

- a) **DOV/19/01025 – Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping - Land adjoining 74 Stanhope Road, Dover**

Reason for report: Number of contrary views (117)

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,600 (around 10%) is identified for Deal.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Development which would result in the loss of open space will not be permitted unless it meets one of five exceptions and where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within

the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible, and supports the use of under-utilised land, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that development which has the potential to impact upon heritage assets should be supported information to describe the significance of the assets which may be affected. Where this relates to potential archaeological features, a appropriate desk-based assessed and, where necessary, field evaluation should be submitted. Any harm caused to assets should be weighed against the benefits of the scheme and the more important the asset, the greater the weight should be.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development.

The National Design Guide (NDG)

The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

CH/2/54/0126 The erection of houses. Refused.

CH/2/57/0039 Use of land for education purposes. No objections.

CH/2/64/0075A Erection of 3 lock up garages Approved.

CH/2/73/0327 Provision of a playing field. Approved.

DO/78/1071 Renewal of Planning Permission CH/2/73/0327. Approved.

DO/83/1060 Use of land for playing field. KCC resolved to carry out.

DOV/89/01773 Provision of playing field. Approved.

DOV/94/00062 Outline planning application for 29 dwelling residential development. Refused and Appeal dismissed.

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

Dover Town Council – *Initial response received on 09 October 2019*

Support, subject to the provision of electric vehicle charging points and a resolution to the issues raised by County Highways.

Subsequent response received on 09 July 2020

Neutral

KCC Contributions – The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. In light of the above, requests for financial contributions towards Secondary Education, Community Learning, Youth Service, Libraries and Social Care.

Subsequent request received on 29 January 2020

Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now Dover Christ Church Academy expansion.

The following contributions are being sought:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

DDC Ecological Officer - I have reviewed the ecological appraisal and support its recommendations for ecological enhancements to provide a biodiversity net gain in line with the requirements of the NPPF.

Environment Agency – the application has been assessed as low environmental risk.

DDC Infrastructure Delivery Officer - *Initial response received on 13 November 2019*
It is considered that the current proposal would be contrary to Policy DM25 of the Core Strategy and that a significant contribution towards open space would be necessary to overcome a potential policy objection under Policy DM27.

Notwithstanding the above, a compromise solution could be achieved were the layout to be redesigned in a manner that maximised the onsite open space provision. In particular, it should be explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward.

Subsequent response received on 15 June 2020

When I previously commented we did not have the benefit of the KPP Open Space work which we do now, albeit as draft and as part of the emerging Local Plan evidence base. The application site has been identified as amenity greenspace within this study. Within the Dover analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which loss of this site would erode further. It is however accepted that this is an emerging standard for which limited weight may be given at present.

Notwithstanding the above, DM25 is a multi-stepped policy which also requires consideration of quality of provision. In this regard, the KPP has identified deficiencies within the locality. It is therefore extremely disappointing little additional consideration has been given to improve the qualitative open space provision. In particular, it is disappointing that it has not been explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward. In the absence of such, or appropriate financial contribution to improving the qualitative provision in the locality, it is considered that this application remains contrary to DM25 and DM27.

To overcome this objection, in the first instance it remains that onsite provision of a LAP with appropriate ongoing maintenance be provided. Were the applicant to explore overcoming this objection by way of off-site open space contributions, an indicative amount of £57,231.51 based on the below split and calculation, accounting for the loss of existing provision, should be sought. If the applicant did wish to explore this option, this would be subject to agreeing the most appropriate CIL compliant projects within the necessary accessibility standards.

Further response received on 17 July 2020

To overcome this, the applicant has now amended the scheme so that the proposed central amenity green space includes a Local Area of Play which is to accord with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm). It is stated that the area is to have an appropriately sized buffer zone to the nearest residential houses and will be fenced.

It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children's play space and offering public access to the site. It is also considered there is not an overall shortfall

of accessible greenspace within this analysis area when considered against the adopted DM27 requirements and limited weight can be given to the emerging KKP recommendations at this time.

Notwithstanding the above, the policy requirements of Land Allocations policy DM27 must also be met. An area of on-site accessible green space should be secured within the legal agreement. Based upon the provided layout this should be no less than 0.1754 ha. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Outdoor sports facilities - A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, should therefore be sought towards Improved pitch quality at Danes Recreation Ground.

Children's Equipped Play Space - As discussed above in relation to DM25, the revised site layout shows a Local Area of Play which is to be provided on site. If the officer is minded to approve the application, it is considered the permission should be appropriately conditioned to ensure details of the Local Area of Play can be fully considered. This should include the location, layout, design of the playspace; and equipment/ features. Further, the provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement.

Core Strategy CP6

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. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £1,654.96 therefore necessary for this site to be considered policy compliant.

The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. A proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought.

Network Rail - Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works. As well as contacting Network Rail's ASPRO Team, the applicant will also be required to follow the attached Asset Protection Guidance (compliance with the guidance does not remove the need to contact ASPRO).

KCC Fire and Rescue - I can confirm that on this occasion it is my opinion that the access requirements of the Fire & Rescue Service have been met.

Housing Development Manager - There is a need and demand for all types of affordable housing across the District, and this application provides 10 units of family housing for affordable rent. Our usual requirement is for 30% of the affordable housing to be for shared ownership, which on this site would be 3 of the 2 bedroom houses. However, there is a high need and demand for affordable rented houses in this location,

and I would support a deviation from the usual requirement for shared ownership in this case.

KCC Local Flood Authority – *Initial response received on 19 September 2019*

In principle, we are satisfied with the drainage arrangements including the proposed soakaways. Desk-based BGS information indicates freely draining bedrock geology and no superficial deposits present. Therefore, we would have no objection to the approval of this development. However, as an advisory, we would recommend that further information is provided at detailed design to support the operation of the soakaway system, such as:

1. The exact location of the 2 proposed soakaways- There is no indication on the drainage strategy drawing D-02 P1 (dha, August 2019) of the locations. Therefore, no confirmation that appropriate separation distances have been considered, such that there is a minimum of 5m between buildings and soakaways. There should be sufficient green space and parking area to accommodate this separation distance.
2. The location of infiltration testing- Unfortunately Appendix C does not state where ground investigation had been completed on site. We would recommend that a map is submitted. Pre-commencement conditions in relation to Sustainable drainage system are recommended to be attached to the permission.

