to the side of 215 St Richards Road) and associated parking, cycle and bin stores. Parking provision is provided within the site in a mix of covered and open parking. The overall design follows a farmstead form of development.
- 1.5 The Tied Cottages 1 & 2 proposes a pair of semi-detached dwellings located immediately to the rear of 215 St Richards Road and to the south of The Farmhouse. The plans indicate a simple design with hipped roofs and porch to the front. A cart barn garage with a hipped roof and a parking space are proposed for each house and a shared driveway. These properties would measure approximately 8.19m x 12.9m

with an overall height of 8.39m and an eaves height of 4.65m. To serve these properties is a detached garage with hipped roof over.



Figure 4: The Tied Cottage

- 1.6 The farmhouse plot 3 proposes a detached 4-bedroomed dwelling to the north of The Tied Cottages and the west of The Granary. This plan indicates an L-shaped property, with hipped roofs and pitched roof dormers within the front and rear roof slopes. This property would measure approximately 8.7m x 13.5m, with the rear projection measuring 11.76m. The overall height would measure approximately 8.78m and have an eaves height of 4.8m. A double garage has been designed to serve this property.



Figure 5: The farmhouse

- 1.7 The Granary, plots 4-6 proposes a 3, 3-bedroomed terrace of properties to the west of the Farmhouse and north of the barn. The dwellings would be of a simple rural Kentish vernacular design, with a valley gutter roof, eaves rafter details, and rooflights within the front and rear roofs. Concerns were raised in regard to the overall height (9.68m) to the rear of the site and being overly prominent within the wider landscape and amendments were sought. The overall height has now been reduced to 8.6m and an eaves height of 5m. Two off street parking spaces are proposed for plots 4 and 5, whilst plot 6 has two spaces within a car barn garage.
- 1.8 The Barn plots 7 & 8 proposes a pair of semi-detached dwellings to the south of The Granary and to the east of The Tied cottages. These would follow a similar style as that of the Granary, with eaves rafter details and matching materials. The overall height would be approximately 9.56 metres, with an eaves height of 4.96 metres x 8.84 metres. Each property would have two spaces under a cart barn/garage.



Figure 6: The Barn

- 1.9 The car barns have an overall height of approximately 4.3m and are either a two, three or four bay car barns and have been redesigned with the same farmstead features as the house. In addition to this the cycle/garden storage sheds would also be timber.

