

DOV/21/01615 – Erection of 27 dwellings with associated access, parking and landscaping (existing industrial buildings to be demolished) – The Old Malt House, Easole Street, Nonington

Reason for report: The application is reported to this planning committee following deferral from the Planning Committee of 23 February 2023 and due to the number of contrary views received. The full committee report is attached as Appendix 1.

The reasons for the deferral of the application are as follows:

“To allow officers to negotiate with the applicant in relation to amending the scheme so that it responded better to the spatial character of the area, and to consider issues such as unadopted roads and open space”.

Summary of Recommendation

Planning permission be granted.

Consultee and Third-Party Representations

Amended plans have been received to seek to address the reasons for the deferral of the application. A further round of consultation has therefore been carried out following the last planning committee. The additional comments received can be found below:

Nonington Parish Council – Objects and additional comments are summarised below:

The proposed scale of the dwellings is not in accordance with the unique and special character of the village, imposing restrictions on rural views, causing a massing and crowded area. Nonington’s infrastructure would not be able to support the new dwellings. No conservation appraisal has been undertaken. Urge committee members to look at Draft Highways Improvement Plan submitted by the PC.

Environment Agency – No further comments.

Southern Water – Response remains unchanged.

Dover District Councils Senior Natural Environment Officer - No further comments

Kent County Councils Mineral and Waste Planning Policy Team – No objections or comments to make on this matter.

Kent County Council Archaeology – No objection, subject to a condition for a programme of archaeological works due to the following:

The Kent Historic Environment Record (Kent HER) shows the site lies within a landscape that is generally rich in archaeological remains. The proposed development lies immediately south of a complex of crop-marks that likely represent evidence for settlement and agricultural activity of later Prehistoric to Romano-British date. It is possible that associated archaeological remains might extend into the site under consideration.

Kent County Council Economic Development

The following revised contributions should be secured per dwelling.

- Primary education – towards the expansion of primary schools in the Aylesham DfE - £4642.00
- Secondary education – towards expansion of selective and non-selective secondary schools. £4540.00

- Community Learning – Towards equipment, resources and classes to be delivered locally by the Dover District Adult Education service - £16.42
- Youth Service - Towards addition resources and services for Dover youth services - £65.50.
- Library Bookstock – Towards additional resources, equipment and stock – Aylesham Library and/or the mobile library service for Nonington £55.45.
- Social Care - Towards specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities and changing places within Dover District. £146.88
- Waste - Towards works at Dover HWRC to increase capacity. £54.47

In addition, wheelchair accessible dwellings and a broadband condition.

Dover District Councils Environment Protection – No further comments.

Kent County Councils Lead Flood Authority – No objections to latest layout.

Natural England – No further comment.

Strategic Housing Manager - the proposed mix is acceptable.

Public representations.

A further 19 letters of objection have been received regarding the proposed amendments and additional issues raised are summarised below. All these representations can be found in full online.

- The bus service has completely stopped.
- Minimal amendments with the loss of 2 dwellings, still out of character (crowded)
- Affects the setting of listed buildings.
- Disproportionate to the village.
- A portion of the 'allocated land' is owned by a local resident.
- Tree survey did not survey trees within St Albans.
- Properties surrounding the site are no more than 2 storeys, proposal has tall roofs ready for third storey.
- No changes have been made to the adoptability of the roads on site, as requested by members.
- Plot 12's garage too close to boundary with St Albans.
- Plot 11 has a 2 ½ storey end wall also close to the boundary with St Albans.
- Design of the dwelling have not been altered.
- A letter registered as support is incorrect and should be an objection
- Applicant should work with local residents.
- Additional costs for affordable housing residents for ground maintenance.

Concerns have been raised over the summary of the representations within the previous committee report not reflecting the number of objections received and the issues raised

Introduction

1.1 This application was presented to planning committee on the 23rd February 2023 with a recommendation that planning permission be granted subject to a Section 106 to secure affordable housing, development contributions and a payment towards the Thanet Coast and Sandwich SPA and Ramsar Mitigation Strategy and subject to conditions. A copy of the Committee Report is attached at Appendix 1. It is not intended to revisit the issues set out in this report which are still applicable to the application. The intention for this report is to advise of the changes made to address previous concerns of the planning committee.

1.2 At the meeting, members resolved to defer determination of the application to seek amendments to allow the development to respond better to the spatial character of the area, to address concerns over the lack of adoptable roads and turning spaces for fire engines and the lack of open space provision within the site. A copy of the Minutes of the February Planning Committee is attached at Appendix 1. Therein are the reasons for the application being deferred.

Amended Proposal

The proposed amendments incorporate.

- The loss of 2 dwellings detached dwellings within the centre of the site.
- Changes to the road layout towards the rear of the site, to allow a better turning head.
- Plots 9,12,13 and 14 have been moved away from the boundaries.
- Plots 13 and 14 have been altered from a pair of semi-detached dwellings to 2 detached dwellings.
- Removal of garage to former plot 15 (now plot 13)
- Plot 12, entrance door has been relocated to within the glazed cart door opening from the right-hand side of the opening.

Further Assessment

1.3 One of the reasons for deferral was to allow the applicant to look at the spatial character of the development. In response to this the developer has submitted the amended plan as shown below in figure 1.

Plots 10 & 11 have been removed.

Plots 9, 12, 13, 14, 15 and 16 have been pulled off the site boundaries.

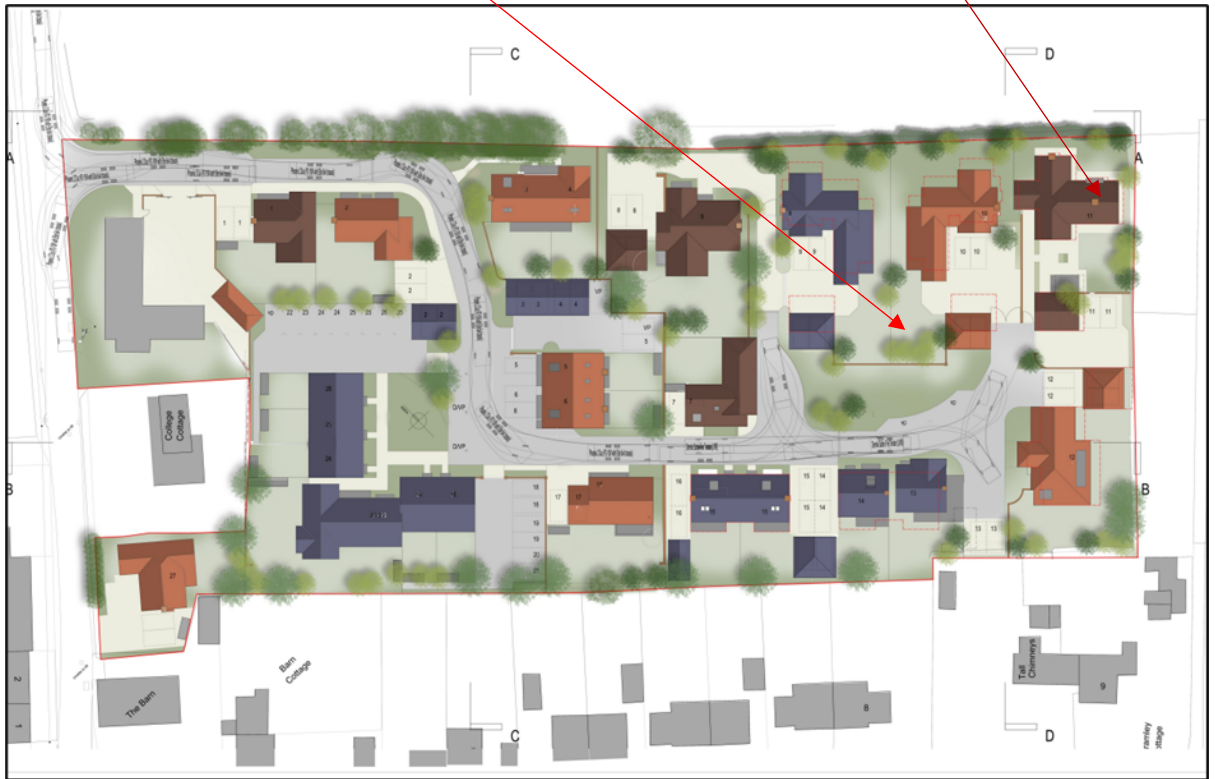


Figure 1 – amended site plan.



Figure 2 – original site plan.

1.4 In support of the amended plan the applicant states the following;

“In considering the spatial character of the surrounding area of the village. it is apparent that both Easole Street and Mill Lane have an essentially linear form with a simple highway layout. Like many villages the roads lack footways and the houses and gardens front up to the back edge of the carriageway. Notwithstanding highway safety issues, the form and character of traditional village lanes is a key element in why village street scenes are considered so attractive and difficult to replicate. The layout for the site has been designed on a shared surface basis, where the pedestrian has the highest priority, with a view to reducing the dominance and impact on character that the highway infrastructure to an adoptable-standard creates, comprising separate pavements and service strips. Introducing such features would unacceptably suburbanise the character and appearance of the internal layout of the scheme resulting it being significantly at odds to the village character. The use of the shared surface road layout is therefore specifically aimed at ensuring that the development integrates well with the character and form of the surrounding parts of the village and put simply so it does not appear as a distinctly suburban car dominated addition to the edge of the village”.

- 1.5 *In respect of the layout drawing previously submitted to committee (843-PO2rev.B) the changes made relate to plots 9-16 as indicated on the drawing. Firstly, plots 10 and 11, two large, detached houses, centrally located within the scheme have been removed to allow a more open area to be formed centrally within the development. Plots 9, 12, 13 and 14 whilst retaining their generous plot sizes are all pulled away from the boundary, to provide a greater sense of space around the development. Whilst plots 15 and 16 are also sited further away from the site boundary, while the changes to the road layout in this area of the site allows these properties to become detached, albeit their design and form is relatively unchanged.*
- 1.6 *The form of the development has been designed to reflect the character of the site, with a more enclosed form at the Easole Road end of the site, where the large commercial buildings and their enclosed courtyards currently stand, and with a more open layout with larger houses set within generous gardens within the more open parts of the site. The lower part of the site has not been changed as it is considered that the form of development in this area is appropriately scaled and is a significant enhancement to the scale, form and impact of the commercial development that currently occupies this area. It should be noted that the conservation officer has previously raised no objection to the character or form of the scheme. The amendments have therefore specifically looked to address the committee’s concerns relative to the upper part of the site, to create a more open form of development. Here revisions to the layout seek to hollow out a central open green area for the houses to front onto and to ensure that the development backing onto Mill Lane mirrors its linear form and scale. The linear form of development is essentially repeated on the opposite side of the site, in addition these plots, together with those along the boundary to St Albans are moved away from the boundary to give greater visual openness and opportunity for planting along these boundaries.*
- 1.7 Concerns were raised over the density of the site, the built form and spatial character. Regarding the density, the proposed development has seen the loss of two dwellings, reducing the amount of development from 29 dwellings to 27 dwellings. Members are advised that within the Policy LA41 of the Dover District Land Allocations Local Plan adopted 2015 the allocation is for an estimated capacity of 35 dwellings. Within the preamble of this policy at paragraph 3.397 this sets out that ‘any development would need to reflect the current grain and density of the village’. It is accepted that the properties within the ‘paddock’ area are generous size dwellings on reasonable size plots. However, the loss of the two L shaped dwellings formally known

as plots 10 and 12 has reduced the density of this area and will allow a more informal and organic appearance with gaps and spaces.

- 1.8 In addition to this, to try and overcome the concerns raised by members of the spatial character, the relocation of plots 9,12,13 and 14 have been pulled away from the boundaries. This would allow additional planting opportunities to assist in softening the impact in the wider landscape when viewed from public vantage points and create a greater sense of space.

Highways and Transport

- 1.9 Committee members requested that the applicant addressed the lack of adoptable roads within the site. As set out above in paragraph 1.4 one of the reasons why the applicant is using shared spaces is that they consider that this will result in an improved quality layout where highway infrastructure will not dominate resulting in a more rural character and appearance of the site.
- 1.10 In respect of the lack of adoptable roads, Kent Highway Services had previously criticised the use of shared spaces within the development. However, as set out in paragraph 2.50 of the original report, the roads were not designed to be adopted, given the size of the site and the proposal being designed to have a low speed throughout the site giving priority to pedestrians throughout the site, with a small area of footpath around plot 2 gaining access into the site. Kent Highway Services were minded to accept the shared surface layout as the site is to remain private and their comments were in an advisory capacity. Whilst the desire of committee members was for the roads to be adopted, having taken advice from Kent Highway Services, I am satisfied the use of shared spaces would be acceptable in this instance and would not warrant a reason for refusal on this basis.
- 1.11 Having taken advice from Dover District Councils Strategic Housing Manager they have advised that if the rents to be charged are affordable rents, then Registered Providers (RP) are not permitted to charge an additional service charge on top. The RP has to absorb the cost. If the rent is a social rent, then the tenant could be charged towards the road as a service charge. It is understood that English Rural chose affordable rents, not social, so in that circumstances the cost would impact on the RP, not directly on the tenant.
- 1.12 Furthermore, the applicant has advised that *'the amended road layout also addresses the tracking of service vehicles raised at the previous committee meeting. Although the vehicle tracking previously provided demonstrated that this is not a problem, the vehicle tracking provided for the amended layout remove any doubt of there being an issue in this respect. In conjunction with the revised layout, in addition to being pulled away from the site boundary, plot 15 and 16'* The amendments are shown below in Figure 2, indicated by the red circle.

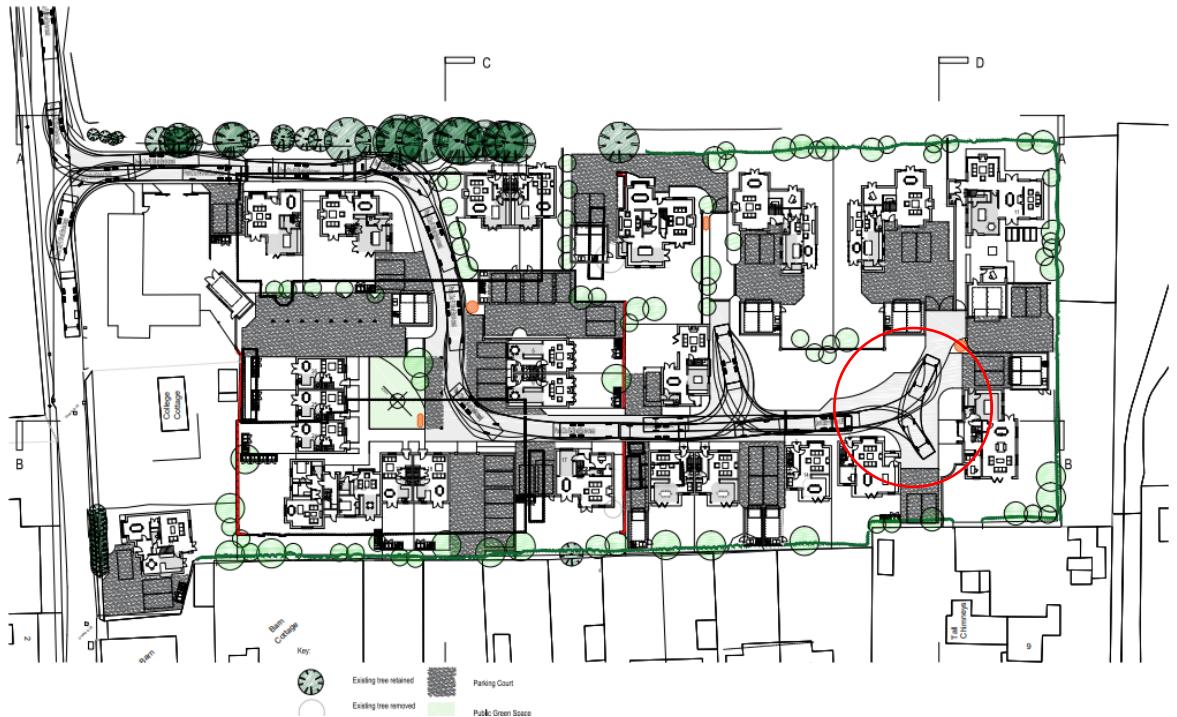


Figure 2 – Proposed Analytical site plan.



Figure 3 – Original Analytical site plan

- 1.13 The original scheme (as shown in figure 3 above, indicated by the red circle) had proposed an area located in front of plot 14 and to the side of plot 15 to be an open area for no parking to allow for larger vehicles, namely fire engines and refuse vehicles, with a condition being proposed to ensure that this area was always kept clear. Members were concerned this would rely on the goodwill of residents not to park there and felt this was an area that needed to be redesigned. The loss of the dwelling known originally as plot 11 has lost the pinch point in this area, with the parking

for plot 13 (as now known) being pushed back to the edge of the site, thus allowing a greater turning area for the larger vehicles. It is therefore considered the proposal has overcome this reason for concern. This can be seen in the bottom right hand corner of Fig. 2.

- 1.14 Whilst the applicant is not proposing to adopt the roads as requested by members at the February 2023 planning committee, they have addressed the concerns over the tracking to the rear of the site, allowing larger vehicles to enter and exit by plots 12 and 13. In addition to this, having taken advice from Kent Highway Services, the proposed development is not considered to result in an unacceptable impact on the highway safety, or the residual cumulative impacts on the road network would be severe as set out in paragraph 111 of the National Planning Policy Framework.

Lack of Open Space

- 1.15 Committee members felt that given the number of dwellings within the site and the location of the application site, away from the nearest open space, that there should be open space provision within the site and requested that officers discussed this request with the applicant. The applicant has set out that they have agreed to a financial contribution for off-site provision secured by the S106. They have stated *'The provision of off-street provision, will allow the local community led by the Parish Council to decide what facilities they consider the village most needs and to provide these in a location that best serves everyone in the village'*.
- 1.16 Whilst the applicant is not providing play equipment within the site as was desired by members at the planning committee, the loss of the two dwellings has provided some informal open space within the site and as such is considered to be of some benefit as well as helping to give the development more of an open feel. Policy DM27 of the Land Allocations Local Plan and Policy PM3 of the Draft Local Plan says that the development would be expected to provide Open Space on site, or a contribution towards off-site provisions, to meet the Open Space demand that would be generated by the development, if it isn't practical to provide it on-site. The proposal is therefore exceeding the policy requirements for the provision of open space.

Housing Mix and Affordable Housing

- 1.17 Policy CP4 of the Core Strategy requires that housing applications for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. The proposal would provide 29 dwellings comprising of 2 x 1 bedroom apartments, 2 x 2 bedroom apartments, 4 x 2 bedroom dwellings, 12 x 3 bedroom dwellings and 9 x 4 bedroom dwellings. Paragraph 3.34 of the Core Strategy identifies the broad split of demand for market housing, recommending: 15% 1-bed; 35% 2 bed; 40% 3-bed; and 10% 4 bed and larger (albeit this split has been superseded by more recent Strategic Housing Market Assessments). Given the loss of the 2 dwellings, the proposal now comprises the following housing mix.

Number of Bedrooms	% Market proposed
One (2)	8 %
Two (6)	22 %
Three (10)	37 %
Four (9)	33 %

Figure 4 – Affordable housing split.

- 1.18 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the recent Authority Monitoring Report advises that over the monitoring period, 1 and 2 bedrooms have been underprovided, whilst the number of 4 bedroom dwellings provided has significantly exceeded required need. The proposal would contribute towards the current disparities within the district..
- 1.19 Policy DM5 of the Dover District Core Strategy sets out ‘the council will seek applications for residential dwellings to provide 30% of the total homes as proposed as affordable homes, in home types that will be addressing prioritised need. The emerging plan, at Policy H1, maintains this requirement outside of Dover. The applicant is proposing 8 affordable houses (31%) comprising of 5 x affordable rent units (units 22, 23, 24, 25, 26), 2 x shared ownership plots (20,21), 2 x first home plots (27,28). Dover District Council Strategy Housing Manager is satisfied with this mix. The proposed mix of dwelling sizes meets the needs within the area and, as such, subject to the precise tenure mix and the delivery of these dwellings being secured by legal agreement, it is considered that the development accords with policy DM5 of the Dover District Core Strategy and H1 of the Draft Local Plan.

Residential Amenity

- 1.20 As previously set out in the committee report (see appendix one) the application site is an edge of settlement site, with properties on three sides, Easole Street, Mill Lane and St Albans to the rear and therefore consideration needs to be given to the concerns raised by the local residents in respect of having an overbearing impact and overlooking.
- 1.21 With the loss of the two dwellings within the site, the plots have all been renumbered and for ease I have set out the block plan, with the new plot numbers below in figure 3.



Figure 3 – Amended block plan

- 1.22 Plots 11 and 12 would be sited up to the rear of the site adjacent dividing boundary of St Albans, Plot 11 within the northeast corner of the site has been moved off the boundary by approximately 2.5 metres, with the garaging being approximately away. Plot 12 has also been pulled off the boundary. The distance is approximately 8.2 metres. All other matters remain the same as previously reported. I am therefore satisfied this element of the proposal is an improvement to the original scheme submitted in respect of mitigating any potential for overbearing impact on the residential amenities currently enjoyed by the occupiers of this property. The fenestration has not been altered and as such, given there are no windows proposed in the side elevation facing in the direction of St Albans, then this would not create any overlooking concerns.
- 1.23 The original submission proposed the garage of plot 12 to be built up against the dividing boundary of St Albans. This has now been pulled off the boundary by approximately 2 metres and will allow for additional planting in this area. This is considered to therefore be an improvement in the relationship between this part of the site and the occupiers of St Albans. All other matters remain as set out in paragraph 2.40 of the previous committee report.
- 1.24 Finally, changes have been made to the elevations of plots 14 and 13 (previously known as 15 & 16). These properties were originally a pair of semi-detached dwellings and have been changed to 2 x detached dwellings. These properties have been designed to be 2 ½ storeys in height and the overall heights have not significantly altered. However, the width of these properties has increased from 7.75 metres in width to plot 13 having an overall width of 10.6 metres and plot 14 having a width of 8.14 metres. Regarding any potential impact on those properties in Mill Lane, plots 13 and 14 would have a separation distance of approximately 10.2 metres with the beginning of the rear gardens of the immediate properties. This is considered to be a comfortable distance but in any event additional planting is proposed and this can be secured by condition. Having regard to the proposed changes, the overall separation distance between the existing and proposed dwellings, they are not considered to result in any unacceptable loss of light, sense of enclosure or overlooking.



Figure 3 – Previous elevations and floor plans for plots 15 and 16.



Figure 4 – Proposed changes to plots 13 and 14.

- 1.25 As set out above in the report, this deferred report only addresses the described amendments and all other matters previously raised in respect of this report have been taken into account. In this instance, 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 further extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that the acceptability of any such alterations can be assessed by the Local Planning Authority in the future.

Other Matters

- 1.26 A local resident has raised concern over an area of the land allocated under LA41 being within their ownership and therefore the allocation of 35 dwellings is not reflective of the true situation. It should be noted in any case, that the application site is in full ownership of the applicant and whilst the allocation is for 35 dwellings, the proposed development is now for 27 dwellings in any case.
- 1.27 Additional concerns have been raised over the protection of the trees on the boundary with St Albans and that the trees within the ownership of said property were not surveyed., However, as set out in paragraph 2.29 of the committee report dated 23rd February, having taken advice from DDC Tree & Horticultural Officer, these trees were still considered to be able to be able to be protected by means of fencing and would be secured by condition. Furthermore, plot 11 has been pulled in further from the dividing boundary.

Lack of Bus Services

1.28 Local residents and Nonnington Parish Council have advised officers that the bus services have now been withdrawn. The principle of the development has already been established and whilst this is regrettable, allocations for such development site are in part to increase the numbers of residents, which will contribute to helping to sustain services.

2. **Conclusion**

2.1 The application was deferred at the planning committee of 23rd February 2023 to allow officers to negotiate with the applicant to seek amendments to the scheme so it responded better to the spatial character of the area, and to consider issues such as unadopted roads and open space.

2.2 The applicant has amended the proposed development with the loss of two detached dwellings within the middle of the site and has pulled some of the plots forward off the boundary (as discussed above). In this respect the proposed development is considered to have opened up the upper part of the site, to create a more open form of development that fits more comfortably with the rural context of this part of the site.

2.3 In respect of the lack of open space and the adoptable roads, the applicant has fulfilled the requirements of the policies and the National Planning policy Framework, it is for members of the planning committee to decide whether the amendments have gone far enough in addressing the reasons for the referral.

2.4 The Committee Report, attached at Appendix 1, provides an assessment of all of development plan policies and material considerations which are pertinent to the determination of the application. The report concludes that 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 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.

2.5 The application site is an allocated site both in the Dover District Land Allocations Plan and the Dover District Draft Local Plan and is therefore considered acceptable in principle subject to material considerations. In this instance, the proposed development on balance would not have an unduly adverse impact on either the character and appearance of the area, the heritage assets, the living conditions of the occupiers of adjacent properties, or highway safety, to the extent that this would warrant a refusal of planning permission.

Recommendation

I. PERMISSION BE GRANTED subject to a S106 to secure affordable housing, development contributions and a payment towards the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy, and subject to conditions to include:

- (1) standard time limit
- (2) approved plans
- (3) samples of materials
- (4) Details of the joinery to be used on unit 29
- (5) Chimney and eaves sections to be submitted in connection with unit 29
- (6) Details of hard and soft landscaping
- (7) Retention of refuse and cycle storage
- (8) Construction management plan

- (9) Provision and retention of visibility splays
- (10) Provision and retention of vehicle parking spaces and car barns.
- (11) Completion and maintenance of the access prior to site commencement
- (12) Completion and maintenance of the access, including use of a bound surface for the first 5 metres
- (13) Details of surface water drainage infrastructure.
- (14) Contamination strategy
- (15) Tree protection measures installed prior to commencement of works.
- (16) ecological mitigation and details of enhancement of biodiversity (including a Biodiversity Method Statement).
- (17) removal of certain permitted development rights for extensions, outbuildings, insertion of additional windows, alterations to roof slopes and conversion of garages.
- (18) Implementation of a programme of archaeological work
- (19) retention of the garden wall
- (20) precautionary method statement regarding bats

- 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 Planning Committee.

Appendix One – Committee Report presented 23rd February 2023

Appendix Two – Committee Minutes of 23rd February 2023 planning committee