

- a) **DOV/21/00882 – Outline application (with all matters reserved) for the erection of five detached dwellings with vehicular access - Land Opposite The Conifers, Coldred Road, Coldred**

Reason for report – Number of contrary views (6 + Parish)

- b) **Summary of Recommendation**

Outline planning permission be Granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM15, DM16, DM27

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. Draft policies SP1, SP2, SP3, SP4, SP13, SP14, SP15, SAP51, CC2, CC4, CC6, CC8, PM1, PM2, TI1, TI3, NE1, NE2, HE1, HE2, HE3 and HE4.

Shepherdswell and Coldred Neighbourhood Area:

No adopted plan

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, 194-202

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

- d) **Relevant Planning History**

Various applications including:

CH/6/65/0012 – Outline application for residential development – Refused

CH/6/67/0119 – Outline – construction of cul-de-sac road with residential development at an approximate density of 7 to the acre – Refused

CH/6/72/0161 – Outline 4 dwellings – Refused – Appeal Dismissed

CH/6/73/0143 – Outline one dwellinghouse – Refused

DO/86/0769 – 3 houses and paddock – Refused

DOV/88/00831 – four semi-detached cottages with garages Appeal dismissed - Refused

DOV/04/00948 – Outline application for three detached dwellings – Refused – Appeal Dismissed – reasons for refusal related to the principle of development in the countryside, impact on the character and appearance of the conservation area and countryside, additional travel by private car due to location in countryside away from substantial settlements and public transport and an unsafe access without adequate visibility splays.

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

Representations can be found in the online planning files and a summary is provided below:

Shepherdswell Parish Council – recommend refusal as it represents overdevelopment of the hamlet, the access road is narrow and it is outside the village confines

Environment Agency – unable to provide bespoke comments with respect to groundwater and contaminated land where development is outside of a Source Protection Zone and recommend standing advice is followed.

Southern Water - applicant has not stated details of means of disposal of foul drainage from the site. SW requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). 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.

KCC Economic Development – Provided an updated response for the following requests: No primary or secondary education requirement. Community Learning - £82.10, Youth Service - £327.50, Library Bookstock – £277.25, Social Care - £734.40, Waste – £272.35 - per unit. Requests homes are built as Wheelchair Accessible & Adaptable Dwellings and that a condition is imposed requiring fixed telecommunication infrastructure and high speed fibre optic for all dwellings.

KCC Highways and Transportation – Note that all matters are reserved for future consideration. The site is not in a particularly sustainable location however you may have other policy considerations which outweigh this. Proposal is only likely to generate 2 or 3 vehicle movements in the network peak hours and will not have a severe impact on the highway network. Required visibility splays of 43m x 2.4m x 43m can be achieved at an access point along the frontage, although not necessarily in the location shown on the indicative layout. Car parking would be resolved as part of the reserved matters. Have no objection subject to suggested highway conditions.

Heritage - This site is within the Village Green Coldred Conservation Area (CA), on a principal route into the settlement. It is considered to be an important open space between the countryside and the built up area of the CA and consequently any development that reduces the openness has potential to cause harm to the character of the CA. The character of the CA is of loose development generally set back from the road. Within the core of the CA, centred around the strong T shaped routeways, is the wide open space of the public Green. The site has been indicated in the Dover District Heritage Strategy as highly vulnerable for impact on the CA. The proposed outline presents 5 units located perpendicular to Coldred Road forming a 'close'; this layout is contrary to the established grain of the CA. The plot orientations correlate to those adjacent (on Church Road), but the indicative built form and smaller plot sizes creates a somewhat denser grain. I am particularly concerned about the unit closest to the edge of the site as this could result in significant massing and hard boundary treatment which could potentially cause harm to the openness of the site with a resulting impact on the character of the CA at this point. The closeness

of the unit to the road prevents the ability to soften the impact to this area with vegetation. Details of the access is reserved but may have potential to impact on the rural character of the site and consequently harm one of the key routes into the settlement.