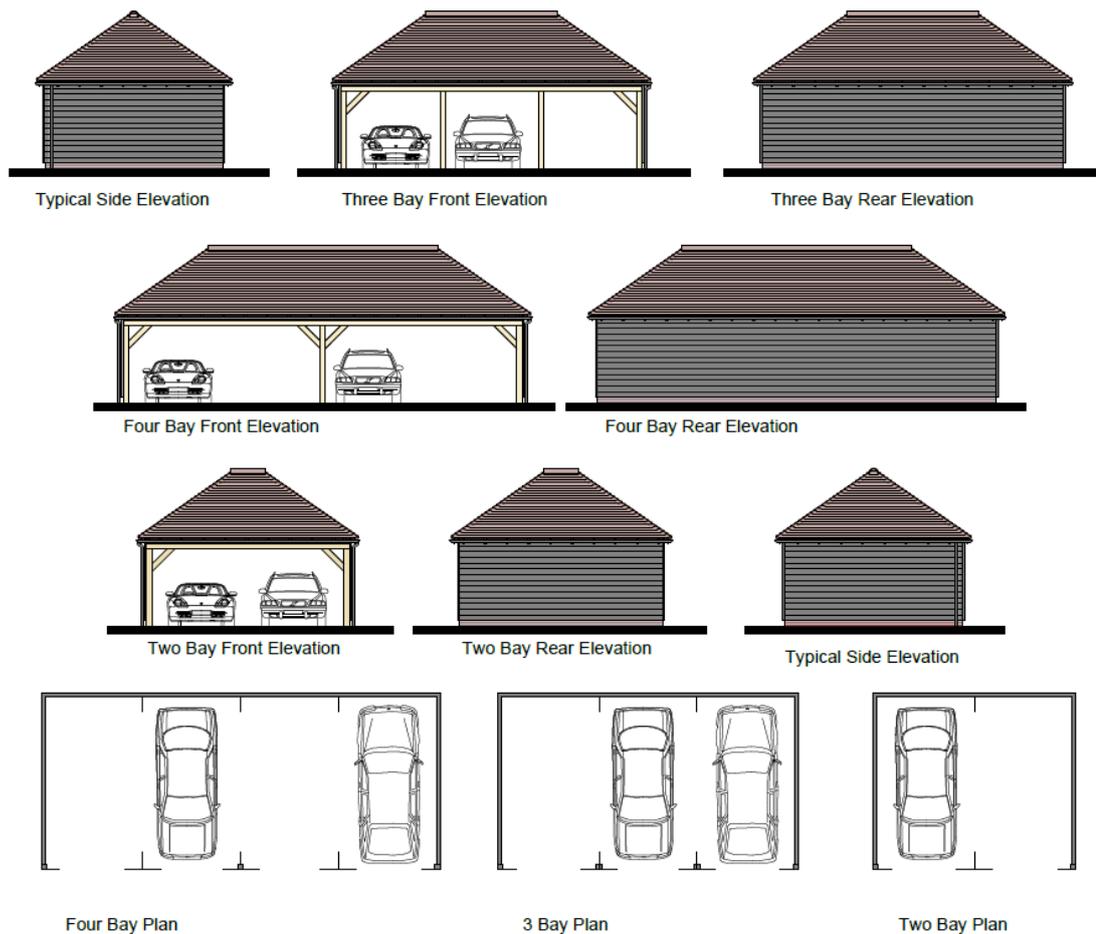


Figure 7 – Cart Barn details

- 1.10 The pallet of materials comprises sand face plain tiles to the roofs, black upvc or aluminium composite White uPVC or Aluminium composite (plots 1 & 2) windows, red multi-stock brickwork, stained timber weatherboarding and plain tile hanging to elevations. Asphalt to access Road, Brindle permeable block paviments to shared surface, Bound gravel to driveways and private parking bays. Timber panel fencing between rear gardens, Acoustic fence panels and hedge planting to the access road boundary.
- 1.11 The site access would have a width of 4.1m, with a 1.2m footpath, 2m x 2m pedestrian visibility splays and 2.4m x 43m visibility splays.

In support of the application the following documents have been submitted:

- Tree report

It confirms that all of the trees on the site are to be retained and they would not be adversely affected by the development. Protective fencing will be erected along the length of the SE boundary prior to the commencement of any works. A tree protection plan is included which details all tree protection measures in addition to those included in the report.

- Preliminary Ecological Assessment

It concludes that there is no evidence of reptile presence on the site. No other protected species were found to be present on the site. Reference was made to the protection of breeding birds during the breeding season. In turn, in accordance with the requirements of the NPPF a Biodiversity Plan is recommended to include such

measures as a range of bird nest boxes, bat boxes, consideration of lighting and wildflower meadow planting where possible.

2. Main Issues

2.1 The main issues for consideration of this planning application are:

- Principle
- Visual amenity
- Residential Amenity
- Highways
- Ecology
- Habitat Regulations

Assessment

Principle

2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. The starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which, broadly, seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) 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 policies are out-of-date, permission should be granted unless:

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

In assessing point (i) above, the 'policies' referred to are those relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

2.3 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application 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 CP1, DM1, DM11, DM13, DM15 and DM16 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 (6.03 years' worth of supply) and has not failed to deliver 75% of the housing delivery test requirement (delivering 88%).
- 2.5 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the district must comply with the Settlement Hierarchy”. Within this policy, Deal has been identified as a District Settlement Boundary, suitable for urban scale development CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the proposed development would be contrary to policy CP1 of the Dover District Council Core Strategy.
- 2.6 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies, or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the local housing need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. The proposed development is adjacent to the Deal settlement, with the proposed access being within the confines and the proposed dwellings being outside of the confines and does not require such a location, nor would it be ancillary to existing development or uses and therefore the dwellings considered to be contrary to policy DM1 of the Dover District Core Strategy.

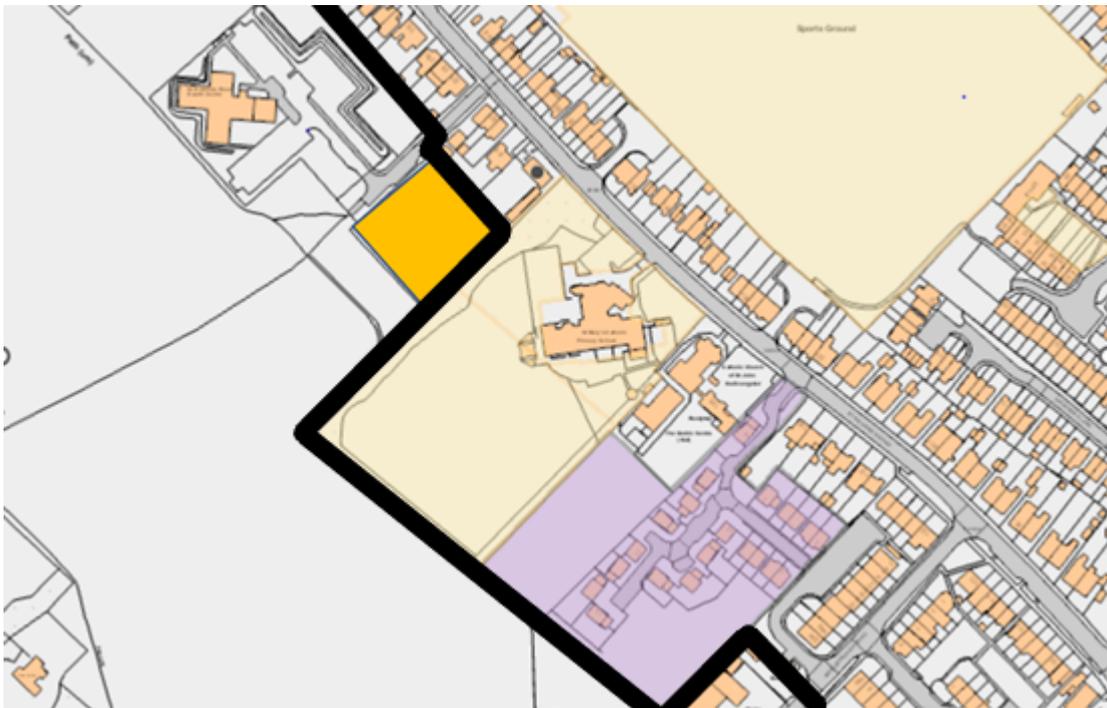


Figure 8 – Settlement confines and location of application site.

- 2.7 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement

confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard to the proximity to the site confines being adjacent, and close to public transport namely bus services, it is considered the proposal would not significantly increase travel demand and therefore comply with the aims and objectives of policy DM11.

- 2.8 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, having regards to the position of St Richards Road Surgery to the NW of the application site and the screening to be retained the proposal is not considered to have a significant impact upon the countryside when viewed within the built confines of St Richards Road.
- 2.9 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. This will be discussed later in the report.
- 2.10 Policy DM1 is out-of-date, whilst CP1, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. DM1 is considered to be particularly important to the assessment of the application and it is therefore concluded that the basket of 'most important policies' are out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged.
- 2.11 Within the Draft Local Plan, policy SP4 sets out that residential development or infilling of a scale that is commensurate with that of the existing settlement will be permitted within or immediately adjoining the settlement boundaries within Deal subject to a number of relevant criteria being met. Given the extent of the consistency of this policy with the NPPF as well as there not being any unresolved objections then it is considered that this policy attracts significant weight in assessing applications. The proposed development immediately adjoins the settlement boundaries of Deal and as such, the proposed development complies with the aims and objectives of this policy.
- 2.12 Policy DM13 of the Dover District Council Local Plan sets out that provision for parking should be a design led process based on the characteristics of the site, the locality and the nature of the site. In this instance, the proposal would provide sufficient parking within the site and as such, Kent Highway Services have not raised this as an issue.
- 2.13 Draft policies T13 (parking provision in new development) carries moderate weight and requires that parking provision on residential development shall take account of

local circumstances including the layout of the development, the mix of dwellings, the character of the local area and the proximity of public transport. In this instance, the proposed development is within walking distance to public transport, namely bus stops.

- 2.14 With regards to this particular application, the proposed development (aside from the new access road) would be outside but adjacent to the settlement boundary. The focus of the NPPF is to locate new housing development within sustainable locations. Supporting the principle of new housing within this location would be consistent with paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside. In addition to this, with the tilted balance being engaged and the development being consistent with the objectives of policy SP4 of the Draft Local Plan, the proposal is considered acceptable in principle.

Character and Appearance

- 2.15 Paragraph 130 of the NPPF sets out that 'planning decisions should ensure that developments function well and add quality to the area, not just for the short term but over the lifetime of the development'. The NPPF continues at paragraph 130 (c) setting out that 'planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change'.
- 2.16 As discussed in the principle section, part of the application site is located outside of the settlement confines and needs to be assessed against policies DM15 and DM16 of the Dover District Core Strategy which sets out 'that development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted subject to certain criteria, including it cannot be accommodated elsewhere. It should be noted that a previous outline planning application was refused for the erection of 10 dwellings (with appearance and access being reserved matters). However, this development is different as the applicant has worked with officers to reduce the number of dwellings and introduce a farmstead style of development to reflect its rural context on the edge of the settlement..
- 2.17 The application proposes a small backland housing development behind a linear pattern of development within St Richards Road. Within the immediate vicinity there are other examples of backland development in respect of the St Richards Road Surgery and a housing development to the southeast and as such the proposed development would not be out of character given the context of the site.
- 2.18 A reduction in the number of dwellings to 8 has allowed a more organic and spatial layout which sees the retention of the existing planting to the perimeter of the site which would help to assimilate the development into the surrounding landscape.
- 2.19 The St Richards Road Surgery has a barn style appearance with hipped roofs and dormers within the roof slopes. The proposed development has been designed to replicate some of these design features adopting simple Kentish vernacular design and the use of traditional materials. Whilst being visible within the landscape, it would not appear at odds with the immediate vicinity in which the application site sits.
- 2.20 St Richards Road is characterised by a mixture of architectural styles and designs, with the majority of the properties being two storey. The properties to the rear of the site have rooms within the roof and to accommodate this, the Granary had an original height of 9.68m. Given the sensitives of the site as an edge of town countryside

location amendments were sought and secured to a reduced height of 8.6m to reduce the impact when viewed from lower views from the southwest. There is a slight incline from the rear of the site towards St Richards Road and as such, the properties to the rear of the site are considered to be read in context with the properties in St Richards Road. Views in the main would be long range and on balance the proposals are considered to be acceptable in terms of design, scale and siting. In turn, the new development at Jute Fields to the south comprises 2 storey dwellings of a maximum ridge height of 8.14m on the edge of the settlement that is similar to those proposed for this development. In comparison with the dwellings fronting St Richards Road, notably Nos. 215 and 219, the ridge line of the proposed dwellings would be lower as the land falls away from the south to the west. The proposed development would therefore comply with the aims and objectives of policy SP4 of the Draft Local Plan.

- 2.21 In terms of views of the development. This would largely be filtered by the St Richards Road Surgery and the existing built development within St Richards Road. In respect, of the informal footpath the proposed development would be visible but would be read against the backdrop of St Richards Road. The proposed landscaping and boundary treatment details can be secured by condition to ensure the retention of existing landscape as well as the provision of new hard and soft landscaping. It is accepted, the existing landscaping would not fully mitigate the development within the landscape but given the design approach of the development on balance I consider the benefits of a suitable development outweigh the limited harm on the landscape. The development would therefore comply with criteria b), d) and g) of policy SP4 of the Draft Local Plan.

Residential Amenity

- 2.22 Paragraph 130 (f) of the National Planning Policy Framework sets out that planning decisions should ensure that development create places with a high standard of amenity for existing and future users. Furthermore, Draft Local Plan policy PM2 attracts moderate weight and sets out that all new residential development must be compatible with neighbouring buildings and not lead to unacceptable living conditions. For future occupants, the policy requires new development to meet the Nationally Described Space Standards.
- 2.23 The application site is located to the rear of 215 St Richards Road. Further consideration needs to be given to the occupiers of 221, 223 St Richards Road, with particular consideration to the occupiers of 219 St Richards Road (the boundary of this property runs directly along the site boundary and behind 221, 223 and 225). The previous reason for refusal was in part due to the width of the access and the potential for noise and disturbance to the occupiers of 215 and 219 St Richards Road. It is accepted the width of the road has remained the same as that of the previous scheme, however, to help overcome the previous issues raised, the proposed development has been reduced by two dwellings, which would go some way to alleviate some of the potential noise and disturbance associated with vehicular and pedestrian traffic. Furthermore, the applicant is proposing to erect acoustic fence panels and hedge planting, which had not been submitted with the previous scheme and could be secured by condition should an application be granted. I do not consider that a reason for refusal could be warranted on this basis.
- 2.24 In respect of the potential for having an overbearing impact on the properties within the existing St Richards Road, Units 1 and 2 would be directly to the rear of 215 St Richards Road, with the cart barn garage being built up against the dividing boundary. The cart barn garages would be built with an overall height of approximately 4.3m and designed with a full hipped roof to reduce the bulk, scale and massing. In respect

of 215 St Richards Road, given the separation distance of approximately 24m from the host dwelling, I do not consider the development would be overbearing on the occupiers of this dwelling. Similarly, the same arrangement is proposed in respect of the occupiers of 219 St Richards Road (the closest property), albeit the host dwelling is set back from St Richards Road. The separation distance between this property and the proposed development would be approximately 18m, given the overall height and position of the proposed garages, the development would not be overbearing.

- 2.25 Regarding the potential for overlooking from the proposed development. Firstly, the flank elevation of Unit 8 would have a small window at second floor level serving an ensuite which could be obscure glazed and therefore any perceived overlooking between these properties and the occupiers of 219, 221 and 223 St Richards Road would be mitigated. This arrangement has also been mirrored in the flank elevation of Unit 1 looking towards 215 St Richards Road and given the use of obscure glazing, the position of the proposed cart barn and separation distance, the proposal is considered acceptable in this regard.
- 2.26 Turning to the living conditions of future occupiers of the new dwellings, the proposed dwellings have been arranged with reasonable separation distances between the units. Whilst in the case of the separation degree between Units 3 and 4, this is less, this separation would be approximately 5.3m with a timber fence denoting the boundaries with cycle and garden storage being built up against the dividing fence. It is not considered that this would be so close that it would cause an unacceptable standard of accommodation, particularly as the dwellings are all staggered away from the layout, and for this reason it is considered the layout would not result in a loss of light or sense of enclosure or unacceptable level of overlooking to future occupiers of development, with a reasonable standard of residential amenities provided. The development would therefore comply with criteria h) of policy SP4 of the Draft Local Plan.
- 2.27 The proposed dwellings would have acceptable sized private external amenity space. The room sizes would be acceptable and would be naturally lit. The internal living conditions of the future occupants would be acceptable and comply with the aims and objectives of policy PM2 of the Draft Local Plan.
- 2.28 The residential amenities of existing occupiers of the properties surrounding the site and the future occupiers of the dwellings proposed have been considered. It is concluded that the development is acceptable in these respects, subject to appropriate conditions to remove permitted development rights in respect of extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that any such alterations can be assessed by the Local Planning Authority and to secure the use of obscure glazing where appropriate. A Construction Management Plan has been submitted and agreed by Environmental Protection. This should be secured by a condition.