Subsequent response received on 07 October 2019

We have reviewed the updated information and satisfied that the location of the infiltration testing has been provided.

DDC Environmental Health – Initial comments received on 26 September 2019.

No objection subject to conditions in relation to Construction Environmental Management Plan, Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works, electric charging points, land contamination and unexploded ordnance.

Subsequent response received on 06 June 2020

Note the amended plans and have no comments to make in this respect. Our previous comments, however, omitted recognising the contents of Pace Consult Noise Impact Assessment ref PC-19-0126-RP1 dated June 2019. The recommendations made within section 7: Building Envelope Sound Insulation are approved and must be employed on all dwellings within the development.

DDC Waste Officer – no objection.

Natural England – *Initial response received on 23rd September 2019.* No objection.

Subsequent response received on 21 October 2019

I note from the planning documents that the Ecology Report (attached) was carried out on 24th June 2019 and that '*No further protected species surveys have been recommended*'. Paragraph 3.2.1 of the Report states that '*The Site consists of an area of unused waste ground that has been periodically cleared down to the ground and then become densely vegetated, at the time of the survey the site had been cleared to the ground during the winter 2018/2019*'.

The standing advice (see 'When applicants need a species survey') states that '*The standing advice explains when and how to carry out a survey for a particular species. You can refuse planning permission, or ask for a survey to be redone, if: you don't have enough information to assess the effect on a protected species*'. You may therefore wish to seek advice from your in-house or County ecologist in relation to this matter.

KCC Highways – Initial response received on 26th September 2019

I refer to the above planning application and would comment as follows:

1. The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the three years to the end of September 2018. There is also currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility.
2. The proposals will also increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals will make passing more difficult, so passing arrangements should be formalised. Parking restrictions should therefore be provided for 10 metre lengths on one side of the road in the following locations:
 - Outside nos. 22/24
 - Outside no. 54 (partly replacing existing 'dog-bone' markings)
 - Outside no. 74These restrictions would result in 5 spaces being lost and replacement parking spaces could be provided within the new development.
3. I note the proposals would increase the number of dwellings served off Stanhope Road to one hundred, with no secondary emergency access available. The views of the Fire Service should therefore be sought in relation to the access proposals.
4. I note the new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
 - The proposed footway on the western side of the access road should be extended southwards to connect with the existing footway in Stanhope Road
 - The footway should continue completely around the adoptable turning head
 - Clarification of proposed carriageway and footway widths is required and should be shown on the plans
 - A speed restraint measure is required at the site entrance. If the road layout is fixed I suggest a raised table could be utilised encompassing the accesses to plots 1 and 28-30
 - The refuse vehicle must be able to make a suitable turning manoeuvre within the adoptable turning head, i.e. not need to overrun or overhang the private drives
 - Pedestrian visibility splays of 1 metre x 1 metre are required behind the footway on each side of each private drive access onto the adoptable highway. It appears this will not be achievable for plots 14-17 with the required footway in place
 - Block paved vehicle crossings in adoptable tarmac footways will not be acceptable
 - The access to plots 28-30 should be widened to the full width of the forecourt, to provide suitable manoeuvring room for the parking spaces to plot 30
5. In relation to the adoptable highway, the proposed parking arrangements require amendment as follows to deter unacceptable parking on the highway:
 - 4-bedroom dwellings (units 1 and 2) should have independently accessible spaces or be provided with an additional unallocated space in close proximity
 - 3-bedroom dwellings (units 3-5 and 14-17) should have only one allocated space each, with an additional 0.5 unallocated spaces each. If the tandem arrangements are to remain, an additional 0.5 unallocated spaces each are still required in close proximity

- Whilst the total amount of visitor parking is acceptable, its distribution is such that there is no such parking serving units 1-6, 14-17, 31 and 32. Visitor parking should ideally be located in the highway
- Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway.

I wish to place a holding objection until matters 2-5 above have been satisfactorily resolved.

Subsequent response received on 22 May 2020

I refer to the amended plans submitted for the above and note that the Fire Service have confirmed the access arrangements are acceptable to them. I would comment further as follows:

1. My previous request for formal passing places in Stanhope Road through the provision of parking restrictions does not appear to be included in the latest submission of plans and details of the same should therefore be provided, including replacement spaces within the site for those lost if possible.
2. I believe the revised new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
 - The kerb alignment opposite no 74 Stanhope Road should be a smooth transition from the existing road to the new and not as shown.
 - Forward visibility of 18 metres is required around the bends opposite no. 74 Stanhope Road, plots 1/2 and 6, with no obstructions over 1 metre above carriageway level.
 - The adoptable footway should run parallel to the carriageway rather than behind the private parking spaces P3-P11. This should assist with item 2 above.
 - The adoptable footway should also continue completely around the turning head.
 - Clarification of proposed carriageway and footway widths is required and should be shown on the plans, together with the proposed extent of areas to be adopted.
 - Swept path diagrams are required to demonstrate that an 11.4 metre refuse vehicle can suitably negotiate the proposed access road and turning area. Swept paths are also required to show that two cars can suitably pass each other through the 'S' bend in the initial section of access road.
- a. The amount of parking shown overall is acceptable and above the minimum required in policy DM13. There appears to be an excess of visitor parking across the site and therefore space P7 and three of spaces P57-P61 could be removed, the former helping to move the remaining spaces away from the bends in the access road. However, Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. A note should be added to the drawing confirming these dimensions are provided.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

Further response received on 30 July 2020

I refer to the amended plans submitted for the above on 14th July and confirm the proposals are now acceptable in respect of highway matters.

The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the five years to the end of 2019. The junction is protected by existing double yellow lines. Whilst it was noted on site that the lower section of Stanhope Road is used by some parents to park whilst dropping off children at the nearby primary school, the junction still operates satisfactorily.

The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult, so the proposals include mitigation to formalise regularly-spaced passing arrangements.

Parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations:

- Outside nos. 22/24
- Outside no. 54 (partly replacing existing 'dog-bone' markings)
- Outside no. 74

This will result in the loss of five existing on-street spaces, however 6 additional unallocated spaces are provided within the site as replacements, as well as the visitor spaces required for the development itself. Kent Fire and Rescue Service have confirmed that the access is considered satisfactory.

The proposed site layout provides suitable vehicular and pedestrian access and is laid out to be suitable for adoption by the highway authority. There is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.

The amount of parking, at 72 spaces, is acceptable and in excess of the minimum requirements under Policy DM13 of the Local Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network or an unacceptable impact on highway safety, and I would not therefore recommend refusal on highway grounds. The following should be secured by condition:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking/turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries (these will be restricted during school drop-off/pick-up times)
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Gradient of private accesses to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - o Footways and/or footpaths, with the exception of the wearing course;
 - o Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Whilst not currently a formal policy in the Local Plan, I would request that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepointmodel list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Kent Police

Having reviewed the application on-line the following issues need to be addressed including:

1. Development layout – The communal green and SUDS areas need a boundary treatment to stop them being parked on.
2. Permeability The narrow footway alongside no. 57 is of concern. It is neither straight enough nor wide enough. If retained, it should be opened up and straightened to avoid recessed areas thus helping enable a safer route. The boundary treatments must not detrimentally affect no. 57.
3. The perimeter treatments to the boundary along the railway must be a min of 1.8m in height, reinforced with defensive planting or regularly maintained in order to help ensure no access to the railway.
4. Divisional treatments (fencing between rear garden spaces) to be min. 1.8m in height for privacy and security.
5. All gates to rear garden areas to be 1.8m high, lockable from both sides and as far forward to the building line as possible to avoid creating recessed areas.
6. The route from nos. 24-27 is of significant concern as it leads to an ungated route behind the 1.8m fence and the boundaries of the properties on Astley Avenue thus potentially reducing security to both sides. It needs to be designed out, moved or securely gated for use by nos. 24-27 only. The gate for Unit 8 should be brought forward unless the area of green space alongside its eastern boundary is communal.

7. Parking spaces should have maximum natural surveillance opportunity from ground floor "active" windows. For parking spaces including those for visitors, we strongly advise that residents have allocated spaces and all visitor spaces are marked as such with enforceable regulations to ensure they do not become additional parking for the nearest dwelling. Failure to address these issues result in nuisance especially if any vehicles are larger and affect the views and natural surveillance and can easily lead to conflict. It is important that at least one ground floor active window can see each tandem parking area.
8. External doorsets should meet PAS 24: 2016 UKAS certified standard, this includes the concertina doors.
9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
10. Landscaping should enable natural surveillance with new shrubs maintained at 1m max height and new tree planting fastigiated - tall slim trees rather than low crowned species. If the plan requires the removal of on street parking spaces lower down the road, it is likely that flat landscaped areas near the entrance to this development would be ideal for parking on whether formal and designed in or not.

Public Representations

117 letters of objection received raising the following relevant matters:

- In 1954 the then SoS declared this small piece of land unsuitable for housing.
- In 1994 the then SoS refused planning applications for building on the land on the East side of Stanhope Road.
- Stanhope Road is a steep gradient and there is a high incidence of "on street" parking as few houses have garages or parking spaces.
- The plans originally submitted in 1994 indicated a total of 32 dwellings but were amended to 29 houses and 49 car parking spaces subsequently rejected.
- the situation in Stanhope Road has worsened with more cars per household as car ownership has increased significantly.
- Car ownership has increased per family with up to 4 cars associated with one residence, in one case there are five with many now bringing their work vehicles/vans home.
- Will add to existing congestion.
- The additional traffic from the proposed development will exacerbate an already problematic situation of people trying to exit and access Stanhope Road into the arterial Barton Road which is particularly troublesome given this area is already heavy.
- Cars parked on double yellow lines.
- This land is home to various wildlife which include slow worms which are protected under the Wildlife and Countryside Act 1981. Foxes, rabbits, bats and other small mammals are also inhabited within. Clearance of this site has already seen a decline in such wildlife as existing trees and shrubs used for nesting etc have been excavated in anticipation of building.
- Serious impact on our standard of living
- This is a sloping land and it could have potential issues with the water drainage.
- Local drainage problems in the area.
- Loss of privacy
- Loss of wildlife habitat
- Overdevelopment
- Would overlook Astley Avenue
- Loss of protected open space
- Risk of damage to the properties and cars
- Could give rise to hazardous situations during construction phase

- Further impact parking issues in Stanhope Road, Astley Avenue and surrounding roads
- The noise and pollution of dumper trucks and cranes etc going up and down the road will be unbearable.

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

- 1.1 The application relates to a triangular parcel of land which is located within the settlement confines of Dover and allocated on the Proposals Map as Open Space. Dover is identified as the 'major focus for development' in the District; suitable for the largest scale developments. The application site is located around 1.2km from the town centre, around 2km from Dover Priory Train Station and around 300m from the closest bus stops which provide regular services.
- 1.2 The site is located at the end of Stanhope Road in Dover. The site extends towards Astley Avenue to the west, backing on to the rear gardens of properties in Astley Avenue. A public footpath forms the southern edge of the site running between the western end property in Stanhope Road and between two pairs of semi-detached properties in Astley Avenue. The northern boundary of the site is formed by the railway line. To the east are detached post war properties in Danes Court. The slope of the site steeply rises from south to north; southwest to northeast and southwest to southeast. The terrain of the site is such that substantial part of the site towards the northeast and southeast are at a higher level than the properties within Danes Court to the east.
- 1.3 To the east of Stanhope Road and to the south of Danes Court is St Edmunds Catholic School and Charlton Church of England Primary School. The properties in Stanhope Road and Astley Avenue are predominantly terraced or semi-detached two storey properties. The area is predominantly residential. To the north of the railway line are allotment gardens and industrial uses including a skip/building business. The site extends to 0.87 hectares (or 2.16 acres). The site is currently vacant land. It is apparent that the site has recently been cleared of vegetation. There is a public footpath which runs between Stanhope Road and Astley Avenue to the north of No.57 Stanhope Road, but the footpath is fenced off and entirely separate from the Stanhope Road site.
- 1.4 It is relevant to note that the site was subject to a previous planning application (DOV/94/00062) i.e. approximately 25 years ago for 29 dwellings. The application was refused and dismissed at appeal. Since then there have been significant changes on the policy front. It is understood that the site was previously owned by KCC, who had aspirations at one time to develop it as playing fields for school use however, that development never transpired and the site was sold off and is currently under private ownership with no public access.
- 1.5 The proposal seeks permission for the erection of 32 dwellings with associated access and parking. The mix of housing for this proposal includes 12 x 2-bedroom dwellings, 18 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. The proposed dwellings would be two storeys in height and would incorporate a consistent palette of materials including brick, timber cladding, metal cladding, UPVC fenestration and artificial slate tiled roof. The proposed development would utilise the existing access from Stanhope Road albeit it would be widened to 5.5m. In total, 74 car parking spaces would be provided within the site.

2. **Main Issues**

2.1 The main issues are:

- Principle of the development
- Protected Open Space
- Open Space Contributions
- Housing Mix and Affordable Housing
- Character and Appearance
- Impact on Residential Amenity
- Highways
- Impact on Ecology
- Contamination, Drainage and Utilities
- Developer Contributions

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Dover and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supports development within existing urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services and social integration. Insofar

as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.

- 2.7 Policy DM25 seeks to prevent the loss of open space unless one of five exceptions are met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. This approach is closely reflected by paragraph 97 of the NPPF, which also seeks to avoid the loss of open space unless one of three criteria are met, one of which is where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. Given the degree of consistency between Policy DM25 and paragraph 97 of the NPPF, it is considered that DM25 is not out-of-date and continues to carry significant weight.
- 2.8 It is considered that policies DM1, DM11 and DM25, which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be determined in accordance with the development plan and any other relevant material considerations.

Protected Open Space

- 2.9 The site is designated as open space and is protected by Policy DM25 of the Dover District Council Local Development Framework Core Strategy 2010 (the Core Strategy). Policy DM25 states any proposal that would result in the loss of public open space will not be permitted, subject to certain exceptions. These exceptions include the situations where there is an identified deficiency of public open space, but the site is incapable of contributing to making it good; or where there is a deficiency that the site is capable of contributing to making it good, but where an alternative suitable area can be made available.
- 2.10 Further, Paragraph 97 of the National Planning Policy Framework requires that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 2.11 Whilst it is noted that the site is not currently accessible by the general public, the Dover District Council Land Allocations Local Plan 2015 (the Local Plan) states in paragraph 2.39 that "Non-accessible open space with current or potential amenity value is also recognised on the map" and that this can include land in private ownership "if it is the only remaining open space in an urban environment".
- 2.12 As part of the emerging Local Plan Evidence base, consultants Knight, Kavanagh & Page (KKP) have recently completed an assessment of all open spaces within the District to inform the emerging Open Space Standards and Playing Pitch Strategy. Whilst only limited weight may be given to what is an emerging strategy at this time, the underlining methodology is nonetheless considered robust and constitutes the most up-to-date quantitative and quality analysis of the districts open space.
- 2.13 As part of the emerging strategy, KKP are recommending that open space that is currently classified as accessible greenspace should be further refined to make the distinction between accessible greenspace which is more formal parks and gardens and accessible greenspace which is less formal amenity greenspace. The application site has been identified as amenity greenspace within this study. Within the Dover Analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying

an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which the loss of this site would erode further.

- 2.14 To overcome the policy concerns in relation to the open space, the proposal was amended to provide the proposed central amenity green space which includes a Local Area of Play in accordance with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm).
- 2.15 It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children's play space and offering public access to the site. While there is not an overall shortfall of accessible greenspace within this analysis area when considered against the adopted DM27 requirements, there would be a quantitative shortfall relative to the emerging KKP recommendations, albeit they can only be given limited weight as a material consideration at this time and any such quantitative loss must also be weighed against the qualitative improvements identified through this proposal. Set against these considerations, it is considered that the impact of the proposals on open space provision can, on balance, be accepted.

Open Space Contributions

- 2.16 Land Allocations Local Plan Policy DM27 states planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

Accessible Green Space

- 2.17 Additional need arising from residential developments is calculated using average occupancy rates. Based on the provided housing schedule, 79.01 new residents will be generated by the proposed development on the following basis.

Number of New Residents			
Dwelling type	Number of each type	Average number of people per new dwelling*	Estimated number of people
1 bed	0	1.25	0.00
2 bed	12	2.11	25.34
3 bed	18	2.62	47.18
4 bed	2	3.25	6.49
Total	32		79.01

- 2.18 Applying the adopted DM27 requirement (applicable on sites of 5 units or above) of 2.22 ha per 1,000 population against the anticipated number of new residents generates an overall accessible green space requirement of 0.1754 ha. The proposed site layout shows Accessible Green Space is to be provided on site. In the event of grant of permission, long term maintenance/management of the accessible green space would be secured by legal obligation.

Outdoor Sports Facilities

- 2.19 Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.09ha.
- 2.20 Whilst on-site provision would be impractical on a site of this size, an appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.09ha natural grass playing pitch need generated by the proposed development equates to 13.21% of a natural turf senior pitch which equates to a proportionate offsite contribution of £13,206.29.
- 2.21 The three adult football pitches at Danes Recreation Ground are currently identified as overplayed and improving pitch quality here has been identified as a priority within the emerging KKP work. A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, towards improving pitch quality at Danes Recreation Ground would be secured by legal obligation.

Children's Equipped Play Space

- 2.22 Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of new residents generates an overall children's equipped play space requirement of 0.0047ha
- 2.23 The proposed site layout includes a Local Area of Play to be provided on site. In the event of grant of permission, appropriately worded conditions would be attached requiring submission of the details of the Local Area of Play including layout, design of the playspace, and equipment/features etc. Finally, the provision and long-term maintenance/management of the Equipped Play would be secured by legal obligation.
- 2.24 In conclusion, subject to conditions and all the contributions detailed above secured via a S106 legal agreement, the proposed development is considered to comply with policies DM25 and DM27 of the Core Strategy.
- 2.25 Regard should also be had to paragraph 97 of the NPPF which resists development on open space unless one of three criteria is met. Annex 2 of the NPPF defines open space as, "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for recreation and can act as a visual amenity". It is considered that the site has the potential to make a valuable contribution towards the needs of the community (public value) and has limited visual interest. The loss of open space resulting from the proposed development would be replaced by a qualitative Local Play Area and Accessible Amenity Green Space in a desirable location and would provide access to the members of the public. Having regard for the above, the proposed development would comply with paragraph 97 of the NPPF.

Housing Mix and Affordable Housing

- 2.26 The proposal would provide 32 dwellings comprising: 14 x 2-bedroom dwellings, 16 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. Policy CP4 of the Core Strategy requires that housing application 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. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

- 2.27 Policy CP4 recommends the following housing mix: one-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017, updated December 2019, (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

	Owner Occupied	Shared Ownership	Affordable/Social Rent
One-bed	5.3%	25.7%	32.7%
Two-bed	22.9%	34%	11.3%
Three-bed	38.7%	26.4%	23.5%
Four-bed	33.2%	13.8%	32.6%

The housing mix proposed by the current application is as follows:

Number of Bedrooms	Owner Occupied	Affordable Rent/Shared ownership (Tenure to be decided)	As can be seen from the tables
One	0 (0%)	0 (0%)	
Two	12 (37.5%)	10 (83.33%)	
Three	18 (56.25%)	0 (0%)	
Four	2 (6.2%)	0 (0%)	

above, the development does not provide any one bedroom dwellings which, whilst few such units are required for owner occupiers, they are required across the district for affordable tenures. Another noticeable variance is the over provision of two and three bedroom dwellings against the more recent identified need within the 2019 update of the SHMA.

- 2.29 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, whilst reasonably well aligned to the housing mix advocated by the 2010 Core Strategy, is more divergent from the more up-to-date SHMA mix. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, whilst the development would not deliver the optimum mix of housing which is required to meet the needs of the district, it is considered that the housing mix proposed is not unreasonable, particularly given the family housing which is prevalent in the locality. Whilst it doesn't necessarily follow that no one-bedroom dwellings should be provided, the lack of which weighs against the scheme to a degree, overall it is considered that the housing mix can be accepted on this site.
- 2.30 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required, albeit 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.
- 2.31 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the locations for 10 affordable dwellings (31%). These dwellings would be provided in one group to the west of the site. The dwellings would comprise 10 two bed dwellings. The Council's Housing Development Manager has advised that the provision of 30% affordable housing aligns with the councils policy and supports the need in this location. Details regarding the specific tenure of the affordable housing has not been finalised which will likely follow further discussions with registered providers.

Whilst it would be necessary to secure the provision of affordable housing, it would be appropriate to require, by legal obligation, the submission for approval of full details of how the affordable housing will be delivered and in what form, including justification for any variance from the councils identified preferred mix. Subject to the details of the affordable housing provision being secured by legal agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.

Impact on Character and Appearance of Area

- 2.32 The site lies on the edge of open countryside. It is adjoined by existing residential development on three sides, with the Dover to Sandwich railway line forming the northern boundary. Regard must be had to Policy DM15 of the Core strategy which states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.33 By virtue of the terrain and location of the site, the site is considered to lie in a prominent location. Therefore, it is necessary to consider whether the proposed development is likely to result in unacceptable landscape impacts and whether these impacts could be effectively mitigated.
- 2.34 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). It is noted that various viewpoints have been considered and the varying degree of harm ranging from moderate adverse to minor adverse has been identified. The LVIA concludes that the sensitivity to change would be low, as a result of the urban fringe nature of the site and the lack of existing landscape features within it. It goes on to state that the proposed development would not be discordant within the largely residential context and the limited visibility of the site from the surrounding area. It makes reference to the site being vacant and disused and considered to make no positive contribution to local landscape and townscape character and quality. Whilst it is acknowledged that the site has been vacant for several years, it is not agreed that the site makes no contribution to the local landscape. It is considered that by virtue of its exposed location, it does make some positive contribution (albeit limited) to the open countryside by retaining that soft edge to the countryside. On balance, it is considered that infilling of a green site with buildings is likely to result in some harm to the landscape, however, it would only be evident in very limited long range views. It is noted that the site can be seen from a broad area of higher ground around the fringes of the town, the views of the site from that higher ground are distant and in the context of a wide, expansive view which already includes much of the urban area. Therefore, whilst there would be some limited visual harm, the visual impact arising from the proposed development could be satisfactorily mitigated by a high quality landscaping scheme. In the event of grant of planning permission, an appropriately worded condition could be attached requiring the submission of a high quality landscaping scheme. Overall, the proposed development would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.35 Regard must also be had to whether the proposed development would cause visual harm to the street scene. The application as originally submitted presented with numerous challenges. The initial proposal submitted lacked provision of qualitative open space on the site (contrary to policies DM25 and DM27), lack of general coherence, cluttered appearance, tandem parking and very limited thought had been given to the residential amenity impact. The initial layout also made no provision for usable open space and the overall layout did not respect the grain of development in the area whilst the houses in Stanhope Road have a strong street frontage character. The applicant's

agent was advised that given the shape of the site, there was an opportunity here to create a gateway to the new development of a fairly open and inclusive character. Given the terrain of the site, the site was considered to lie in an exposed location. Therefore, officers were of the opinion that this was an opportunity to achieve a residential scheme that would uplift and enhance the overall character of the area. Several discussions were had during the application process and various layouts were considered to ensure that the scheme, whilst high density, was good quality with qualitative open space designed to ensure it is safe, social and inclusive and integrated with the built form, in line with the guidance contained within the National Design Guide and the NPPF.

- 2.36 Policy CP4 seeks development to maximise density where possible, having regard for the design process (i.e. whilst achieving good design). In this respect the policy seeks development to achieve at least 30dph and, wherever possible exceed 40dph. This approach is also advocated by the NPPF which requires development to make efficient use of land, whilst taking account of the desirability of maintaining an area's prevailing character. The proposed scheme would be built at a density of around 36 dwellings per hectare (dph). This is significantly lower than the prevailing density in the immediate areas including Stanhope Road and Astley Avenue which have an approximate density of 50dph. Although it is noted that density of housing to the east of the site is significantly lower at approximately 15 dwellings per hectare. However, for the purposes of comparison, consideration of the prevailing densities within Stanhope Road and Astley Avenue is more appropriate as the pattern of development in the area is comparable (i.e. two storey semi-detached high density housing). On balance, it is considered that the proposed density strikes the right balance and is acceptable.
- 2.37 The layout of the development departs, to a degree, from the long, relatively straight roads of street frontage development which characterise the area. Instead the dwellings are arranged around a central open space with access to the development via Stanhope Road. The central open space would comprise an Equipped Play Area, the maintenance (in perpetuity) of which would be secured via a S106 legal agreement. The layout ensures that the front elevations of dwellings face towards the road, with the instances of blank side or rear walls/fences being visible from the street being limited. In respect of the car parking layout, the amended layout includes a significant reduction in tandem parking spaces. Overall, whilst some elements of the layout are less successful, generally the layout responds to the prevalent layout in the area, is legible and provides attractive viewpoints throughout the development.
- 2.38 The design of the dwellings proposed seeks to provide a contemporary character, albeit within a typical residential form. Given that the architectural style of the housing around the site is reflective of when they were built, it is considered that adopting an identical approach on this site would not be an appropriate response. The design approach utilises brickwork, a band of timber cladding near the base of the dwellings, dark grey metal cladding to accentuate the window projections (the intent of which is to emulate the bay window feature in the locality, albeit in an abstract form).
- 2.39 Detailed landscaping plans have not been submitted at this stage, although the layout plan does indicate where trees will be planted. The deep gardens offer opportunities for the planting of trees of a scale commensurate with their proximity to houses. However, the more strategic areas of open space, such as the central amenity space, and the area to southwest, near the site entrance, provide opportunities for more substantial specimens. The provision of a significant number of trees and in strategic locations, more substantial trees, is considered to be particularly important along with the choice of a muted materials palette. The choice of materials and finishes to the hard landscaping will be equally important. It is therefore considered that details of hard and soft landscaping must be secured by condition.

- 2.40 Having regard for the density of dwellings, the layout of the scheme, the design of the buildings and the opportunities for meaningful planting within a high quality landscaping scheme, it is considered that the development would not harm the character of the area, whilst producing a scheme which would have a strong character of its own. The proposed development is therefore considered acceptable subject to conditions and would comply with paragraphs 127 and 130 of the NPPF.

Impact on Residential Amenity

- 2.41 The proposed dwellings are generally well separated from neighbouring properties outside the site, with the majority of the proposed dwellings set away from the boundaries of the site by reasonably long gardens, whilst the majority of the neighbouring properties themselves have long gardens. As such, for the most part, the back to back distances between the existing and the proposed dwellings are 30m or more, ensuring no unacceptable loss of light, sense of enclosure or overlooking. However, there are some relationships where proposed dwellings would be sited closer to existing dwellings which requires further comment.
- 2.42 By virtue of the steep slope of the land particularly towards the north and east, it is necessary to assess the likely impacts arising as a result of siting of the dwellings in parallel with detached properties fronting Danes Court. The land levels steeply rise along Danes Court such that the rise in slope is comparable to the rise in slope of land within the application site.
- 2.43 The initial proposal was for a row of two storey dwellings backing onto Danes Court. However, by virtue of the proximity of the proposed units and the terrain of the land, concerns were raised in relation to the loss of privacy and sense of enclosure to the existing occupants of Danes Court. Subsequently, the proposed scheme was amended and the units U27 to U30 (4 units) were amended to Chalet style semi-detached pairs and were sited further away from the dividing boundary with Danes Court properties (no's 8 and 9). The separation distance of the proposed units U27, U28, U29 and U30 with the dividing boundary between no's 8 and 9 is approximately 13.25m whilst the dwellings would lie at a distance of over 14m from their private gardens. Oriel windows to the side elevations have been used as a solution to overcome the concerns in relation to loss of privacy. No windows have been proposed to the first floor elevations of these properties serving habitable rooms. A single casement window has been proposed to the rear elevation of each of the 4 units which would serve the proposed bathroom. Further to this, U25 and U26 whilst two storey, have been sited such that they align with the proposed Chalet style semi-detached pairs, with a view to ensure a consistent building line. Oriel windows have been utilised for consistency and also with a purpose to prevent any potential loss of privacy to the occupants of Danes Court. Having regard for the above, it is not considered the proposed dwellings (U25, U26, U27, U28, U29 and U30) would cause unacceptable or significant harm to the residential amenity of the neighbouring occupiers no's 8 and 9 Danes Court and are found to be acceptable.
- 2.44 Concerns were also raised in relation to the impact of the proposed semi-detached pair U23 and U24. By virtue of the slope of the land, it was considered to cause unacceptable loss of privacy to the occupants of no's 16 and 19 Danes Court. In response to the concerns raised, amended drawings were received which sought to incorporate oriel style windows to the front and rear elevations with one side of the oriel windows to be obscure glazed. Whilst the choice of utilising oriel windows to the front elevation was considered inappropriate, taking into account the limited views that would be achieved of this proposed semi-detached pair, and given the fact that this amendment would

effectively overcome the unacceptable loss of privacy, on balance, it was considered acceptable.

- 2.45 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, its proximity to neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.
- 2.46 Third parties have objected to the application on the grounds that the proposed development would result in harmful impact to the residential amenity. However, following the receipt of amended plans, it is felt that the concerns in relation to the loss of privacy and sense of enclosure have been satisfactorily overcome.
- 2.47 Third parties have also asked whether parts of the site can be purchased by neighbours to reinstate the access to the rear of their properties. These matters are not material planning considerations and, as such, cannot be addressed by the planning process or attributed weight in the planning balance.
- 2.48 Kent Police have drawn attention to a number of considerations which should be taken into account in order to enhance the safety of the development and reduce the likelihood of crime. It is considered that the proposed layout delivers a reasonable balance between delineating public and private spaces, providing natural surveillance (particularly of communal areas such as the equipped play area) and securing perimeters, whilst providing sustainable pedestrian permeability, limiting lighting (having regard for ecological impacts) and ensuring an attractive and inclusive development.

Noise

- 2.49 The site is affected by the railway line located to the rear of the site and road traffic noise along Barton Road (A256) to the south. An Environmental Noise Survey and Noise Impact Assessment was received with the application. The Survey measures the baseline noise levels across the proposed development for new residential properties that were measured over a 24 hour period. The impact of the existing noise sources on the proposed development and the potential adverse impact from the development on the closest sensitive receptors have also been assessed.
- 2.50 A specification for the building envelope has been provided within the Noise Report to give the appropriate amount of sound insulation to follow the internal ambient noise level guidance set out within BS 8233:2014 and the IoA ProPG: Planning & Noise 2017. Calculations indicate that it is possible to meet the internal ambient noise level guidance set out within BS 8233:2014 by using a standard double glazing of 6mm pane, 12mm cavity and an acoustically rated trickle ventilator. In terms of preserving off site residential amenity and noise generated by the construction of the development, it is also considered that construction noise limits are proposed which are provided in line with the ABC method stated in BS 5228-1.
- 2.51 The Council's EHO is content with the recommendations made within the noise survey report. It has been recommended that in the event of grant of planning permission, the recommendations within the noise report be secured via suitably worded conditions.

Impact on Highways

- 2.52 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in an urban location, where: 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 and 4 bedroom houses will be expected to provide 2 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 32 dwellings proposed (12 x 2 bed, 18 x 3 bed and 2 x 4 bed) equates to 50 spaces for occupiers and around 7 visitor spaces. The application proposes 74 spaces for occupiers of the dwellings, which would be delivered in a manner which provides each dwelling with the recommended parking provision. The parking for ten of the dwellings would be provided in a tandem arrangement, which are less convenient to use, however, given the additional provision of parking spaces across the scheme, this arrangement is considered acceptable.
- 2.53 Third parties have raised significant concerns in relation to the intensification of the use of Stanhope Road causing traffic congestion and parking problems. The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult. In response to the above, the proposals have been amended which includes mitigation to formalise regularly-spaced passing arrangements. KCC Highways have advised that parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations: Outside nos. 22/24, outside no. 54 (partly replacing existing 'dog-bone' markings) and outside no. 74. The proposal will result in the loss of five existing on-street spaces, however, 4 additional unallocated spaces are provided within the site as replacements. KCC has also advised that following the adoption of the road, the two layby spaces could also be made available to the residents of Stanhope Road (i.e. totalling 6 spaces). It should also be noted that there is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.
- 2.54 From the review of the Transport Statement (TS) submitted with the application, it is apparent that 16-two-way vehicle movements in the peak hours would be generated. Whilst the development would increase the number of vehicles using Stanhope Road, it is not considered that this increase would cause a severe impact. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. The tracking plans and details of sight lines have been provided for the internal road to demonstrate that it would function safely and efficiently. The plans also demonstrate that appropriate visibility around bends could be achieved. KCC Highways consider the proposed vehicular and pedestrian access suitable for adoption by the highway authority. Further to this, Kent Fire and Rescue Service have confirmed that the access is considered satisfactory. Car and cycle parking would be provided in accordance with the councils recommended standards.
- 2.55 KCC Highways have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated

parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points.

- 2.56 In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraph 109 of the NPPF.

Ecology

- 2.57 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey.
- 2.58 A stand of *cotoneaster horizontalis* was recorded along the eastern boundary of the Site. This is an invasive species and is included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is recommended that this be treated and removed by a qualified individual to prevent it spreading. No further protected species surveys have been recommended. In respect of potential impact on bats, it is recommended that a sensitive lighting strategy should be followed in order to minimise the indirect impacts of the development on the local bat population. Regarding breeding birds, recommendations have been made in relation to the timing of the removal of any of the boundary vegetation; this should be undertaken outside the bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required. Recommendations for enhancing the ecological value of the proposed site as required under the National Planning Policy Framework have been suggested. These include native planting of hedgerows, shrubs, planting of climbing plants and nectar-rich plants and the provision of bird boxes.
- 2.59 It is considered that the findings within the ecological appraisal are sound and that the recommendations are sufficient to ensure that the Council's duties in respect of habitats, protected species and ecology generally will be fulfilled. DDC's Ecological Officer is satisfied with the information provided and recommended that all the recommendations for the enhancements, detailed within the ecological appraisals should be secured via suitably worded conditions.

Habitat Regulations Appropriate Assessment

- 2.60 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment.
- 2.61 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.
- 2.62 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.

- 2.63 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.
- 2.64 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.
- 2.65 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 to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). An appropriate off-site contribution of £1,654.96 is therefore necessary for this site to be considered policy compliant. The applicant has agreed to pay the required SPA mitigation contribution. These will be secured via a S106 legal agreement.

Monitoring Fee

- 2.66 The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. The Council employs a dedicated monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought. The applicant has agreed to pay the monitoring fees.

Contamination, Drainage and Utilities

- 2.67 A Preliminary Investigation Report has been submitted with the application with a view to ascertain the risk pertaining to the site in terms of contamination. In terms of the historic development of the site, records show that the site has been open land since 1865 with a period from 1945 to 1962 when the site was utilised as allotments.
- 2.68 With regard to on site potential contamination sources, any potential contamination associated with the former allotment use would have either degraded or have been diluter/leached due to the underlying permeable ground. The contamination report concludes that there is a low to negligible risk of contamination. It is recommended that a watching brief be employed during the construction phase for unexpected contamination. In accordance with guidance presented in C681 'Unexploded Ordnance (UXO) A guide for the Construction Industry' a review has been undertaken of the historic maps and third-party preliminary risk map, has indicated that the site is at moderate to high risk from historic bombing, shelling or has had a military use. Based on the assessment of the historical maps, Environmental Health have recommended that a specialist UXO risk assessment is undertaken to determine the risk to the proposed development.
- 2.69 The site is within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. As such, the application does not need to be subjected to the sequential or

exception tests. However, given the size of the site, it is necessary to consider how surface water will be drained and how foul sewerage will be disposed of. Infiltration testing has taken place to ascertain whether the ground conditions would allow surface water to be discharged to ground, concluding that the ground is not sufficiently permeable to drain the surface water from the site. KCC have confirmed that the information provided by the tests is adequate and is accepted.

- 2.70 The application has been supported by a Drainage Statement, which has considered the potential sources of flooding and has assessed the opportunities of draining surface water. At present there is no planned surface water drainage on the site, with surface water draining to ground or running off the site naturally. As there are no water courses in the area, the only remaining option is to discharge to a public sewer, although infiltration (in the form of permeable paving) will be used to reduce the volume of surface water which needs to be discharged to the public sewer. KCC Flood Authority have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. The application proposes to discharge foul sewerage to the mains sewer. It is considered that, subject to conditions being attached to any grant of permission to require full details of foul and surface water drainage be submitted for approval, the development would not increase the risk of flooding on site or elsewhere.

Developer Contributions

- 2.71 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

- 2.72 The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted. It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably 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. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):

- Provision of 30% affordable housing
- Provision, retention and maintenance of the 'green', the equipped play area.
- £131,680.00 towards Dover Christ Church Academy Expansion.
- £820.44 towards the Adult Education element of the new Dover Discovery Centre.

- £2096.00 towards Youth Service in Dover.
- £2517.03 towards the library element of the new Dover Discovery Centre.
- £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)

Other Material Considerations

- 2.73 The principle of the development accords with the development plan. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.74 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. The relevant issues within the NPPF have been addressed within the corresponding sections of this report and so will not be repeated in detail here. These sections have concluded that the impacts of the development do not give rise to any harm or harms which would indicate that permission should be refused.
- 2.75 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. The site lies in a location which is wholly consistent with the NPPF's aim to steer development towards sustainable locations, where future occupants can reach (and provide support for) facilities and services, including public transport.
- 2.76 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The site is well linked to all the facilities and services by footpaths. As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.77 The NPPF encourages the development of under-utilised land. Given that the site has not been in active use for several years, there is a sense in which it is under-utilised which weighs in favour of the proposal.
- 2.78 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a modest increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.79 In terms of the social role, the proposal would contribute towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would be slightly skewed from the mix identified as being required by the district which, to a degree, counts against the scheme, whilst 31% of the total number of housing units would be affordable units - a benefit which is given significant weight. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Stanhope Road

however, it is concluded that the impact of additional traffic movements would not warrant refusal. The development would result in the quantitative loss of Open Space. Whilst this space has not been actively used for several years, it has the potential to make good deficiencies in the future, (albeit there is no evidence that the site will become publicly accessible in the absence of this development). However, the application proposes to compensate for the quantitative loss of open space through qualitative benefits, providing accessible green space and Local Play Space.

- 2.80 In terms of the environmental role, the proposal would not cause significant impacts to the character of the area. The development would be visible along the access and in glimpse views between buildings, whilst the access itself would be plainly visible. However, within an urban context, this would not be harmful. Views of the site would be achievable in long range views however, it is not considered that this impact would be significantly harmful. The development would not cause significant harm to ecological interests and would include some enhancements, which will be secured by condition.
- 2.81 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme and that in the round, the proposal is considered to be a sustainable form of development that accords with the objectives of the NPPF.

3. Conclusion

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 The development would provide 32 dwellings in a sustainable location, close to the facilities and services of Dover. 30% of the dwellings would be affordable dwellings. These benefits weigh significantly in favour of the development. The development would also secure the public use of part of the site. It has been concluded that the qualitative benefits of the accessible open space proposed on site provide at least the same quality and equivalent community benefit as the existing site. Whilst the development would increase the number of vehicles using Stanhope Road, the additional vehicle movements generated by the development would not justify the refusal of the application. The development is acceptable in all other material respects, subject to conditions and obligations.
- 3.3 The development accords with the objectives of the development plan and NPPF and is therefore recommended for approval.

g) Recommendation

I SUBJECT TO a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space) PLANNING PERMISSION BE GRANTED, subject to conditions to include:

- (1) Time limit, (2) approved plans, (3) Construction Environmental Management Plan, (4) Specialist UXO risk assessment (5) Construction Management Plan (6) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO) (7) previously unidentified contamination, (8) measures to prevent the discharge

of water onto the highway, (9) details of any electric vehicle charging points, (10) use of bound surface treatment for first 5m, (11) provision and retention of car parking for residents and visitors (12) cycle parking and bin storage, (13) completion of access, (14) completion of internal access roads and footways, (15) provision and retention of visibility splays, (16) details of surface water drainage infrastructure with no infiltration other than that which is approved, (17) details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed (18) full details of all lighting, including the lighting for the amenity space, car parking and residential areas, (19) provision of refuse and recycling areas for residential and for the amenity area (20) scheme to be secured by design (21) samples of materials, to include bricks, roof tiles, metal cladding, timber cladding (22) sectional eaves details (23) details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts, (24) windows to be set in reveals, (25) removal of permitted development rights for porches and roof extensions, (26) ecological mitigation and enhancements, (27) contamination safeguarding (28) broadband connection

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Benazir Kachchhi