The 5 units are to be self-build which, as there is no strongly established built form in the settlement, may be considered appropriate. However, it will be necessary for all units to reflect the character of the existing built form in order for the development to sit comfortably within the CA, and in this respect the heritage assessment is hugely inadequate in providing a clear understanding of the CA character which should lead the architectural approach. In my view the number of units, layout and access have the potential to cause harm to the CA. That harm is likely to be less than substantial. The harm could be mitigated through consideration of the number of units, their placement, for example retaining as much open space to the edge of the site both adjacent to the roadside and to the boundary of the CA and countryside and through sensitive design of the proposed units. The lack of sufficient evidence that the latter will be lead by the character of the CA is however concerning.

Third Party Representations: Six letters of objection have been received and are summarised below:

- Impact on Hamlet - unnecessary expanding of the hamlet boundary will erode identity and its culture. Not part of the village development plan and not aware of any evidence that supports the hamlet requiring extra family housing. Proposal represents significant expansion (around 10%) of hamlet into green space beyond building line. Concerns self build homes/ large properties not suitable or affordable for local people.
- Character –development in conservation area at odds with existing ancient village. Housing has been built facing out onto existing lanes or greens with access to farmland, open countryside or other green spaces behind. Denser intensity of housing would be out of keeping. Building of 5 in comparatively small area would have a significant detrimental impact on established characteristics of the village. Overdevelopment of the site.
- Potential loss of privacy
- Ecology/trees – destruction of a wildlife habitat with many trees and wildflowers. Damage to roadside banks, hedgerows. Concerns potential loss of many trees. Green space that could even be suitable as a community space
- Impact on countryside – destruction of a buffer between the hamlet and the surrounding countryside. Impact on the rural landscape as it is set at the top of a steep rise and will be visible for some distance. Currently the site is allotments and blends into the surrounding countryside
- Traffic/highways/safety – access onto a narrow, single-lane road at brow of hill. Impact on already busy road linking Coldred with Shepherdsweil with bus route. Danger to pedestrians and other road users. Damage to roadside banks and hedgerows. Additional traffic noise and pollution. No street lighting and pavements to support additional building.
- Lack of facilities/infrastructure/local amenities to support 5 dwellings. Location does not lend itself to integration into existing community
- Appeal decision – dismissed appeal for 3 dwellings at the site. Points made in report add to the reasons for refusal of this application and are as valid now as they were then.

One letter of support has been received and is summarised:

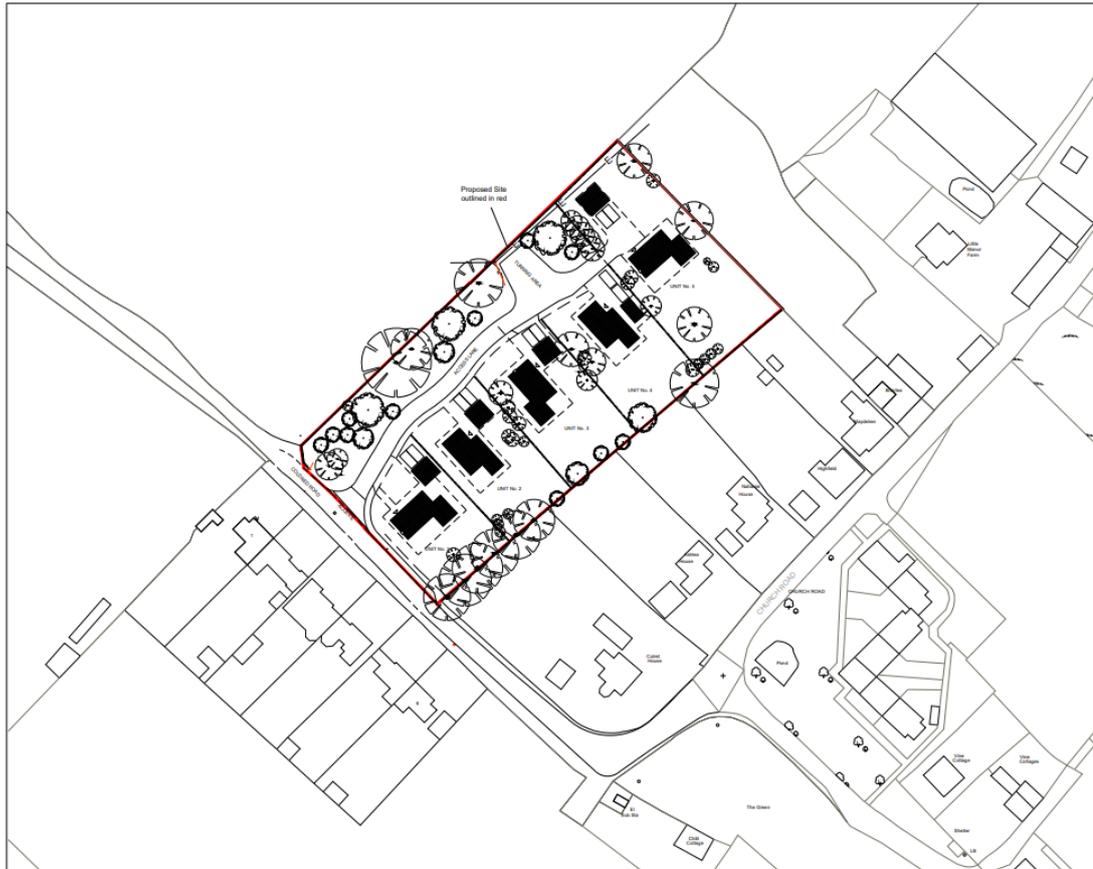


Figure 2. Indicative Site Plan

2. Main Issues

2.1 The main issues for consideration are:

- Principle of development
- Impact on the countryside and landscape
- Impact on Heritage assets
- 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, requires a rural location or is ancillary. The site is located outside of the settlement confines identified in Policy DM1 and under Policy CP1, the hamlet is 'not suitable for further development unless it functionally requires a rural location'. The development is not

justified by another policy, does not require a rural location and is not ancillary. As such, the development is contrary to Policy CP1 and DM1.

- 2.4 DM11 seeks to resist development outside confines if it would generate a need to travel, unless it is justified by other policies. Coldred contains a Public House, however, has no other facilities and, whilst benefitting from a bus service, this provides a limited number of services throughout the day and early evening (with no services on Sundays/Bank Holidays). The site is located approximately 886m (as the crow flies) from the nearest settlement confines of Shepherdswell. Coldred Road connects the site to the confines of Shepherdswell, however is a narrow rural lane, with national speed limit, absent of pavements or street lighting. As such, occupants of the development would most likely be reliant on the use of the car to reach all the necessary day to day facilities and services. The development is not justified by other adopted policies. As such, it is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications resulting in the loss of countryside, or adversely affect the character or appearance, will only be permitted if it meets exceptions. The development would result in a limited adverse impact on the countryside. The development would not meet any of the exceptions listed. Whilst it is considered that the development would have only a limited impact on the character and appearance, 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 landscape character assessment will only be permitted if it is in accordance with allocations and incorporates mitigation measures; or it can be sited to avoid harm and/or incorporate measures to mitigate the impacts. It is considered 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 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 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. Having regard for the most recent Housing Delivery Test, the Council is currently able to demonstrate a five-year supply. The council have delivered 88% of the required housing delivery target; above the 75% figure which would trigger the tilted balance. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.9 Policy DM1 and 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 a greater number of dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, out-of-date and, as a result, should carry only limited weight.

