

Appendix One – Committee report 23rd February 2023.

- a) **DOV/21/01615 – Erection of 29 dwellings with associated access, parking and landscaping (existing industrial buildings to be demolished) – The Old Malthouse, Easole Street, Nonington, CT15 4HF**

Reason for report: Due to the number of contrary views (39) and Cllr call from Cllr Keen and Cllr Manion.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Planning and Compulsory Purchase Act 2004

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Core Strategy (2010)

CP1, CP6, DM1, DM11, DM13, DM15, DM16

Land Allocations Local Plan

LA41

Draft Dover District Local Plan to 2040

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Policies relevant to this application are: SP2, SP3, SP5, SP11, SP13, SP14, SP15, CC4, CC6, PM1, PM2, PM3, H1, H2, H3 T11, T13, NE1, NE2, NE3, HE1, HE3, SAP52

National Planning Policy Framework (NPPF) (2021)

The most relevant parts of the NPPF are 2, 8, 11, 12, 47, 55, 57, 107, 130, 180, 190, 201 and 202

The Kent Design Guide (KDG)

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

National Design Guide & National Model Design Code (2021)

- a) **Relevant Planning History**

DOV/07/01379 – Change of use of land for the keeping of horses and retrospective application for the erection of 3 stables and shed .

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

Nonington Parish Council

Objection, concerns have been raised in respect of heritage impact, traffic implications and lack of public transport and drainage.

Kent Highway Services

Not recommended refusal on highway grounds but has raised general concerns over the use of shared spaces.

Environment Agency

No objections, subject to conditions.

Kent Country Council Lead Flood Authority

Following the additional information, it is welcomed that preliminary infiltration testing has been undertaken in site and found favourable rates at shallow depths (<1.50m bgl). The LLFA anticipates that soakaways can be incorporated within the site. Previous objections are removed subject to conditions being imposed on any planning permission.

Southern Water

Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the developer.

Affinity Water

No comments

Kent County Council Economic Development

In addition, wheelchair accessible dwellings and a broadband condition. The following 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
- Special Education – towards the Beacon School Satellite at Walmer - £1051.82
- 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

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

In addition, wheelchair accessible dwellings and a broadband condition.

Kent and Medway Clinical Commissioning Group

This proposal will generate approximately 80 new patient registrations based on the dwelling mix provide. The proposed development falls within the current practice boundaries of Aylesham Medical Practice, Ash Surgery and Sandwich Medical Practice.

There is currently limited capacity within existing general practice premises to accommodate growth in this area and as such a total of £28, 764 is requested towards refurbishment, reconfiguration and/or extension of Aylesham Medical Practice and/or Ash Surgery and/or Sandwich Medical Practice and/or towards new general practice premises development in the area.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

Dover District Council Senior Natural Environment Officer

The latest information regarding great crested newt potential is sufficient to rule out the potential for impacts to great crested newts, and there is agreement with KCC's advice that the potential for impacts to reptiles, hazel dormice, breeding and wintering birds has been adequately addressed.

In respect of bats, nesting birds and hedgehogs a condition should be imposed on any grant of planning permission. A further condition should be imposed in respect of ecological enhancements.

Dover District Council Tree & Horticulture Officer

No objections to the proposal provided the tree protection measures are installed in accordance with the details set out in the tree survey submitted with the application documents.

Dover District Councils Principle Heritage Officer

Supports the application subject to appropriate conditions.

Dover District Council Housing Manager

This application states that 9 affordable homes will be provided, which is a policy compliant quantity for a site of 29 units. The mix of property types will help to meet local need and demand. It is noted that no tenure split has been provided, so this is still to be agreed. It is advised that the apartments are provided for affordable rent, and that the 2 bedroom houses are designated for affordable home ownership. The mix is acceptable, except that First Homes should be 2 bedroom, so plots for the rent and the shared ownership should be swapped, so that it is : Affordable Rent Plots; 22, 23, 24, 25, 26; Shared Ownership Plots 20 and 21, First Homes (sold at a 30% discount in perpetuity to people from the parish) Plots 27 and 28. (Officer note: this is has been agreed by the applicant).

Dover District Council Senior Environmental Health Officer

It is noted the current industrial use of the site and the contaminated land initial assessment included in the submission information. Given the conclusion of this report, it is requested that conditions are imposed on any planning permission.

Kent Fire and Rescue Service

From plan drawing 843:P02 B the area between plots 14 and 15, concern is raised that this area will become full due to the high demand for resident and visitor parking and as a result would not be suitable for a turning fire appliance. This area should be designed as a dedicated fire appliance turning point for use at all material times.

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. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Kent Police

Various comments regarding what the development would need to demonstrate in order to achieve Secured by Design accreditation. Comments are specifically made regarding: boundary treatments; the need for secure gates; the need for natural surveillance; management of car parking areas; the choice of tree species; defensible private spaces; lighting; main communal doors audio/visual door entrance systems; CCTV; window and door specification; and cycle storage.

Public Representations

39 letters of objections have been received and 2 in support. These comments are summarised:

Objections

- Devalue the properties.
- Adverse impact upon living conditions in respect of noise, rubbish, dust.
- No infrastructure, shops, doctors surgeries, restaurant and an empty pub.
- No connection to Snowdown railway station.
- The information on bus services is out of date.
- Adverse impact on conservation area and listed buildings. Proposal would lead to an overbearing impact, unacceptable overlooking and overshadowing.
- Adverse impact on highway and pedestrian safety.
- Nonington is a fast though road.
- Significant risk of flooding to houses on Easole Street.
- Inadequate sewage system.
- Loss to the countryside.
- Artificial lighting would be an additional intrusion to surrounding homes.
- The site has a wall that is protected and part of Nonington's heritage.
- Impact on ecology.
- Impact on Archaeology.
- Misleading information in respect of impact on traffic, loss of industrial traffic vs cars.
- Contaminated ground.
- No play area for children.
- At the time of the allocation within the local plan, residents were unaware in 2017.
- Overdevelopment of the site.
- Incongruous, visually and architecturally at odds with the surrounding houses.
- Plot 29 breaks the 45 degree rule.

Support

- Supports the principle.