Impact on Highway safety

- 2.29 Local residents have raised concerns over the proposed access into and out of the site and the suitability of the road for additional traffic. The original comments from Kent Highway Services raised concerns over the fencing around the substation to ensure transparency of the fencing around the substation to achieve the 2m x 2m required visibility splays and 2.4m x 43m visibility splays for vehicles entering and existing the site. The applicant has supplied information showing the work has already been undertaken to overcome this concern by KHS. On this basis, Officers

are satisfied that with appropriate conditions relating to visibility splays this can be secured. Kent Highway Service have not raised any concerns with this approach.

- 2.30 Whilst sympathetic to the concerns raised by local residents in respect of the impact the proposed development could have on the levels of traffic onto St Richards Road, this has not been raised by Kent Highway Services as a matter of concern. In turn, given the modest scale of the development it is not considered that a refusal could be warranted on this basis. The development therefore complies with criteria j) of policy SP4 of the Draft Local Plan. Notice must be served on landowners within the splays (anticipated to be KCC) and, consequently, the recommendation is for determination to be subject to this legal process being undertaken.
- 2.31 Concerns were raised by Kent Highway Services regarding the tracking for the refuse vehicle at the entrance to the development to ensure there is no overrun when entering and existing from St Richards Road and amendments were sought. These changes are now deemed acceptable by Kent Highway Services as addressing their concerns. This also addresses the concerns raised by the Town Council.
- 2.32 Turning to parking provision for the development. Policy DM13 of the Core Strategy requires development to provide sufficient car parking spaces, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The application site is located in a sustainable location on the edge of the town, being close to facilities, services and public transport connections.
- 2.33 Having regard to policy DM13 the applicant would be required to provide a total of 8.5 parking spaces. The applicant is proposing 15 parking spaces, of which 11 would be cart barns, which are not considered to be garages and as such is acceptable to Kent Highway Services. In addition to this, a total of 2 visitor spaces have been included in the proposed development and as such the proposal complies with the aims and objectives of policy DM13.
- 2.34 In addition to the above, KCC Highways have recommended a suite of conditions to ensure the provision of cycle storage (the applicant has provided a plan showing this can be provided towards each dwelling), electrical charging points, completion of access prior to the site commencing, amongst others detailed below. It is considered for the reasons discussed above and having due regard to the comments received by KCC Highways the proposed development would be acceptable in highway terms

Drainage

- 2.35 Foul sewage would be connected to the existing mains and a formal application to Southern Water would be required. Southern Water have not commented on this application, that said, they did not raise an objection in principle to the previous application for 10 dwellings. Draft Local Plan CC6 (Surface Water Management) carries moderate weight and requires all new development to replicate natural ground and surface water flows and decreases surface water run-off through the use of Sustainable Drainage Systems. In the event of a grant of planning permission, a condition can be imposed seeking the submission and approval of details of sustainable drainage and foul sewage details prior to the commencement of works. The proposals would be in accordance with draft policy CC6.
- 2.36 In respect of possible contamination, the Environment Agency have raised no objection to the proposal for this scale and type of development for land previously used for residential garden use. However, the EA have requested that a condition be imposed in the event of any contamination not previously identified is found to be present at the site, then no further development shall be carried out in the absence of a remediation strategy being submitted and approved.

Archaeology

- 2.37 The site is located in the Mill Hill ridge, where numerous archaeological sites have previously been investigated and recorded. These include various prehistoric burial monuments (barrows) running along the ridge. Several of these barrows subsequently acted as a focus for burials in the early medieval period. Ongoing archaeological investigations adjacent to the Catholic Church of Saint John the Evangelist, a short distance along St Richard's Road have exposed a group of barrows of Late Neolithic/Early Bronze Age date as well as several high-status Anglo-Saxon burials. Other archaeological remains in the Mill Hill area include evidence for Iron Age and Romano-British occupation. In light of the above, KCC Archaeology commenting on the previous application the view is that the proposed development is likely to impact on the remains of archaeological interest, potentially including burials and other funerary activity. Consequently, in the event of the granting of planning permission, it is recommended to impose a condition to secure the implementation of archaeological field evaluation works in accordance with a specification and written timetable; and following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Ecology

- 2.38 Due regard should be given to paragraph 180 of the National Planning Policy Framework which seeks to protect, enhance biodiversity and secure net gains for biodiversity and wider environmental gains.
- 2.39 Given the results of the survey work, that found no protected species to be present, the recommendations in relation to securing biodiversity enhancements can be secured by way of condition. I am therefore satisfied the proposed development complies with the aims and objectives of the National Planning Policy Framework, in particular paragraph 180, and comply with criteria d) of policy SP4 of the Draft Local Plan.

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

- 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. The Thanet Coast and Sandwich Bay SPA

and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

- 2.43 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.44 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Trees

- 2.45 Given the results of the tree survey and having sought advice from the Council's Tree and Horticultural Officer, these findings are accepted subject to the imposition of a condition requiring the recommendations set out in the document to be adhered to and notification to the Tree Officer once the tree protections measures have been installed. I am satisfied on this basis, that the trees would be protected, and the scheme is acceptable in this regard.

3. Conclusion

- 3.1 By virtue of the relevant Development Plan policies not being up to date, it is considered that the 'tilted balance' (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.
- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within reasonable walking and cycling distances of Deal's facilities and amenities, whilst also being close to public transport which is supported by the NPPF.
- 3.3 In turn, given the significant weight that can now be given to policy SP4 of the emerging Local Plan, where it is considered acceptable in principle for new residential development to be located adjacent to named settlements subject to a number of criteria being met. It is considered that the development complies with the relevant criteria.
- 3.3 With regard to the objective of achieving good design, it is considered on balance, that the proposed development would not have an undue adverse impact on either the character and appearance of the area, the living conditions of the occupiers of adjacent properties, or highway safety, to the extent that this would warrant a refusal of planning permission.

g) Recommendation

- I PERMISSION BE GRANTED, subject to the carrying out of the serving of notice on those interested parties related to the application site (for a period of no less than 21 days) and conditions to include: -
- (1) Standard time limit
 - (2) In accordance with approved plans
 - (3) Material samples
 - (4) Drainage details
 - (5) Parking provision and retention of parking spaces
 - (6) Retention of cycle and bin storage
 - (7) Provision and retention of visibility splays
 - (8) Soft and hard landscaping details
 - (9) Measures to accommodate electric vehicle charging facility
 - (10) Completion and maintenance of the access, including use of a bound surface for the first 5 metres.
 - (11) Biodiversity enhancements
 - (12) Contamination
 - (13) Archaeology
 - (14) Tree protection measures.
 - (15) Landscaping to be carried out in accordance with submitted plan
 - (16) Removal of PD rights for Class A and C
 - (17) Obscure glazing within the flank elevations of Plots 1, 8
 - (18) Acoustic fencing to be erected.
 - (19) Development to accord with the submitted CMP
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Karen Evans