- 2.10 Policy DM11 seeks to locate travel generating development within confines and restrict development that would generate high levels of travel. The blanket approach to resist development outside the confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support sustainable transport. Given the particular characteristics of this application and site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives. Whilst DM11 is in tension, given that the policy otherwise reflects the intention 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, having regard to the relatively close proximity of the site to Whitfield and Shepherdswell; both of which can be accessed by public transport, is reduced.
- 2.11 Policy DM15 resists the loss of 'countryside' or development which would adversely affect the character or appearance or provides measures to reduce, harmful effects on character. Resisting the loss of countryside (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 within open countryside does afford a contribution to its character. Consequently, the policy is not out-of-date and should attract moderate weight for the reasons set out.
- 2.12 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless in accordance with allocations, incorporates mitigation; or it can be sited to avoid harm. This policy is also considered to be in some tension with the objectives of the NPPF (Paragraph 174), by resisting development that would harm the character, unless the impact can be otherwise mitigated. In this instance the sites appearance within the 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, however should attract reduced weight.
- 2.13 The Draft Local Plan was published for Regulation 19 stage consultation in October 2022 and responses are being reviewed. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of applications, with policies attracting some weight in the planning balance. Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.14 Draft Policy SAP51 identifies the application site as being suitable for residential development of approximately 5 dwellings. The draft policy sets out that existing trees and hedgerows along the boundary of the site should be retained and enhanced and that a heritage assessment is required. As this is an outline application with all matters reserved, landscaping would be considered further at the detailed design stage in a reserved matters application. Notwithstanding, the proposals seeks to provide 5 dwellings, in accordance with the draft policy SAP51, which is considered to attract moderate weight in the planning balance, and where the allocation of sites is based on the current housing figures and the NPPF.
- 2.15 Draft policy SP4 sets out the appropriate locations for new windfall residential development which seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed. The policy is underpinned by an up-to-date evidence

base of services and amenities at existing settlements and takes account of the housing need across the district. Whilst the site is located adjacent to the proposed confines of a second tier settlement - Coldred, the site is proposed to be allocated under Policy SAP51. It is not therefore considered that the development is a windfall development requiring assessment under Policy SP4.

- 2.16 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. Subject to the detailed design considerations, which would be assessed at reserved matters stage, the proposals are considered to accord with draft Policy SAP51. Notwithstanding, policy DM1 is still critical in determining whether the principle of the development is acceptable, considered to be out-of-date, and as such, whether the tilted balance in Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Impact on Countryside and Landscape

- 2.17 The site is located just outside the settlement confines, albeit adjacent to the draft settlement confines identified in Policy SP4 and a draft allocation under Policy SAP51. However, it is within the countryside and therefore subject to Policy DM15. This is an outline application with all matters reserved, full details of the design (appearance), layout and scale, landscaping and vehicular access would be submitted at reserved matters stage. Notwithstanding this, indicative plans have been submitted to demonstrate how 5 detached self/custom build dwellings could be accommodated within the site, with an indicative vehicular access connecting to the existing access at Coldred Road.
- 2.18 There is an existing line of planting along the northwest and southwest boundaries that would likely soften views of the development, and in line with the draft policy requirements, would be expected as part of a reserved matters submission. Whilst it is likely that the development would be visible from the countryside to the north and the North Downs Way, due to gaps in hedgerow and trees and the sites elevation, the development would be seen within the context of existing dwellings on the western side of the road and as part of the edge of the hamlet. Further, it is considered appropriate to recommend a condition for a parameter plan or design code to be submitted prior to the submission of reserved matters. It would be expected that this clarifies the building heights, plots, build zones, material palette, energy performance, site wide landscaping principles and lighting. This is necessary as the proposal is for self or custom builds (such that reserved matters applications could be submitted for individual dwellings or as a group) and the design code/parameters would ensure that whilst the dwellings could take different forms, they would be compatible with each other and with the character of the hamlet.
- 2.19 It is also appropriate to include a condition requiring samples of the external materials to be submitted for approval in the interests of visual amenity. Subject to further details of design, it is considered that a scheme could be submitted which would be visually attractive, sympathetic to the local character and would add to the overall quality of development, as required by Paragraph 130 of the NPPF, draft policy PM1, and could preserve the intrinsic character and beauty of the countryside in accordance with Policy DM15 and NPPF Paragraph 174.

- 2.20 In respect of the impact on landscape character, the development would be seen within the context of the existing hamlet, with housing to the west of the site and to the south. Subject to further details in respect of the scale and landscaping of the scheme (at reserved matters), it is considered a detailed scheme could be submitted that would preserve the character of the wider landscape area in accordance with Policy DM16 and the objectives of NPPF Paragraphs 130 and 174.

