

Appendix 1 – 23 February Committee Report

- a) **DOV/22/01225 - Erection of 3 detached dwellings, associated parking and landscaping - Land Adjacent to Fitzwalter's Meadow, Boyes Lane, Goodnestone**

Reason for report – Number of contrary views (19)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM15, DM16, DM19

Local Plan (2002) Saved policies: CO8

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, SP13, SP14, SP15, CC2, CC4, CC6, CC8, PM1, PM2, T11, T13, NE1, NE2, HE1, HE2, HE3 and HE4 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 57, 69, 92, 93, 110, 111, 112, 119, 130, 154, 157, 174, 180, 194, 195, 197, 202

Kent Design Guide

National Design Guide and National Model Design Code (2021)

- d) **Relevant Planning History (Neighbouring Land)**

07/00952 - Erection of 12no. residential dwellings, detached garages with room over plots 7, 8 and 9, carports for 1-6, construction of vehicular access and associated parking - Granted

06/00737 - Erection of 12 no. residential dwellings, detached garages with room over for plots 7, 8, and 9, car ports for 1-6, construction of vehicular access and associated parking - Granted

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

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

Goodnestone Parish Council – Object to the proposal.

Kent Fire and Rescue - It appears from plan drawing number 29928B_10 B that the access road passing in between the two existing houses is narrow and does not meet the typical Fire and Rescue Service vehicle access route specifications. It also appears that there is a physical boundary to the sides and rear of the existing properties which would create a pinch point, further narrowing the access road and preventing access for a fire appliance. This would create extended hose lay distances from a parked fire appliance, before the pinch point on Fitzwalter's Meadow, to the furthest points within all of the proposed plots. There would also be extended hose lay distances from a parked appliance on Boyes Lane, via the pedestrian access gate, to the furthest of plot 2 and 3. Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Southern Water - No objection.

Third-Party Representations:

19 representations of objection have been received and are summarised below:

- The applicant does not have a legal right to remove the existing gate and widen the site access
- The roads in the area are too narrow
- Harm to highway and pedestrian safety
- The internal roads and adjoining access road don't allow for vehicle tracking or visibility.
- Fire and emergency and refuse access can't be achieved
- Increase in traffic
- Insufficient car parking
- No transport statement has been provided
- Impact on the Conservation Area
- Impact on the character and appearance of the area
- Harm to residential amenity - overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance
- The adverse impact on biodiversity interests at the site
- The effect on surface water and foul drainage
- Hedge at the front of the application site is poorly maintained and is impacting overhead power cables
- Site clearance effecting ecology
- Poor broadband connectivity and signals
- No economic advantage for village for proposal.
- Overdevelopment of site

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

- 1.1 The site is located outside, by adjacent to, the settlement confines of Goodnestone as defined on the Policies Map in the Council's Core Strategy 2010. The site is within the Goodnestone Conservation Area. The settlement of Goodnestone is surrounded by Goodnestone Park, which is a registered Historic Park.
- 1.2 This site is located to the north-west of Boyes Lane. It comprises an overgrown area of land located between the more recent development of Fitzwalter's Meadow to the south-west and the row of early 19th century terraced cottages at

1-4 Boyes Lane, to the north east. The ground levels rise towards the rear of the site away from Boyes Lane.

- 1.3 There is a gated access from within Fitzwalter's Meadow itself and a hedgerow fronting Boyes Lane. On the opposite side of Boyes lane are open fields.
- 1.4 The proposal is for the erection of three detached dwellings, associated parking and landscaping. Vehicle access is proposed through the existing Fitzwater Meadows development.