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

The site

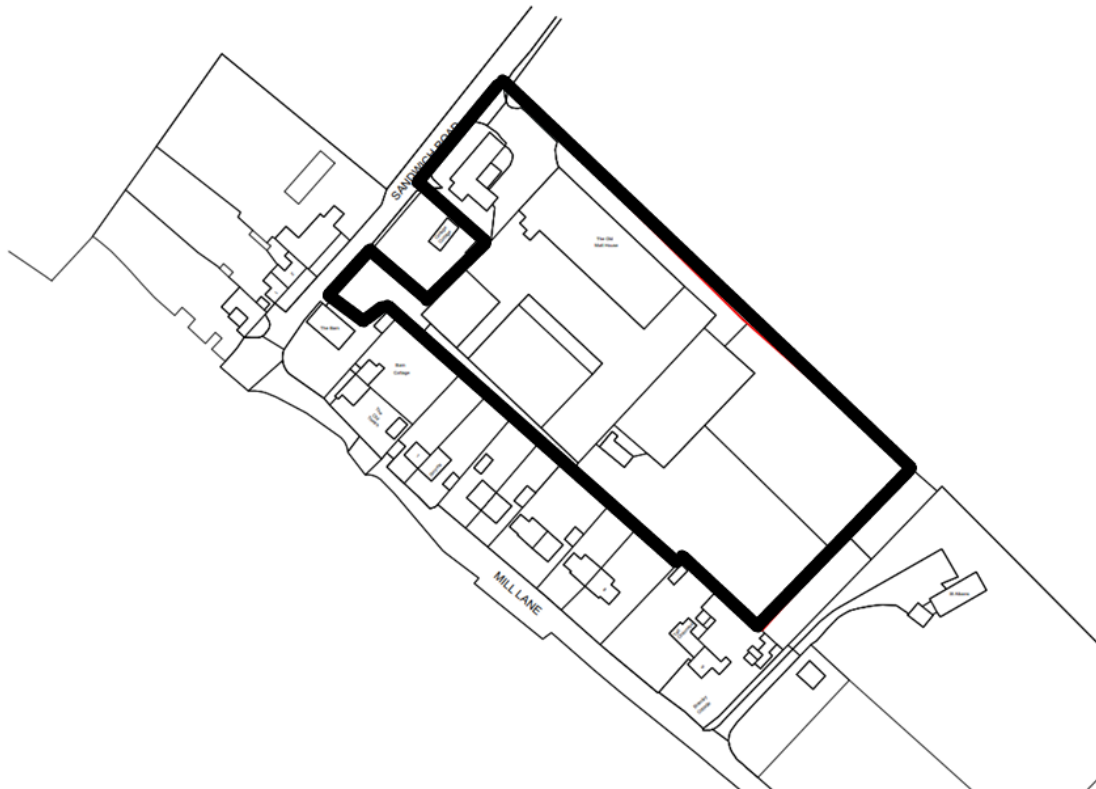


Figure 1: Plan showing site location

- 1.1 The application site lies within the settlement confines of Nonnington. Nonnington is an elongated village to the North of Dover and to the south of Aylesham which is a Rural Service Centre. The site is located on the edge of village with residential development to the south and east and open countryside to the north and west. The site is adjacent to a conservation area and listed buildings including The Old Malthouse which is located adjacent to the entrance on Easole Street/Sandwich Road. The site is screened from the open countryside by a line of mature trees along the north eastern boundary. Public footpaths surround the site, the main ones run parallel to the Sandwich Road, known as EE311 and EE312 and EE310 which runs to the north east of the site approximately 400 metres away.
- 1.2 The site consists of two large workshop and warehouse buildings, a container, an office building and a separate horse paddock (with stables and enclosures), accessible from a side access track and separated from the buildings by a tall brick wall. It is understood that most of these buildings are no longer in use and only existing offices are occupied. This part of the site is contained within an old red brick wall (discussed later in the report). The eastern section of the site is largely separated by the existing wall, is open and used for the grazing of horses. It is noted that ground levels vary between the two parts of the site.

The proposal



Figure 2 – Block Plan

- 1.3 Planning permission is sought for the erection of 29 dwellings consisting of 2 x 1 bedroom apartments, 2 x 2 bedroomed apartments, 4 x 2 bedroomed dwellings, 12 x three bedroomed dwellings, 9 x four bedroomed dwellings. This includes 9 units for affordable housing. The application also includes an associated access, parking, landscaping and the demolition of the existing buildings on site. Parking provision is provided within the site in a mixture of garages, car ports and open parking. It should be noted that the garage provision does not contribute to the minimum requirements but are additional.
- 1.4 The properties have a range of different architectural styles and designs and the street scenes below give a flavour of what these would look like. In respect of heights, these range from the highest of approximately 9.6 metres to the lowest being 7.62 metres.



Figure 3 – Street scene elevation, showing the design of dwellings. Section AA, along the N/SE axis and BB – Mill Lane.



Figure 4 – Street Scene along the NW, N axis and SE, S axis.

Plot 29

- 1.5 This property has been raised by third parties and is set slightly apart from the main development. Plot 29 is a four bedroom dwelling located within the north west corner located between College Cottage and The Barn on an existing car parking area. This property would be solely accessed off of Easole Street. The property would have an overall height of approximately 9.3m, an eaves height of 4.8 metres, a depth of 12.2 metres and a width of 11.3 metres.



Figure 5 – Plot 29 elevations.

The pallet of materials includes the following:

- Red/brown and slate roof tiles
- Timber boarding, either natural finish or with painted white/black finish
- Antique/painted brickwork
- Timber barn doors

1.6 The site access would have a width of 5.5 metres, with a 1.5 metre footpath along the access route leading into shared surface areas within the site and visibility splays of 2.4 metres x 60 metres have been demonstrated.

2. Main issues

2.1 The main issues are:

- Principle
- Housing Mix and Affordable Housing
- Visual amenity
- Heritage
- Residential Amenity
- Highways
- Ecology
- Habitat Regulations

- Contamination
- Drainage and Flooding
- Development Contributions
- Archaeology
- Other Matters

Assessment

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five-year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.4 It is considered that policies CP1, CP4, CP6, DM1, DM2, DM5, DM11, DM13, DM15, DM16, DM27 are the most important policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (6.03 years' worth of supply) and has not failed to deliver 75% of the housing delivery test requirement (delivering 88%).
- 2.4 Prior to discussing the policies set out in the Dover District Core Strategy, policy LA41 of the Land Allocations Local Plan (2015) should be taken into consideration as a starting point. Policy LA41 sets out 'the site is allocated for residential development with an estimated capacity of 35 dwellings. Planning permission will be granted provided that:
- i. the existing boundary hedgerows and vegetation is retained along the north eastern boundary;
 - ii. development reflects the spatial character of the surrounding;
 - iii. due regard is made to the topography of the landscape; and
 - iv. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage and water supply infrastructure for maintenance and upsizing purposes.

In this instance, the proposed development is for 29 dwellings, less than the estimated capacity and the other criteria within the policy are considered to be have been satisfied and are discussed in detail later in this report.

- 2.6 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the district must comply with the Settlement Hierarchy". Within this

policy Nonington has been identified as a village with the main focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the application site is within the confines and therefore is considered to comply with the aims and objectives of this policy.

- 2.7 Policy CP4 sets out that planning applications for residential development for 10 dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing mix in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points. The policy is generally considered consistent with the NPPF and is considered to continue to attract significant weight. Within Nonington, the dominant housing provision purpose is to reinforce and reflect the character of the area while taking any opportunities to improve design standards. How the development will respond to this requirement will be discussed later in the report.
- 2.8 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time is needed. This policy is consistent with the aims and objectives of the National Planning Policy Framework and as such attracts full weight. In this instance, the reliable mechanism proposed would be a s106 legal agreement, the requirement from the appropriate consultees is set out below.
- 2.9 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the housing Local Housing Need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. In this instance, the proposed development is within the village confines and is therefore complies with policy DM1 of the Dover District Core Strategy.
- 2.10 Policy DM2 seeks to restrict the granting of planning permission for alternative uses on sites which are allocated for, or have extant planning permission for, employment uses. However, DM2 also states that such alternative uses can be granted permission if the site has subsequently been allocated for such a use in a Development Plan Document. This policy is more restrictive than the NPPF and, as such, carried reduced weight. Since the Site was allocated for residential development in the LALP, the scheme is considered to satisfy the criteria of DM2 as regards changing the use of the Site from employment to residential.
- 2.11 Policy DM5 sets out that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need. This policy is considered to be broadly consistent with the NPPF and attracts significant weight. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions, which is discussed within the report.

- 2.12 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance. The site is located within the residential area and is justified by policy LA41 of the adopted Land Allocations Local Plan.
- 2.13 Policy DM13 of the Dover District Council Local Plan sets out that provision for parking should be a design led process based on the characteristics of the site, the locality and the nature of the site. In this instance, the proposal would provide sufficient parking within the site and as such, Kent Highway Services have not raised this as an issue.
- 2.14 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. The site is within the settlement confines and, consequently, the development would not result in the loss of countryside. A large proportion of the site is already currently built upon with light industrial units and the paddock is well screened along two sides of the application site by trees. All the trees are proposed to remain and as such, the proposal by this application would have limited impact on the character and appearance of the countryside.
- 2.15 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. The screening will be maintained and additional planting is proposed to mitigate against any potential harm.
- 2.16 Policy DM25 requires planning applications for five or more dwellings to contribute to the provision of Open Space and advises that this may be secured via off-site contributions if it is impractical to provide on-site. Recommended contribution sums for Open Space and SPA mitigation to be secured through Section 106 agreement, which the applicant has agreed to.
- 2.17 Policy DM1 is out-of-date, whilst CP1, DM2, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. Policy LA41 is considered to be crucial to the determination of this application. Whilst DM1 is also considered to be particularly important to the assessment of the application, given that

LA41 relates specifically to this site, it is concluded that the basket of 'most important policies' are, on balance, not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

- 2.18 Whilst due regard must be had for all the policies within the Dover District Draft Local Plan, the most important is SAP52 which allocates the application site with an indicative capacity for 35 dwellings subject to criteria set out within that policy and moderate weight is attributed to this policy. It has been noted that the LVIA has not been submitted with the application, however the impact is considered to be able to be fully assessed as set out in the report and therefore it is considered the proposal complies with this policy.
- 2.19 With regards to this particular application, the proposed development is an allocated site within the Local Allocations Local Plan (2015) and Draft Dover District Local Plan. In addition to this, the focus of the NPPF is to locate new housing development within sustainable locations. Supporting the principle of new housing within this location would be consistent with paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside. In addition to this the development is consistent with the objectives of policy LA41 of Local Allocations Local Plan and the proposal is considered acceptable in principle.

Housing mix and affordable housing

- 2.20 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 two one bedroomed apartments, two two bedroomed apartments, four two bedroomed dwellings, twelve three bedroomed dwellings and nine four bedroomed dwellings. Paragraph 3.34 of the Core Strategy identifies the broad split of demand for market housing, recommending: 15% one-bed; 35% two bed; 40% three-bed; and 10% four bed and larger (albeit this split has been superseded by more recent Strategic Housing Market Assessments). The proposal comprises of the following market housing mix.

Number of bedrooms	% Market proposed
One (x 2)	7%
Two (x 6)	21%
Three (x12)	41%
Four (x4)	31%

- 2.21 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 monitoring period, one and two bedrooms have been under-provided, whilst the number of four bedroomed dwellings provided has significantly exceed required need. The proposal would contribute towards the current disparities within the district, weighing against the development.
- 2.22 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 addressed prioritised need. The emerging plan, at Policy H1, maintains this requirement outside of Dover. The applicant is proposing nine 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.

Character and Appearance

- 2.23 Paragraph 130 of the National Planning Policy sets out that 'planning decisions should ensure that developments function well and add quality of the area, not just for the short term but over the lifetime of the development'. Furthermore, developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Whilst the proposed development is located within the settlement boundaries of Nonington, by virtue of the location of the site on the fringe of the village adjoining open fields, regard must also be had to policies DM15 and DM16 which generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape.
- 2.24 The wider landscape is predominantly open farmland, with arable and grazing pastures, fragmented by areas of woodland. These include an area of replanted ancient woodland, orchards, windbreaks, broadleaf and coniferous plantations. The landscape is punctuated with ribbon/linear rural settlements and farmsteads along the rural roads. The closest PRow to the proposed site is public footpath EE218A which runs directly opposite the site and connects to the other PROWS in the area forming a network leading to the village and areas beyond.
- 2.25 Regard must be had for the potential viewpoints of the site from the surrounding vantage points, especially in view of the topography of the land increasing towards the rear of the site and the edge of settlement location. The expectation is that any development within this location should provide a soft transition from village into the countryside and respond well to the local spatial characteristics. Policy LA41 of the Land Allocations Local Plan (2015) and policy SAP52 of the Dover District Local Plan have estimated a capacity of 35 dwellings. The application is for the 29 dwellings which has allowed an informal and organic appearance with gaps and spaces to provide views through to the village when viewed in particular from the north east with the density of the scheme being directed to the centre and south western section of the site. By keeping the density lower along the south west of the site, this helps secure the retention of the existing screening around the site and provides opportunities for additional planting within the site and with the use of shared spaces as you walk around the site, this has kept the hard landscaping to a minimum.
- 2.26 Easole Street and Mill Lane are characterised by a mixture of architectural styles and designs, with the majority of the properties being two storey. Policy LA41 of the Dover District Core Strategy sets out that planning permission must have due regard to the topography of the landscape. There is a slight incline in the topography of the land from the front of the site towards St Albans (to the rear). To accommodate this the height of the properties have been designed to have lower ridge heights (approximately 8.6 metres) within the middle of the application site to allow for views through the site and provide a transition from the countryside into the built environment within Mill Lane. The properties with the higher ridge height of approximately 9.3 metres would be built along the dividing boundary with Mill Lane. It is therefore considered the proposed development would be read in context of those properties within Mill Lane. Concerns have been raised over the location of plot 29 which would be accessed by its own

entrance off Easole Street and in particular given the height of approximately 9.3 metres these concerns have been raised mainly in respect of the heritage impact and will be discussed later within this report. That said, in respect of the scale within the street scene, this element of the proposal is a two-storey dwelling and would be read as part of the street scene within Easole Street and is not considered to adversely impact on the character and appearance of the street scene.

2.27 Principally, the development will be seen from Easole Street along the frontage of the site and footpaths EE218A, EE311 and EE312. The current view is that of light industrial units, which are predominantly two storey in scale but vary in mass and therefore there is already in part a form of built development in which it sits. Plots 2,3, 4 have the highest ridge height of approximately 9.5 and 9.6 metres respectively, these properties would be built roughly on the footprint of the existing industrial and given the topography of the land, it is considered the development is of a suitable scale and design to reflect that of the locality in which it sits. Therefore, it is considered the topography of the land has been given consideration in respect of the application, thus being compliant with policy LA41 of the Dover District Land Allocations 2015.

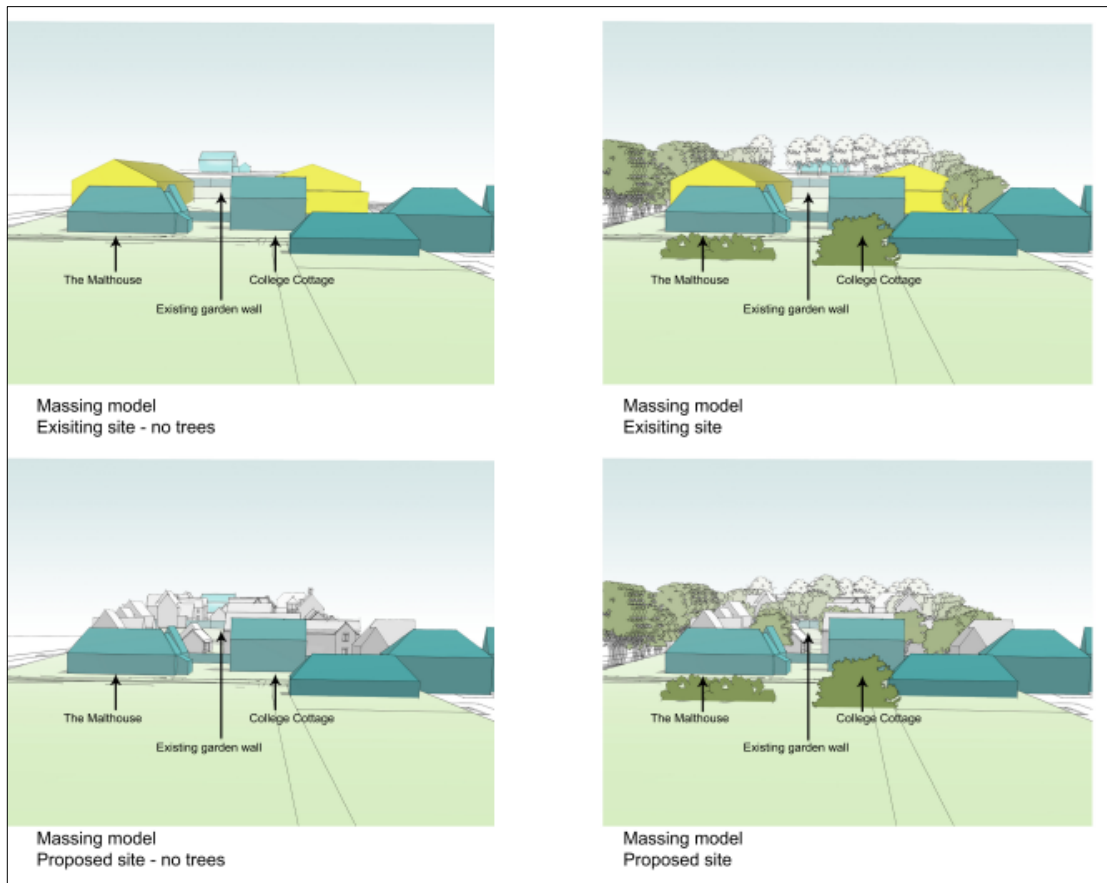


Figure 6 – shows the context of the site from the footpaths opposite the site along Easole Street.

2.28 Nonnington village has a mix of different scales, massing and materials. The proposed development has been designed to reflect the characteristics of the village with varied plan forms, pitches and roof coverings to provide a varied roof scape when viewed from afar, the proposal is considered to attempt to emulate the varied context found

within the village. This has been applied to the proposed materials and joinery so that the scheme is not uniformed but is coherent when viewed as part of the wider village. That said, given the proposed variety in respect of materials, these would need to be conditioned to have samples of materials to be submitted and approved, in the interest of visual amenity.

- 2.29 The application site has established screening most notably along the site's north-eastern boundary, which is considered to reduce the visual impact from longer views. The applicant has submitted a tree survey which sets out which trees would be crowned and how these trees and others on the site will be protected during the course of construction. Concerns were raised regarding the post development pressure to remove the trees or cut back the trees from the occupiers of the new development along the north-eastern boundary. However, the applicants Arboriculturist has stated these pressures tend to come from dwellings which are sited with their principal fenestrated elevations facing directly towards the belts or groups of retained trees. Applying these principles to the proposed layout in this case, it is immediately apparent that shadow cast by trees 3-13 and G2, which are along the site's north-eastern boundary, will fall away from proposed units 3, 4 and 8 throughout the course of the day (their shading arcs, as drawn according to the advice in BS 5837: 2012 from north-west to due east confirm this). The main garden areas to each of these units lie to their south-west, so will not be affected by any shade cast by these trees. Concerns have been raised by the occupiers of St Albans in view of their trees and the impact they will have on occupiers of plots 13 and 14. Having taken advice from Dover District Councils Tree and Horticultural Officer they are happy with the approach from the applicants arboriculturist and does not raise any objections to the proposal provided the tree protection measures are installed in accordance with the details outlined in the tree survey, this can be secured by condition. It is on this basis; I am satisfied the proposal will not adversely impact on the trees and thus retaining the views from within the public realm.
- 2.30 In terms of views of the development, this would largely be filtered by the properties within Mill Lane and Easole Street. In respect of the footpath to the north west; the proposed development would be visible, but would be read against the backdrop of Mill Lane and would therefore not result in visual harm from public view points. In respect of the existing screening, proposed landscaping and boundary treatment, it would be considered reasonable to secure this by condition. It is accepted, the existing landscaping would not fully mitigate the development within the landscape, but given the design approach of the development, on balance I consider the benefits of a suitable development outweigh the limited harm on the landscape. The development would therefore comply with criteria I, ii., iii of policy LA41 of the Land Allocations Local Plan (2015) and criteria b of policy SAP52 of the Draft Local Plan.

Heritage Impact

- 2.31 The application site is part within and adjacent to the Easole Street Conservation area and within close proximity to listed buildings namely The Old Malthouse on the entrance to the site, the barn to the north west, Barn cottage, the Old Thatch adjacent to Barn Cottage. To the south east (rear of the site) are Tall Chimneys, Bramley Cottage also listed buildings. Therefore, careful consideration needs to be given to the potential impact on the Conservation Area (CA) and the setting of the listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects the listed building or its setting, the LPA or Secretary of State should pay special regard to the desirability of preserving the building or its setting of any features of

special architectural or historic interest in which it processes. Regard must be had for the NPPF paragraph 190 of the Framework advises that significance can be harmed through development within the setting of a heritage asset. In line with criteria f policy SAP52 of the Dover District Draft Local Plan, the applicant has submitted a Heritage Statement.

- 2.32 The site itself has comprised the malthouse and a walled garden complex to the southeast. Three walls of the former garden enclosure remain, all in Flemish bond, but only the southeast wall remains completely freestanding. This forms a part retaining wall and separates the paddock from the rest of the site. The wall has been partly rebuilt or repaired in modern brick. The northwest wall has been partly demolished or rebuilt, and along with the southwest and northeast walls has been incorporated in the large warehouse structures built here during the latter 20th century. The original scheme was to remove a greater extent of the wall which has been identified as a non-designated heritage asset and amendments were sought. The amended scheme now includes a greater extent of the wall, with the returns and a reasonable length of brickwork being retained. Having taken advice from the Dover District Councils Principal Heritage Officer they do not raise any concerns in respect of this element of the proposal subject to a condition that prevents further demolition of the sections of wall within the private spaces. A condition regarding the retention wall can be secured by a further condition. The proposal is therefore considered to comply with policy HE1 of the Dover District Draft Local Plan and the aims and objectives of the National Planning Policy Framework.
- 2.33 There are listed building on Mill Lane namely Tall Chimneys and Bramley Cottage and due regard must be given to the setting of these listed buildings in relation to the proposed development. Having taken advice from Dover District Councils Principal Heritage officer, it is considered that the views of these listed buildings are most appreciated from within Mill Lane and these properties would not have any direct relationship to the development site, therefore the conclusion is that no harm would be caused to the setting of these listed buildings as a result of the proposed development and therefore the proposal accords with policy HE1 of the Dover District Draft Local Plan.
- 2.34 Careful consideration needs to be given to the view from the footpath from the hill opposite the application site due to it being an important aspect both of the setting of the listed building (the Oast house) and the character of the of the conservation of the Nonington conservation area, as it sets the scene from this particular site having a strong relationship to the countryside, albeit with the formalisation of the walled garden. As shown in figure 6 which shows the massing of the proposal, demonstrates that due to land levels there are significant views of the development. The applicant has taken this into consideration and has designed the layout of the site to ensure that the long view across towards the wall is retained (this is the section of the wall being retained, as discussed above). Dover District Councils Principal Heritage Officer has stated 'The large mass of the existing structures on site currently are considered to dominate the view to the detriment of the listed building (The Old Malthouse), therefore the replacement of the light industrial units to smaller domestic scale dwellings with individual and varied roof profiles is considered to be an improvement in my view'. I agree with this assessment. Furthermore, the addition of the soft landscaping is key to reducing the harshness of any development and over time this will promote a character of the site being a transition between the countryside and the denser centre of the conservation area and complies with criteria i. of policy LAP41 of the Dover District Local Plan, criteria a. of policy SAP52 of the Dover District Local Plan, policy HE2 of the Draft Local Plan and the aims and objectives of the National Planning Policy Framework.

- 2.35 Local residents have raised concerns over the position, scale and design of unit 29 in part due to the location the dwelling being within the conservation area and within the context of the listed buildings. In respect of the placement and size of the plot the original submission was considered to be acceptable in the context of the listed buildings and conservation area at the time of the submission, however concerns were raised over the original design and amendments were sought. The amendments include the removal of the proposed dormers, the sweeping roof over the entrance door, whilst the continuation of the weatherboarding at first floor level has been extended leading to the gabled wing not appearing overly dominate and has lessened the impact. These design changes have resulted in an acceptable appearance within the sensitive location in which it sits. That said, the Dover District Councils Principal Heritage Officer has requested that conditions be imposed on this plot in respect of materials, joinery and chimney details and eaves sections to preserve the character and appearance of the conservation area, in line with the aims and objectives of the National Planning Policy Framework and policies, HE1, HE2 of the Dover District Draft Local Plan.
- 2.36 There are minor changes within the domestic curtilage of the Old Malthouse which includes a boundary wall and gates to enclose the private amenity space serving this property, the wall would wrap around the corner of the entrance on to the site and leading in a proposed single garage. These are deemed to be appropriate and would result in no harm to the setting of the listed building, however a condition for the materials to be submitted and approved should planning permission be granted. For the reasons above and having sought advice from Dover District Council Heritage Officer, the proposal in its current form would cause no harm to the setting of the conservation area or significance of the listed buildings within close proximity of the application site. This element of the proposal is considered to comply with policy HE1 of the Dover District Draft Local Plan and the aims and objectives of the National Policy Framework.

Residential Amenity

- 2.37 Paragraph 130 (f) of the National Planning Policy Framework sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Furthermore, Draft Local Plan policy PM2 attracts moderate weight and sets out that all new residential development must be compatible with neighbouring buildings and not lead to unacceptable living conditions. For future occupants, the policy will require new development to meet the Nationally Described Space Standards (albeit these have not been adopted to date).
- 2.38 The application site is an edge of settlement site, with properties surrounding the 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. For ease I have set out the block plan, with plot numbers below in figure 7.



Figure 7 – Block Plan with visible plot numbers.

- 2.39 Plots 13 and 14 would be sited to the rear of the site adjacent to the dividing boundary of St Albans. Plot 13, within the northeast corner of the site and would have a full two storey blank gable to be sited up against the dividing boundary by approximately 0.9 metres of the dividing boundary with St Albans. Currently in situ is some established screening dividing St Albans and the application site. St Albans (a two-storey dwelling) sitting in the middle of a substantial size plot and therefore given the dividing distance between this property and plot 13, coupled with the existing screening, this element of the proposal is not considered to result in an overbearing impact on the residential amenities currently enjoyed by the occupiers of this property. In addition to this, careful consideration has been to the proposal in view of any overlooking, given there are no windows proposed in the side elevation of plot 13 overlooking the St Albans, this would not create any overlooking concerns.
- 2.40 The garage of plot 14 would be built up against the boundary of St Albans, however for the reasons above I do not consider this would result in adverse impact on the living conditions of those enjoyed by St Albans. Consideration needs to be given to those occupants living in Bramley Cottage and Tall Chimneys and the relationship with the Plot 14 abutting their boundaries. Plot 14 has been to be set off the boundary by approximately 4.16 metres from the dividing boundary to Bramley Cottage and Tall Chimneys. In order to reduce the bulk, scale and massing of the proposed dwelling, the applicant has designed the proposal to have a full hipped roof with a small dormer within the roofslope. Given the orientation of the proposed dwelling, the separation distance and the design of plot 14, I am satisfied this relationship is considered will not adversely impact on the residential amenities of those occupiers in Tall Chimneys and Bramley House. In respect of the proposed dormer overlooking these properties, this would serve bedroom, given the dividing distance separating these properties, it is not considered any overlooking would be sufficient to warrant a refusal on this basis.
- 2.41 Other concerns have been raised by the occupiers living in the properties within Mill Lane. The majority of the properties have gardens of approximately 10 metres (measured from the rear elevations to the means of enclosure). The car ports serving plots 16, 17 and 18 would be built up against the dividing boundaries, additional landscaping is proposed. Given the overall separation distance between the existing and the proposed dwellings, the proposal is not considered to result in any unacceptable loss of light, sense or enclosure of overlooking, The proposed

development is considered acceptable in this instance. Furthermore, the existing screen is to be retained and additional planting can be secured by condition.

- 2.42 Careful consideration needs to be given to the occupiers of The Barn and College Cottage due to the proposed relationship with plot 29 of the proposed development. Plot 29 would be sited on the existing car park between the above properties. Concerns have been raised concerning the position of the dwelling within close proximity to these properties and the overall bulk, scale and massing resulting in an overbearing impact on these properties. In respect of the overall height of plot 29 this would be approximately 9.3 metres, set away from the boundary with The Barn by approximately 3.3 metres and overall dividing distance (between dwelling and dwelling) of approximately 5 metres with the two proposed off street parking spaces to serve 29 dividing these properties. Currently in situ is a two-metre brick wall dividing the Black Barn and the application site. The Black Barn has roof lights and windows within the principal elevation overlooking the existing car park. Whilst, the dividing distance is closer than elsewhere in the development, given the existing brick wall and the proposed arrangement I am satisfied the proposed relationship is not considered harmful to warrant a reason for refusal. Furthermore, in respect of overlooking, a single window to serve the ensuite is proposed and this will be obscured glazed and conditioned as such. I am satisfied there will be no direct overlooking from plot 29 towards The Barn. Turning to College Cottage, whilst the proposal would be built up against the dividing boundary, given the orientation of the property within the middle of plot, within no windows within the flank elevation overlooking the application site. I am satisfied the proposal would not result in an adverse impact on the residential amenities currently enjoyed by the occupiers of this property.
- 2.43 Concerns have been raised by Local residents in respect of noise, dust and dirt, these can be dealt with under Environmental Protection legislation. Environmental Protection have been consulted and have not requested any conditions to be attached to any grant of planning permission in this regard and therefore a construction management plan is not considered necessary to make the development acceptable in planning terms.
- 2.44 Turning to the living conditions of future occupiers of the new dwellings, the proposed dwelling have been arranged to allow for reasonable separation between units, characterised by parking generally separating the properties. That said, the distance between plots 10 and 11 is considered to be tight, however, given the angle of these properties it is deemed not unacceptable. It is considered that the overall scheme would not result in an unacceptable level of overlooking, loss of light or sense of enclosure to future occupiers of the development, with a reasonable standard of residential amenities provided. The development would therefore comply with criteria h) of policy SP4 of the Draft Local Plan.
- 2.45 The proposed dwellings would have acceptable sized private external amenity space. The room sizes would be acceptable and would be naturally lit. The internal living conditions of the future occupants would be acceptable and comply with the aims and objectives of policy PM2 of the Draft Local Plan.
- 2.46 The residential amenities of existing occupiers of the properties surrounding the site and the future occupiers of the dwellings proposed have been considered. It is concluded that the development is acceptable in these respects, subject to appropriate conditions to remove permitted development rights in respect of extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that any such alterations can be assessed by the Local Planning Authority.

Impact on the Highway

- 2.47 Third parties and Nonington Parish Council have raised concerns regarding the access onto Easole Street and the amount of additional traffic leading on to the road and some of the details within the transport assessment being incorrect in respect of public transport. Whilst the application site is located within the settlement confines, it is accepted that the infrequency of the buses would invariably mean that the connections to train times would not link and therefore it is considered that the main trips would be by private cars.
- 2.48 The proposed development has been modelled using the standard methodology (the nationally accepted TRICS which references actual data from similar sites). TRICS has been interrogated to assess the existing B1, B2 and B8 and associated trip rates. Details have been provided regarding trip rates for each use of the current uses on the site, Northbourne engineering, Prima and the horse paddock. TRICS has also been interrogated to assess the trips associated with the proposed residential development, equating to 14 two-way movements in the AM and PM peak period. Kent Highway Services have stated 'The proposal will see an overall reduction in the number of trips currently associated with the site' and have raised no objection in this regard.
- 2.49 There are two accesses proposed in respect of the proposed development, both off Easole Street, one leading to the main development site and one leading into plot 29. The main proposed access serving The Old Malthouse is currently in use, visibility splays of 2.4 metres x 43 metres are required at the access, with no obstruction above 1.05 metres within the splays. In this instance visibility splays of 60 metres have been illustrated, therefore it is clear that the required splays are achievable. The proposed access would need to allow the free flow of two-way traffic in and out of this junction at any time and swept path drawings have demonstrated the access would be suitable for refuse lorries and the fire brigade and therefore the traffic would remain free flowing. In respect of the access into and out of plot 29, the applicant has provided a vehicle tracking plan which demonstrates the occupiers of this property could enter and leave in a forward gear. The proposed accesses are therefore considered to be acceptable and accepted by Kent Highway Services subject to conditions.
- 2.50 The proposed internal site layout has been criticised by Kent Highway Services for the use of shared spaces. The site is not proposed to be offered for adoption and given the size of the site, the proposal has been designed to have a low speed throughout the site giving priority to pedestrians throughout the site, with a small footpath around plot 2 to gain access into the site, with on-site parking spaces and parking courtyards. Kent Highway Services are minded to accept the shared surface layout as the site is to remain private and the comments are advisory. Whilst being a departure from the Kent Design Guide, the manual for streets document set out 'in the absence of a formal carriageway, the intention is that motorists entering the area will tend to drive more cautiously and negotiate the right of way with pedestrians on a more conciliatory level.' Given the advice from Kent Highway Services I am satisfied the use of shared spaces would be acceptable in this instance.
- 2.51 Concerns were raised by Kent, Fire and Rescue regarding the area between plots 14 and 15 and the demand for resident and visitor parking, making it unsuitable for turning a fire appliance and clarification was required confirming this area would be designed as a dedicated fire appliance turning point. The applicant has confirmed that there is not a shortage of visitor parking and that the turning areas between plots 14 and 15 will be maintained as strictly no parking zones and conditions included within the management policies of the communal parts of the development, which will be

governed by the Management Company of the development and which each buyer of the future properties will be required to agree to. I am satisfied this addresses the concerns raised and can be conditioned accordingly.

2.52 Turning to the concerns of parking arrangements, policy DM13 of the Core Strategy requires developments to provide sufficient car parking spaces, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. In such locations, within a village/rural setting, the expectations as set out in table 1.1 of the Core Strategy advises that dwellings should have a minimum of:

Nature of the guidance	Minimum requirements
1 & 2 Bedroom flats	1 space per unit
1 & 2 Bedroom Houses	1.5 spaces per unit
3 Bedroom Houses	2 independently accessible spaces
4 Bedroom Houses	2 independently accessible spaces
5 Bedroom Houses	2 independently accessible spaces
Additional Visitor Spaces	On-Street areas 0.2 per unit.

2.53 Having regard to policy DM13 the applicant would be required to provide a total of 52 parking spaces, whilst garages are only considered acceptable as additional parking spaces, however car ports are considered acceptable. Kent Highway Services raised a concern over the tandem parking spaces for plots 16,17 and 18 as this would have resulted in an additional 0.5 visitor spaces being provided, in addition to the 7 visitor spaces already being provided. The applicant has addressed this concern by providing an additional 1.5 spaces to plots 16-18, providing 8 visitors spaces. In addition to this, the proposed garages to plots 15-18 has been converted to car ports/barns enabling visitors to park on the retrospective drives. The proposed development is considered to comply with policy DM13, however it would be considered appropriate to impose a condition on any grant of planning permission to retain the garages proposed for the use of parking only and for no other purposes.

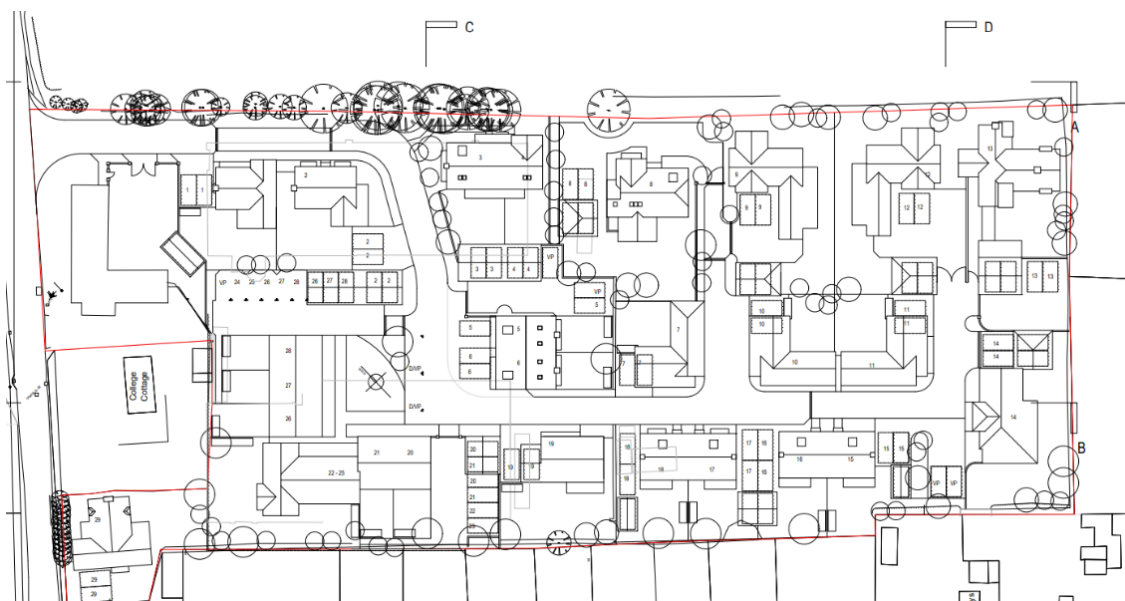


Figure 8 - Shows the parking provision

- 2.54 In relation to cycle parking the District Council does not provide any specific standards and therefore those in the Kent and Medway Parking Guide (SPG4) have been used. The standard for the 3 and 4 bed houses proposed is 1 space per bedroom and this will be provided within the curtilage of each dwelling within suitable storage sheds/areas. Where a garage is provided, it will be of a suitable size to accommodate the required cycle parking provision.
- 2.55 During the construction phase, it is accepted there will be an increase in vehicular movements during the construction phase, including those by larger vehicles. In accordance with advice from KCC Highways, it is recommended that, should planning permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage parking and turning areas for construction/delivery vehicles and site personnel, parking and turning areas for construction amongst other things,
- 2.56 In addition to the above, KCC Highways have recommended a suite of conditions to [ensure](#) the provision and permanent retention of parking spaces and/or car barns, electrical charging points and completion and maintenance of the access prior to the use commencing. It is considered for the reasons outlined discussed and having due regard to the comments received by KCC Highways the proposed development would be acceptable in highway terms, albeit it is not considered necessary to include a condition requiring electric vehicle charging points as this is now addressed by Building Regulations.

Ecology

- 2.57 Due regard should be given to paragraphs 179 and 180 of the National Planning Policy Framework which seeks to protect, enhance biodiversity and securing net gains for biodiversity and wider environmental gains. The development has the potential to impact the habitats, species and ecology generally on and around the site, including the protected habitats and the species they support which are near to the site. The application has been supported with a Preliminary Ecological Appraisal (PEA) which concluded that there was no evidence of reptile presence on site. However, Kent County Council's Ecologist's requested further information regarding necessary mitigation measures for great crested newts. The applicant supplied additional information in relation to the only pond being present within 100m of the proposed site and this was entirely dry and not considered to be suitable for great crested newts and it is considered sufficient to rule out the potential for impacts to great crested newts by the Dover District Councils Senior Natural Environment Officer. In respect of the hazel dormice, breeding and wintering birds these were all considered to have been adequately addressed.
- 2.58 Concerns were raised over the assessment of bats as the Preliminary Ecological Appraisal identified roosting features on the north and south elevations and a bat survey was requested. Bats, and their roosts, are protected under the EU Habitats Directive (transposed into UK law as the Conservation of Species and Habitats Regulations 2019) (Amendments) (EU Exit)), and the Wildlife and Countryside Act 1981 (as amended). This protects bats from being killed, injured, captured and disturbed and their roosts from being damaged, destroyed and obstructed. The bat survey confirmed no bats were seen emerging from the building during the survey. Only a low number of common pipistrelle, serotine and noctule bats were seen and heard commuting and foraging. Having sought advice from Dover District Councils Senior Natural Environment Officer, they have set out given the extensive coverage of ivy a precautionary method statement is implemented, with the ivy removed by hand

(outside of the bird nesting season) and prior to demolition of the building and a condition is considered appropriate should planning permission be granted.

- 2.59 The proposed development is considered to provide opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation integrated bat/bird boxes. In the event of the grant of planning permission a biodiversity method statement and ecological enhancement conditions are considered appropriate in accordance with paragraph 180 of the National Planning Policy Framework that takes ‘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’. The proposed development is considered to comply with the aims and objectives of the NPPF.

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

- 2.60 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.61 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.62 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.63 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.
- 2.64 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour at Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.65 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. The SPA index-linked figures can be secured by a S106 and the precise sum would need to have regard for the most up to date figures at the time that the S106 is completed.

Contamination

- 2.66 The applicant has provided a preliminary risk assessment has been provided required by criteria g of policy SAP52 of the Dover District Draft Local Plan. This concludes, that the environmental risk from on-site contamination to future occupants and controlled waters is low to moderate. The environmental risks from off-site sources to on-site receptors is considered low. Environmental risks from future coal mining are considered to be very low. Recommendations are that further investigations are considered necessary with testing recommended comprising at least 30 near surface soil samples for contamination, further enquiries into the current and historic uses of the factory buildings, and a radon survey. On the conclusion of this report Dover District Councils Environmental Protection Team leader has suggested a suite of conditions in the event of granting planning permission. It is agreed that these conditions are necessary to make the development acceptable in planning terms.

Flooding, Drainage and Utilities

- 2.67 Local residents have raised concerns in respect of flooding in areas in and around the application site and therefore careful consideration has to be given and advice has been sought from the Local Lead Authority and Southern Water.
- 2.68 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. The location of the site is therefore sequentially preferable in terms of flood risk. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.
- 2.69 The application has been supported by a flood risk assessment and drainage strategy. Following an investigation into the site, it has been concluded that the foul network is connected to the existing public foul sewer within Easole Street, subject to a formal application to Southern Water. Southern Water have confirmed that investigations indicate that they are able facilitate foul sewerage disposal to serve the proposed development.
- 2.70 Surface water will be dealt with through the use of soakaways and permeable pavement at the site to accommodate and discharge surface water into the ground. This network would accommodate a 1:100 storm event with a 40% allowance for future climate change. Concerns were initially raised by Kent County Council Lead Local Flood Authority in respect of the lack of ground investigations/infiltration testing on site and additional information was requested from the applicant. Upon receipt of this information the Local Lead Flood Authority anticipates that soakaways can be incorporated within the site and all previous objections are now removed subject to a suite of conditions. Subject to such conditions, it is considered that the development would provide adequate surface and foul water drainage, without increasing the risks of localised flooding.

Developer Contributions

- 2.71 In accordance with Policy DM27 of the Land Allocations Local Plan and Policy PM3 of the Draft Local Plan 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 is in practical to provide it on-site. A financial contribution is considered appropriate in this instance, as the site is not located in the optimal place to deliver a communal facility, and can be secured by a

section 106 legal agreement, it is considered the requirements of Policy DM27 will be met.

- 2.72 Local residents have raised concerns in respect of a lack of local infrastructure regarding the local doctors and places within local schools to name a few. KCC have advised the application would place additional demand on their facilities and services, for which there is insufficient capacity. The development would increase the number of school children within the area and therefore contributions are requested in respect of primary, secondary and special education for the expansion of Aylesham, the Beacon School satellite and expansions with Deal, Sandwich and Dover district. Further pressures would be put on community learning, libraries and social care provision, for which there is currently insufficient capacity. Contributions are required for waste towards work at Dover Household Waste and Recycling Centre to increase capacity. Projects have been identified which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development.
- 2.73 KCC have also demonstrated that the expectation would be to provide High-Speed Fibre Optic and as such these details should be prior to the commencement of the site. This can be dealt with by a suitably worded condition.
- 2.74 The NHS identified the proposed development would generate approximately 29 new patient registrations based on the dwelling mix. The NHS have advised that the additional funding will go towards refurbishment, reconfiguration and/or extension of Aylesham Medical Practice and/or Ash Surgery and/or Sandwich Medical Practice and/or towards a new general practice premises development in the area.
- 2.75 It is considered that the requested contributions set out above are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has confirmed that they are willing to provide the accepted contributions, and this can be dealt with within the section 106 agreement.

Archaeology

- 2.76 The site lies within an area of archaeological potential. To the front of the site is the Old Malthouse, which dates to 1704. There are numerous other listed buildings in the immediate vicinity, predominantly dating from between the C17th and C19th. However, older buildings, notably the Grade II* listed Southdown Cottage which dates from C13th, can also be found. This indicates a long history of continued settlement in the close vicinity of the site. Whilst there are no records of archaeological finds in the immediate vicinity, there are archaeological records of around St Albans Court of early medieval graves. The proposed development would include the construction of 29 dwellings and associated infrastructure which would include significant below ground works, including to areas of the site which have been relatively undisturbed. KCC Archaeology have been consulted, but have not provided a response to date. However, given the known heritage above ground level in the immediate vicinity, the known heritage above and below ground level in the wider area and the excavation which would be required by the development, it would be reasonable and proportionate to require that a programme of archaeological work takes place prior to the commencement of the development.

Other Matters

- 2.77 An objector has raised concerns over the land allocation and the consultation being incorrect, due to local residents not being aware and the Parish Council also unaware the recent review of the LDP did not allow for objections on the basis for the review as the land was already allocated. Dover District Councils Policy team has stated:

“The Land Allocations Plan went through all the correct legal procedures and was found to be 'sound' by an Independent Inspector in 2015 and was adopted by DDC at that time. The full Inspectors report is available to view on the website. The emerging Dover District Local Plan has been subject to two formal consultation periods where all comments received have been reviewed and will be placed before the Independent Inspector when submitted for Examination. All consultation has been undertaken in accordance with the adopted Statement of Community Involvement. Of particular note is the Regulation 22 Statement which outlines the specific consultation undertaken with communities and stakeholders.

3. **Conclusion**

3.1 By virtue of the relevant Development Plan policies not being up to date, it is considered that the ‘tilted balance’ (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.

3.2 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 the proposed development 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 this would warrant a refusal of planning permission.

f) **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 Planning and Development Manager to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officers

Karen Evans