Impact on Heritage Assets

- 2.21 The site is located within the Village Green Coldred Conservation Area, which also contains several Listed Buildings. Chapter 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on listed buildings and conservation areas. In respect of Listed Buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In respect of conservation areas, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.22 Paragraph 199 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to the significance of a heritage asset, should require clear and convincing justification. Paragraph 202 states that where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, securing its optimum viable use. Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance. In addition, draft policy HE1 seeks to conserve or enhance heritage assets and sets out criteria by which development that would cause substantial harm may be accepted.
- 2.23 In accordance with NPPF Paragraph 194, a heritage appraisal has been submitted. Whilst the conservation area contains a number of listed buildings, due to their location, intervening buildings and separation distance (as shown in Figure 3 below), it is not considered the proposals would result in harm (either substantial or less than substantial) to the significance of their settings; thereby conserving their significance.
- 2.24 In respect of the impact on the conservation area (CA), Heritage has raised concerns in respect of the indicative layout. It is considered that any development that reduces the openness between the countryside and built up area of the CA has potential to cause harm to the character. Further, the indicative layout, located perpendicular to Coldred Road forming a 'close', is contrary to the established grain of the CA, with the unit closest to the road preventing the ability to soften the impact with vegetation. Concerns are also raised that the access may have the potential to impact on the rural character of the site, harming a key route into the settlement.
- 2.25 The units are proposed to be self-build which may be considered appropriate as there is no strongly established built form in the settlement, however it is noted that the units will need to reflect the character of the existing built form in order for the development to sit comfortably within the CA. The level of potential harm is likely to be less than substantial, however could be mitigated through consideration of the

number of units, their placement, retaining open space to the edge of the site and through the sensitive design of the unit.

- 2.26 The concerns are noted, however, having had regard to the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, it is considered that up to 5 dwellings could be accommodated on the site. The layout and design of the dwellings, including scale, appearance and landscaping, would be considered at the reserved matters stage and it would be expected that the detailed design of the development is informed by the context of the character of the CA. As such, it is considered that the development would result in less than substantial harm and outweighed by the public benefit of the provision of up to 5 dwellings in what is considered to be a sustainable location (given the draft allocation). It is therefore considered the proposals would preserve the character and appearance of the conservation area and significance of the setting of listed buildings, in accordance with the NPPF and the Act, subject to an acceptable and sensitive design being secured at the reserved matters.