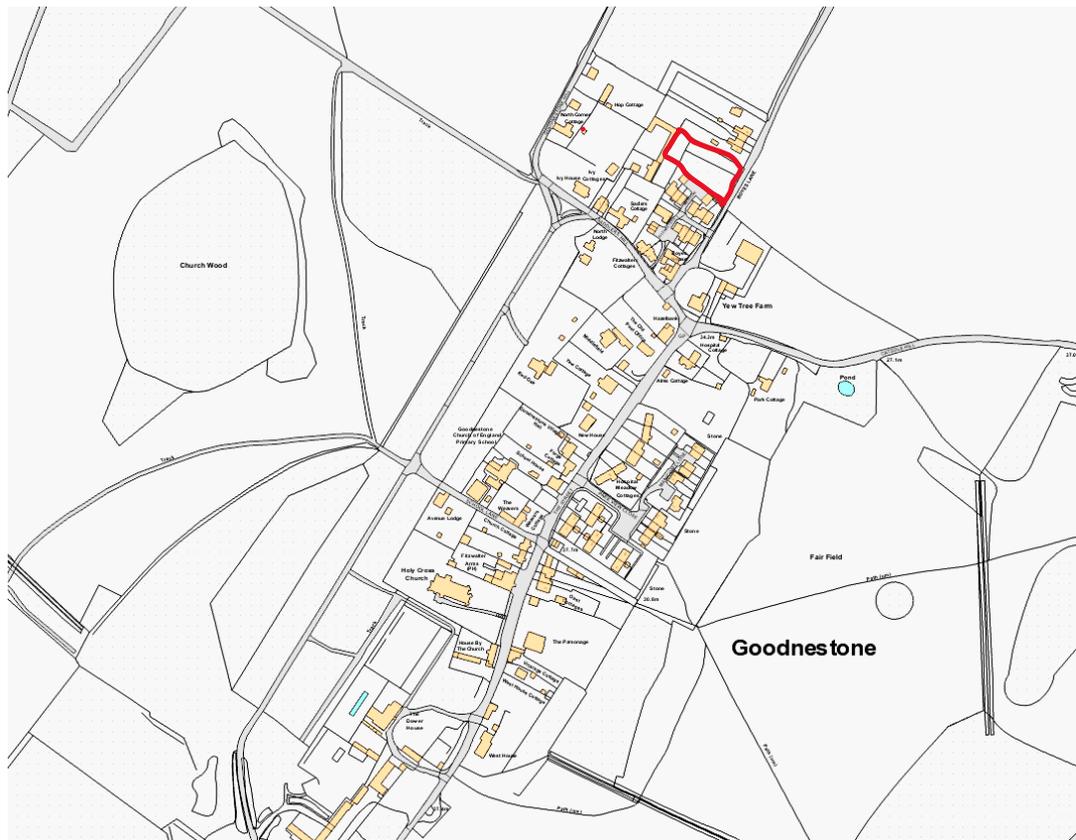


Figure 1: Site Location Plan



Figure 2 Existing Site Plan



Figure 3 Proposed Site Layout

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance
- Landscape impact
- Heritage impact
- The impact on residential amenity
- The impact on parking and highways
- The impact on ecology and biodiversity
- The impact on flood risk and drainage

Assessment

Principle of Development

- 2.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 2.3 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date" permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 2.4 The Council are currently able to demonstrate a five-year housing land supply (as identified in the most recent Housing Technical Paper 2021) and have not failed the housing delivery test.
- 2.5 Were a planning application to be submitted, the policies most important in its determination are considered to be CP1, DM1, DM11 and DM15.
- 2.6 Policy CP1 of the Core Strategy seeks that the location and scale of development in the district complies with the Settlement Hierarchy. Policy DM1 sets out that 'Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses'.
- 2.7 The site subject to application is located outside of the settlement confines, adjacent to the settlement boundary of Goodnestone. As such, the development would not accord with Policy DM1.
- 2.8 Policy DM1 accords with the strategic aim of the NPPF to promote sustainable development. However, it is considered that Policy DM1 is in tension with the

NPPF as it is more restrictive, and that limited weight should therefore be afforded to this policy. Given the degree of conflict between this policy and the NPPF, it is considered that this policy is out-of-date.

- 2.9 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines.
- 2.10 The proposed site is located outside of the settlement confines and is not justified by other development plan policies. As the site is located outside of the settlement confines, the creation of new dwellings in this location is considered to be contrary to Policy DM11.
- 2.11 Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date, however the weight is reduced.
- 2.12 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside.
- 2.13 Given the location of the proposed development outside of the village confines and within the countryside, the proposal would be contrary to Policy DM15.
- 2.14 The 'blanket' protection of the countryside advocated by the first sentence of DM15 is more stringent than the NPPF. However, this policy is considered broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside (Paragraph 174 of the NPPF). It is not therefore out-of-date and continue to attract significant weight.
- 2.15 In relation to the Draft Local Plan, policies SP1, SP2, SP4 and TI1 are considered most relevant to the principle of development.
- 2.16 The Draft Local Plan was published for Regulation 19 stage consultation on 21st October 2022. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. 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.
- 2.17 Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. Using this information and current housing requirements, the policy 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.
- 2.18 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining the settlement confines. Policy SP4 also

applies other criteria to assess the appropriateness of development in these locations.

- 2.19 The policy and the confines applicable to the settlements in question are considered to be in line with the sustainable development objectives of the NPPF. There are currently no unresolved objections to the policy, following the publication of the Regulation 18 version of the Plan. As such and in line with Paragraph 48 of the NPPF it is considered that the policy can attract significant weight in the planning balance.
- 2.20 The proposal is located directly adjacent to settlement confines as identified within the draft plan. As the policy and confines to which it relates have been devised in line with up-to-date housing figures and the objectives of the current NPPF, the Policy is considered to hold significant weight in the planning balance. The proposal is considered to be in accordance with requirements of draft policy SP4 and as such this is considered to provide significant weight in favour of the scheme.
- 2.21 Consideration must be had for whether the “tilted balance” would be engaged were an application submitted, having regard for Paragraph 11 of the NPPF. Some of the adopted policies relevant for determining the application are considered to be out of date to varying degrees, with Policy DM1, which is particularly crucial in assessing the principle of the development, being particularly so. Giving weight to policy DM1, it is therefore concluded that the ‘basket’ of local policies is out of date.
- 2.22 Consequently, it is considered that the ‘tilted balance’ would be engaged, and that paragraph 174 the NPPF would be relevant in the assessment of any forthcoming application. Sub-paragraph (ii) would be relevant, and in order to grant planning permission, it should be demonstrated at planning stage that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.23 Arising from the above, while the starting point remains that the decision must be made in accordance with the development plan unless material considerations indicate otherwise, this approach must be adopted having proper regard to the ‘tilted balance’ i.e. whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Impact on the Character and Appearance

- 2.24 Draft policy PM1 states that all development in the district must achieve a high quality of design, that promotes sustainability, and fosters a positive sense of place. New development must demonstrate an understanding and awareness of the context of the area. It should be compatible with neighbouring buildings and spaces, and respect and enhance character to create locally distinctive design or create character where none exists.
- 2.25 The proposed scheme consists of three detached dwellings, gardens and parking with vehicle access provided through the adjacent Fitzwalter’s Meadow development. There would be a separate pedestrian access onto Boyes Lane, with a pedestrian gate.

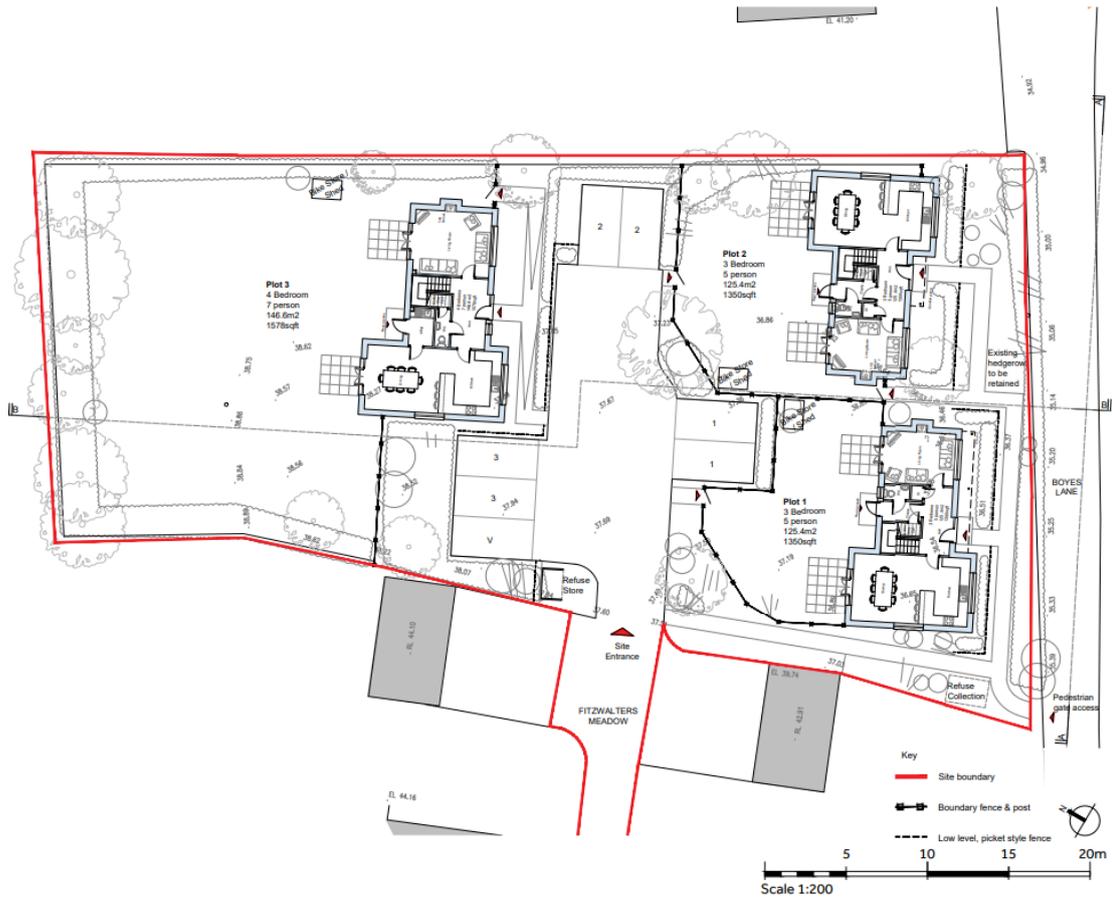


Figure 4 Proposed Site Layout

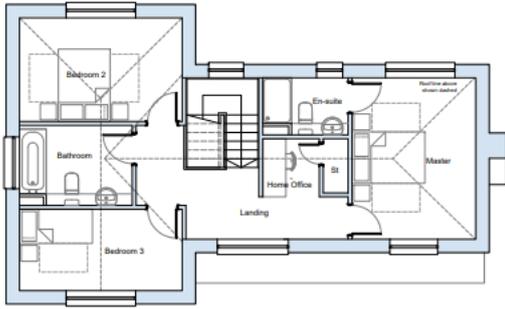


Figure 5 Proposed Street Elevation onto Boyes Lane

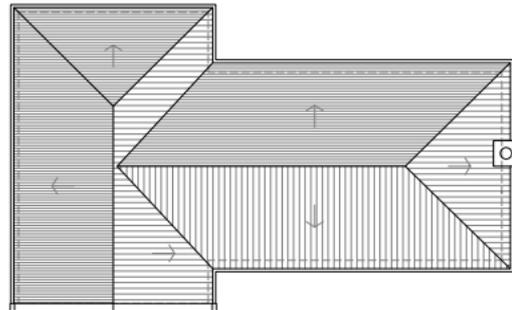


Figure 6 Proposed site section showing plot 3 and plot 2

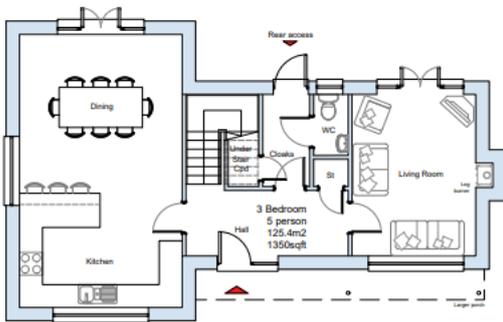
- 2.26 Two houses would be sited at the southern end of the development, facing onto Boyes Lane, but located behind the existing hedgerow which would be retained. These two houses would each have two floors and three bedrooms, pitched roofs and a projecting element at the front with a gable. The height of both houses would be less than adjacent 1-4 Boyes Lane and the recently built Fitzwalter’s meadows development.
- 2.27 At the rear of the site would be one two-storey detached house with 4 bedrooms, the house would be in the same style as the two houses fronting Boyes Lane. The ridge height of this house would be slightly higher than the other two proposed homes, due to the existing topography of the site. The ridge height of this house would be approximately 50cm higher than the ridge height of the terraced cottages at 1-4 Boyes Lane.
- 2.28 The architectural design of all the houses would be in the “Goodnestone” style, with red brickwork, pitched roofs with clay tiles, a gable to the front, round arched windows, with black powder coated aluminium window frames and brick chimneys. The houses would have front and rear elevations wider than the side elevations, and it is considered that this is characteristic of many buildings in Goodnestone.
- 2.29 The width of the houses gives mass to the appearance of the proposed dwellings, however as discussed above this is not considered out of character for Goodnestone. The proposed dwellings would be sited so that a 9.5m separation distance would be retained between plot 2 and the existing terrace at 1-4 Boyes Lane. Plot 1 would be sited approximately 15m from No. 12 Fitzwalter’s Meadow. The separation between plots 2 and 3 would be approximately 3m.
- 2.30 Given all of the above, it is considered that the spacing that would be retained between would ensure that a terracing effect would not result, and that the proposal would not result in any unacceptable massing or bulkiness in relation to visual impact of the development within the streetscene.



Proposed First Floor
Scale 1:100 @ A3



Proposed Roof Plan
Scale 1:100 @ A3



Proposed Ground Floor
Scale 1:100 @ A3



Figures 7 and 8 Proposed floor plans and front elevation to plot 1



Figures 9 and 10 Before and after views of the site, when viewed from the South-west on Boyes Lane



Figures 11, Nolli Urban Grain diagram

- 2.31 Historically within Goodnestone, development has infilled fields and areas of open space including along The Street and Boyes Lane, at Fitzwater’s Meadow. It is considered that the proposal would be infill development, of a suitable amount, layout and scale, which would represent organic growth of the village. This is illustrated in the Nolli urban grain diagram shown above.
- 2.32 A refuse storage area is indicated adjacent to the entrance to the development off Fitzwater’s Meadow, and a refuse collection point is indicated adjacent to Boyes Lane.
- 2.33 To conclude, it is considered that the proposals would accord with draft policy PM1 and paragraph 130 of the NPPF.

Landscape Impact

- 2.34 Paragraph 174 of the NPPF states that development to contribute to and enhance the intrinsic character and beauty of the countryside.
- 2.35 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.36 Draft policy NE2 sets out that proposals should demonstrate particular regard to the Landscape Character Area (LCA), as defined by the Dover District Landscape Character Assessment 2020 and in which they are located, including the characteristics of landform and topography, and the pattern and distribution of settlements.
- 2.37 The site is located within the Chillenden LCA, which is characterised by gentle ridge and dry valley topography, with mixed field patterns. It is a rural and tranquil landscape crossed by narrow winding rural lanes, with undulating landform giving rise to moderate range views across open arable land with more enclosure around villages and hamlets and in minor valleys.
- 2.38 Identified development management objectives include to conserve the characteristic sparse pattern of historic villages and hamlets, maintaining their enclosed character and conserve the strong vernacular of historic buildings and their rural setting, as well as protecting the character of the sparsely settled rural chalk landscape, and sense of tranquillity associated with it.
- 2.39 The site is adjacent to the Shepherdswell Aylesham Parklands LCA in which the remainder of the village of Goodnestone to the west of the site is located. This LCA is characterised by undulating topography of distinct gentle ridges and valleys, historic parklands at Goodnestone, Knowlton and Fredville with associated historic buildings, woodland, and mature parkland trees, and estate villages linked to the historic parklands with strong vernacular of redbrick, flint and Kent peg tiles, linked by narrow rural roads.
- 2.40 Identified development management objectives include to conserve the strong vernacular of historic buildings and their rural setting, ensure that landscape continues to provide a rural setting to these areas, and encourage the use of in keeping materials such as redbrick and Kent peg tiles for new developments.
- 2.41 The site is located on land which gently slopes down towards the south-east portion of the site. The site fronts on Boyes Lane, on the opposite side of Boyes Lane is a field of which the landform continues to slope down. The ground levels then reach a low point about 150m from the site and rises up again and levels off approx. 600m metres from the site at the eastern end of Catsole Hill.
- 2.42 The site is visible from the highway at Catsole Hill, and from PROW footpath EE271, which runs through the parkland at Goodnestone Park. Rooftops of the eastern end of the village, in which the site is located are also visible from Buckland Lane. The views at present from Catsole Hill and Buckland Lane contain a break in the built form where the site is located. To the north-east of the existing terrace at 1-4 Boyes Lane, the views open out to undulating fields and blocks of woodland.
- 2.43 Although there is currently a break in built form, it is considered that the visual edge of the village is the terrace building at 1-4 Boyes Lane. This is because the width of the visual break where the site is located is relatively small compared with the extent of the village which can be seen in views from Catsole Hill and Buckland Lane. As such it is considered that infill development at this site of a suitable scale, would be read as development within the visual envelope of the village and as such would not be detrimental to landscape character of the area and would preserve the values of the wider landscape in this area including moderate range views across arable land, gently undulating landform and overall tranquilly. In addition to the above the existing high hedgerow at the front of the site, fronting

Boyes Lane, is proposed to be retained and it is considered that this will aid visual integration of the proposal into the wider landscape.

2.44 Figure 12 below, shows the view as existing from Catsole Hill. Figure 13 shows the view with the proposed scheme outlined as a wireframe.



Figures 12 and 13, Existing and proposed views from Catsole Hill

- 2.45 The site is also visible from EE271, which runs through the parkland at Goodnestone Park. In views from the footpath the site is viewed within the context of built form, in particular the agricultural buildings at Yew Tree Farm and is read as being within the existing village envelope. This can be seen in figure 14 below.



Figure 14 - View from EE271

- 2.46 As such the proposals are considered to accord with the aims and objectives of the NPPF, policy DM16 and draft policy NE2.

Heritage Impact

- 2.47 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 2.48 The site is within the Goodnestone conservation area and adjacent to the early 19th century terrace that forms 1-4 Boyes Lane and which is considered to be a positive contributor to the character of the conservation area.
- 2.49 The terrace is visually separated from the core of the conservation area as a result of the open space provided by the application site. This space between 1-4 Boyes Lane and the development of Fitzwalter's Meadow is considered a key component in the character of the conservation area. When viewed from Catsole Hill the terrace looks somewhat set alone, separate from the core of the settlement which can be seen over to the south-west of the site.

- 2.50 On viewing from Boyes Lane, the formality of Fitzwalter's Meadow dissipates on reaching the development site, and the character of the conservation area immediately becomes more dominated by the agricultural landscape, adjacent to the conservation area. The informal, rural character is supported by the boundary of the site, which contains a hedgerow. This is considered the edge of the settlement before the countryside begins.
- 2.51 It is considered that the massing of the two units would be dominant and detract from the character of the conservation area, including when viewed from Catsole Hill. Due to the higher ground levels at the rear of the site, the three dwellings would be viewed as one mass, effectively infilling the space between the terrace and existing modern development.
- 2.52 As such it is considered that the proposal would not conserve the character of the conservation area and as such less than substantial harm would entail.
- 2.53 There are a number of grade II listed buildings close to the site, Hop cottage and Ivy House at approximately 60m from the site, and Yew Tree Farm at approximately 70m from the site. Given the distance retained from the site to these listed properties, the scale of development proposed and in addition the existing built form between the site and the listed buildings it is considered that the proposal would conserve the settings of the listed buildings.
- 2.54 To the south of the site is the grade II* listed historic park surrounding Goodnestone House. The site can be seen from inside the parkland, including from PROW EE271. In views from the parkland the site is viewed within the context of built form, in particular the agricultural buildings at Yew Tree Farm and is read as being within the existing village envelope. Given the distance retained from the site to these listed properties, the scale of development proposed and in addition the existing built form between the site and the listed buildings it is considered that the proposal would conserve the settings of the listed park. As such the proposal would accord with adopted policy DM19 of the core strategy 2010.
- 2.55 A pedestrian gate and a small amount of railings/ fencing is proposed fronting onto Boyes Lane, details have not been provided, however it is considered that this should be in a traditional style in keeping with the conservation area, and that this can be secured by condition.
- 2.56 Given the above, in relation to impacts on the conservation area, but not nearby listed buildings or the listed park, it is considered that the proposals to be contrary to the aims and objectives of the NPPF, and draft policies HE1 and HE2.

Impact on Residential Amenity and Future Living Conditions

- 2.57 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation and meet the Nationally Described Space Standards (albeit these are not formally adopted at present) in respect of internal accommodation. Well-

designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.

- 2.58 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users.
- 2.59 The proposed new homes would be located to the north-east of the existing houses on Fitzwater's Meadow. Plot 1 would be located approximately 15m to the north-east of no. 11 and 12 Fitzwater meadow. Plot 3 would be approximately 22m away from numbers 7, 8 and 9 Fitzwater's meadow.
- 2.60 The proposed dwelling at plot 3 includes a bedroom window located in the flank elevation facing the rear of nos. 7-9 Fitzwater meadow. Given the separation distance of 22m and the existing carport located to the northeast of 7-9 Fitzwater meadow, it is not considered that any unacceptable loss of privacy or overlooking would be caused.
- 2.61 It is not considered that there would be any unacceptable overbearing impact or loss of outlook due to distance retained to existing properties and the height of the proposed dwellings.
- 2.62 Due to the distance retained to adjacent existing homes and the height of the dwellings proposed, it is not considered that there would be any unacceptable loss of daylight or sunlight. For example, the "25° rule" (BRE Site Layout and Planning for Daylight and Sunlight : A Guide to Good Practice (2011)) can be used to help establish the effect a proposed building will have on existing properties with regards to obstructing daylight to existing windows. This test is carried out when the proposed building is opposite the existing building. In the case of the proposed development, the entire development falls underneath the line drawn at 25 degrees from existing development at Fitzwater meadows, at a height of 2m above ground level, therefore indicating the proposal is unlikely to cause a detrimental effect to daylight on the existing properties at Fitzwater's Meadow.
- 2.63 The proposal is for residential uses adjacent to existing residential uses, it is therefore considered that there would be no unacceptability in terms of compatible uses and noise generated.
- 2.64 Given all of the above, it is considered that the proposal accords with draft policy PM2 and the aims of the NPPF.

Archaeology

- 2.65 The site lies within an area of archaeological importance. Given the size of the proposals it is considered that an archaeological watching brief should be added as a condition.

Impact on Parking/Highways

- 2.66 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

2.67 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.68 Paragraph 112 of the NPPF states that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

2.69 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Core Strategy, and cycle provision informed by KCC Guidance SPG4.

2.70 Draft policy T13 sets out parking requirements for new developments. The standards set out in the Parking Standards for Kent SPD and Kent Design Guide Review: Interim Guidance Note 3 (or any subsequent guidance) are the starting point for decision-taking on acceptable parking provision in all developments.

2.71 The scheme proposes 2 parking spaces per dwelling and one visitor space. This is considered adequate for the size of the development, and number of bedrooms per house. Cycle storage is proposed in sheds in each garden.

2.72 Vehicular and pedestrian access is proposed via Fitzwalter's Meadow, with further pedestrian access directly onto Boyes Lane. Fitzwalter's Meadow is an unadopted no through road adjoining the public highway of Boyes Lane. The access and sightlines were approved under planning permission DOV/06/00737. A condition was added to DOV/06/00737 which requires the retention of these sightlines.

2.73 It is considered that if the visibility splays from Fitzwalter's Meadow onto Boyes Lane were found to be suitable at the time, an uplift of three additional dwellings would not significantly add to risk from drivers using this access. At present however it appears planting at the site frontage has been installed within the

visibility splays and it appears the proposal is not compliant with the conditions of the previously permission.

- 2.74 The access width through Fitzwater's Meadow is approximately 3.5m in width, narrowing to 3m between Nos. 9 and 10 (the latter for approximately 15m in length). This is not sufficient to safely cater for both vehicles and pedestrians.
- 2.75 The width of the existing access road is not considered wide enough for two vehicles to pass. As such this may cause access difficulties should vehicles arrive at the same time as others try to exit. It should be remembered that Boyes Lane is also too narrow for two vehicles to pass. This would increase the risk of vehicles having to carry out protracted reversing manoeuvres to allow others.
- 2.76 Turning and access would need to be demonstrated for an 11.4m refuse vehicle. The proposed dwellings are at a distance from the existing turning head both in terms of refuse vehicle reversing distance and carry distance for refuse.
- 2.77 The vehicle track drawing (an unidentified 8m vehicle) provided on the proposed site plan shows overrun beyond the extent of the road over private property. Additional paving has been constructed to allow the overruns as shown in the photographs below. However officers raise concerns regarding safe access and turning space for larger vehicles, such as delivery, refuse or fire tender.





Figures 15 and 16- Photos of existing access road through Fitzwalter's Meadow, looking south-west

- 2.78 Safe access for refuse collection and fire tender has not been demonstrated. This in itself could cause safety issues through reversing manoeuvres. Kent Fire and Rescue Service have been consulted and have raised concerns over sufficient access for fire tenders.
- 2.79 There is an existing lack of pedestrian facilities on Boyes Lane, however these poor pedestrian facilities were not seen as sufficient a reason to refuse the initial Fitzwalter's Meadow development. It is considered that the addition of three more dwellings would make a significant difference to the existing situation.
- 2.80 The width of the existing access road is not wide enough for two-way traffic and does not cater well for pedestrians and vehicles. However, with an uplift of only three dwellings, it is considered that the number of conflicting movements is likely to be relatively low.
- 2.81 Officers have concerns over the access arrangements to the proposal. Primarily that the width of the access road through Fitzwater's meadow is not wide enough to cater safely for both vehicles and pedestrians, and for vehicles using the access in both directions. Secondly that the access is not wide enough for efficient delivery of goods, and by service and emergency vehicles.

- 2.82 Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.83 It is considered that there would be some impacts on highway safety, as discussed above, however given the scale of the proposal consisting of three homes, it is not clear if this would constitute an unacceptable impact. KCC Highways have been consulted and have not commented on the scheme.
- 2.84 In relation to acceptable access for both the fire service and refuse vehicles, adequate access would need to be provided to meet the requirements of the Building Regulations, which would be likely to necessitate the provision of a residential sprinkler system.

Ecology

- 2.85 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.86 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats.
- 2.87 Draft policy SP13 relates to protecting the districts hierarchy of designated environmental sites and biodiversity assets.
- 2.88 Saved policy C08 states that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists and suitable native replacement planting is provided.
- 2.89 A preliminary ecological assessment was submitted and identified the possibility of a reptile habitat on the site. A separate Reptile Survey was undertaken and one lizard was seen on the site over the seven day survey period.
- 2.90 The PEA proposes a series of measures to be undertaken prior to the commencement of development to prevent harm to potential reptiles on site. These include a translocation of reptiles and reptile proof fencing during construction.
- 2.91 An area for reptile mitigation has been proposed to the north of the site and the long-term use of this site as a reptile receptor site will be secured by a s106.
- 2.92 Two conditions have been added, requiring a method statement for the protection of reptiles, nesting birds and hedgehogs during vegetation clearance and construction works, and details of the locations, specifications, and timings of measures and/or features to enhance biodiversity.



Figure 17 Proposed reptile receptor site

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.93 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.94 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. 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.
- 2.95 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.

- 2.96 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.
- 2.97 Development in the district of Dover is no longer affected by the water quality and nutrient neutrality advice issued by Natural England in relation to Stodmarsh SPA/SAC/Ramsar site. Planning applications may now be determined without the need for an Appropriate Assessment of the implications of the application for the Stodmarsh site.
- 2.98 To conclude, it is considered that the proposals would accord with draft policies SP13 and SP14 and the aims of the NPPF.

Flood Risk and Drainage

- 2.99 The National Planning Policy Framework advises that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site-specific flood risk assessment that the development would not result in an unacceptable risk on flooding on the site or elsewhere.
- 2.100 The site is located in Flood zone 1, as such it is within an area at lower risk of flooding and suitable for residential development. Foul drainage is proposed via existing sewer, whilst a sustainable urban drainage system is proposed for surface water.

3. Conclusion

- 3.1 On balance it is considered that the less than substantial harm identified to the conservation area, would be outweighed by the socio-economic benefits of new homes in a settlement identified as suitable for development of a suitable scale. It is considered that any adverse impacts of approving development proposals would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As such, it is considered that the principle of development and other relevant considerations are acceptable, and that the proposal accords with the aims and objectives of the NPPF.
- 3.2 It is therefore recommended that planning permission is granted with conditions and subject to S106.

g) Recommendation

- I PERMISSION BE GRANTED, subject to a S106 to secure the translocation of reptiles and subject to the following conditions:
1. Time limit
 2. Approved plans
 3. Samples of materials
 4. Bicycle storage
 5. Vehicle parking
 6. Construction Management Plan
 7. Refuse and recycling
 8. Method statement for the protection of reptiles, nesting birds and hedgehogs
 9. Biodiversity enhancements
 10. Measures to avoid damage to trees
 11. Existing hedges or hedgerows shall be retained and protected
 12. Details of the materials to be used for all means of enclosure and hard surfacing
 13. Hard and soft landscaping
 14. Archaeology
 15. Removal of permitted development within Classes A, AA and B of Part 1 of Schedule 2 of that Order, and Class A of Part 2 of Schedule 2 of that Order.
- 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

Nicola Kingsford