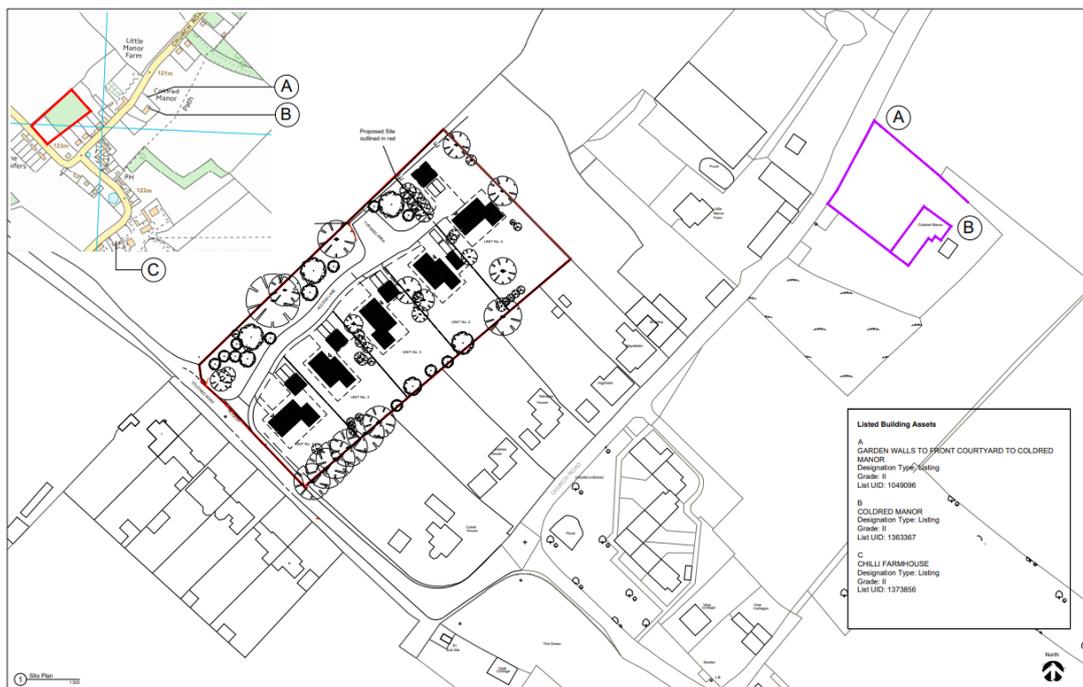


Figure 3. Plan showing location of listed building in the vicinity of the site

Impact on Residential Amenity

- 2.27 The site would be located to the northwest of existing dwellings on Coldred Road and Church Road, and to the northeast of dwellings fronting Coldred Road (on the opposite side of the highway). Whilst details of the siting, scale and design would be dealt with at reserved matters, the indicative plans submitted suggest that the dwellings could be sited a sufficient distance from other nearby dwellings to avoid amenity issues being raised. At reserved matters, the design and scale of the dwellings (inc. boundary treatments) would be considered to ensure the development results in no unacceptable harm to privacy or is overbearing in accordance with Paragraph 130 of the NPPF and draft Policy PM1.
- 2.28 In respect of the amenity of the occupants, 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 and sought by draft Policy PM2. Other matters, such as provision of secure bicycle storage and refuse/recycling storage would be considered at reserved matters, however it is likely there would be sufficient space within the site to accommodate this.

Other Material Considerations

Impact on Travel and Parking

- 2.29 Policy DM11 seeks to restrict travel demand outside rural settlement confines. There are no settlement confines for Coldred under Policy DM1 (albeit the policy has reduced weight in the planning balance) and as such, the proposal would be contrary to DM11. The closest defined settlements are the Local Centre of Shepherdswell or Whitfield. Shepherdswell would be accessed via a rural, unlit road, that includes sections at national speed limit and is not conducive to walking or cycling with no footways. However, as a Local Centre, it contains a good range of facilities and services, that provide the day-to-day essentials. The proposal could therefore provide some support to services in the Local Centre, in accordance with Paragraph 79 of the NPPF. Bus services run from Coldred to Dover and to Shepherdswell, where there are other facilities and transport, including rail stations and trains to London. However, given the limited service provided, it is considered that the occupants of the proposed dwellings would be more likely to use private vehicles to gain access to neighbouring towns and the surrounding areas.
- 2.30 Notwithstanding, the site is located adjacent to the draft settlement confines in the draft Local Plan (Policy SP4) and is proposed to be allocated for residential development (Policy SAP51). Whilst full weight cannot be attributed to the policy at this stage, it is considered that moderate weight applies and weighs in favour of the proposals. In producing the draft confines, identifying sites and number of houses to be provided, the sustainability of the location has been considered through the draft allocations and is supported by an up to date evidence base. This site was considered to be acceptable for this settlement and weighs in favour of the proposals.
- 2.31 A detailed layout is required at reserved matters, however it is noted that the indicative layout demonstrates how each dwelling could be provided with two parking spaces, which would accord with the requirements of Policy DM13 and draft Policy TI3. KCC Highways advise that subject to the imposition of conditions, they raise no objection. Of the conditions suggested, it is considered that at this stage, with all matters (including access) reserved, the exact location of the access, design of internal road and parking all to be dealt with at reserved matters stage, it is not reasonable to include conditions in this regard. A visibility splay condition (43m x 2.4m x 43m with no obstructions over 1m above carriageway) is however appropriate to be included. KCC consider the proposed 5 dwellings would only be likely to generate 2 or 3 vehicle movements in the network peak hours and as such, it is considered the development would not have a severe impact on the highway network.

Impact on Flood Risk/Drainage and Ecology

- 2.32 The site is located in flood zone 1 which has the lowest risk from flooding. 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 and soakaway, no details of foul sewage drainage have been specified. Notwithstanding, further information could be submitted at reserved matters stage or required by condition.

- 2.33 A preliminary ecological assessment has been submitted in support of the application. Whilst numerous species of animals (a common frog and birds) were recorded, no evidence of protected species or habitat suitable for any species which are specifically protected under wildlife legislation was identified on the site. A number of wildlife conservation and mitigation measures (incorporating in a biodiversity plan) have been identified and it is appropriate to include a condition requiring a scheme to be submitted for approval.

Contributions

- 2.34 KCC Economic Development have requested contributions of £82.10 (Community Learning), £327.50 (Youth Service), £277.25 (Library Bookstock), £734.40 (Social Care) and £272.35 (Waste) for each dwelling. In addition, they request that all homes are built as wheelchair accessible and adaptable dwellings in accordance with Building Regs Part M 4(2). The contributions are considered to be acceptable and has agreement to them being secured through a legal agreement should permission be recommended.
- 2.35 Having had regard to Policy DM5, in line with Government Guidance, affordable housing contributions are only sought for developments of between 10 and 14 units. As such, it is not appropriate to request a contribution towards affordable housing provision.
- 2.36 Policy DM27 sets out that to meet any additional need generated by development for residential development of 5 or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity. No requests have been received and whilst there is open space within close proximity of the site, no projects have been identified which require a contribution.
- 2.37 Draft Policy NE3 is a material consideration in the determination of the application and sets out a mitigation strategy to deal with significant effects on the European Sites. The policy relates to development within a 9km radius of the European sites and as the application site falls outside of this area, no further assessment under is required. Whilst the application was submitted prior to the policy being published, no contribution towards monitoring or mitigation would have been required under the previous scheme to deal with effects on the Thanet Coast and Sandwich Bay SPA and Ramsar sites.

Planning Balance

- 2.38 The principle of the development is contrary to the adopted Development Plan in respect of Policies DM1 and DM11. The site is identified as being suitable for 5 dwellings under the draft Local Plan Policy SAP51. It is acknowledged that some of the key (adopted) policies in the determination of the application are out of date and hold reduced weight, 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.
- 2.39 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly accord with the NPPF. The development would generate travel outside the rural settlement confines contrary to Policy DM11. Notwithstanding, the site has been identified as a draft allocation for 5 units as part of the draft Local Plan. Subject to the detailed design, it is considered the proposals accord with draft

Policy SAP51. In allocating the site for development, the local need for housing and sustainability of the location has been considered and found to be acceptable and moderate weight can be attributed to the draft policy based on up-to-date housing figures and the NPPF. Furthermore, it is considered that the location of the site, relatively close to a number of facilities and services in nearby settlements, could provide some assistance in providing further custom and the vitality of rural services in accordance with Paragraph 79 of the NPPF, this weighs in favour of the scheme.

2.40 The application for 5 self/custom build dwellings is also supported by the NPPF (paragraphs 60-62), which advises that the provision of self-build housing should be reflected in planning policies. The current adopted policies do not reflect this. 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. The provision of self-build housing is considered to be a benefit, albeit a marginal one, however it is not considered necessary to impose a condition in this respect, given the proposed allocation in the draft Local Plan.

2.41 At outline stage, matters such as appearance, access, landscaping, layout and scale are reserved. Notwithstanding, it is considered that based on the indicative information, 5 dwellings could be accommodated at the site in such a way that would have an acceptable impact on the significance of heritage assets, preserving the character and appearance of the countryside and landscape, and that would have an acceptable impact on residential amenity and all other material considerations addressed in this report. Overall, 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.

3. Conclusion

3.1 The tilted balance approach set out at Paragraph 11 of the NPPF is engaged as the adopted policies most important for determining the application are out-of-date and in conflict with the NPPF. Notwithstanding the location of the site outside confines and additional travel generated, the site is proposed in the draft Local Plan (Policy SAP51) for residential development of 5 dwellings and this policy attracts moderate weight in favour of the proposals. Subject to the detailed design, it is considered that a scheme for 5 self/custom build dwellings could be accommodated at the site having regard to Policies DM13, DM15, DM16, draft Local Plan policies 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 completion of a S106 legal agreement to secure the required contributions and the following conditions:

- (1) approval of the reserved matters,
- (2) time condition
- (3) list of approved plans
- (4) samples of materials
- (5) scheme for biodiversity protection and enhancements
- (6) submission of parameter plan/design code
- (7) visibility splays

- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and legal agreements in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan