

- a) **DOV/23/00521 - Erection of 8 dwellings, associated landscaping and parking (existing buildings to be demolished) - The Larch Nursery, Beacon Lane, Woodnesborough**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP3, CP4, CP6, DM1, DM5, DM11, DM13, DM15, DM16 and DM17.

Draft Dover District Local Plan: The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

SP1; SP2; SP3; SP5; SP11; SP13; SP14; SP15, SAP55; CC1; CC2; CC4; CC5; CC6; CC8; PM1; PM2; H1; TI1; TI2; TI3; NE1; NE2; NE3; NE4; HE1; HE2; HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 12 and Chapters 5, 8, 9, 11, 12, 14 and 15

The Kent Design Guide and National Design Guide

These guides provide criteria and advice on providing well designed development.

- d) **Relevant Planning History**

DOV/88/00061 - Construction of houses – Refused

DOV/00/00335 – Erection of three bay multi-span polytunnel – Prior Approval Not Required

DOV/04/0007 - Erection of three bay multi-span polytunnel – Prior Approval Not Required

DOV/11/00284 - Erection of a 2-bay polytunnel – Prior Approval Not Required

DOV/17/01161 - Outline application with all matters reserved except for the means of access, for the erection of a funeral parlour and Chapel of Rest, garage building, creation of new access and car parking (existing nursery buildings to be demolished

DOV/18/00825 - Erection of an agricultural building – Approved

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

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

KCC PROW– No comment on this application.

KCC Highways – No objection, subject to conditions relating to parking provision and retention, cycling storage and parking and turning areas for delivery vehicles.

KCC Suds - Following the submission of further information, raise no objection subject to conditions to provide fine details of the SUDs scheme and its verification and infiltration.

Southern Water – Advise that a formal application for a connection to the public sewer is required by the developer.

DDC Environmental Protection – No objection, subject to conditions relating to potential contamination and for a Demolition Construction Management Plan (DCMP).

DDC Trees – Development proposes extensive landscaping, but detail has not been provided at this stage of the species. Request condition for replacement planting should any landscaping die or be removed within 5 years.

Environment Agency – No objection, subject to conditions relating to detail of foul drainage, contamination and SUDS details.

DDC Senior Natural Environment Officer – No objection, subject to the submission of a Biodiversity Method Statement for vegetation clearance and construction works and biodiversity enhancement measures .

Woodnesborough Parish Council – Do not object to the development here in principle, but have the following comments:

- Object to the style of this development
- Houses are too large and not suitable for this setting
- More affordable housing is required that fits in with the village
- No mention of solar panels
- Request the speed limit is reduced to 30mph

Third party Representations:

6 Representations of objection have been received and are summarised below:

- Development is too dense and not in keeping with the surroundings
- Draft Local Plan allocates the site for 5 dwellings
- Not in keeping with the surrounding area
- Increased traffic generation
- Inaccuracies and discrepancies within the application documents relating to landscaping, contamination and viewpoints provided
- Contamination on site
- Impact on neighbouring properties, including local small holdings
- Loss of view
- Loss of countryside, along with other developments in the vicinity of the site
- Increase in noise pollution
- Impact on road safety
- Impact from the construction phase
- Highways safety impact

1 representation in support of the proposal has been received and is summarised below:

- Support the reuse of a redundant site
- Property sizes and amenity space look appropriate

- Housing mix is appropriate for the area
- Housing designs are appropriate for the rural area

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

The Site

- 1.1 The application site has an area of 0.49 hectares comprising of a former agricultural nursery. The proposal site is located outside of the settlement confines and for the purposes of planning policy, it is within the countryside. The surrounding area is predominantly in agricultural use, with farmsteads and small groups of buildings dotted across the landscape.
- 1.2 The more immediate area to the southwest of the proposal site comprises mostly of linear development of detached 2 storey dwellings within relatively large plots. To the north of the site there is a small group of two storey semi-detached dwellings. To the southeast of Beacon Lane, there is some sporadic residential development, but this area is predominantly open agricultural fields.
- 1.3 The site is bounded on the existing north, west and southern boundaries by existing landscape. On the eastern boundary of the site, the site is adjacent to Beacon Lane to which there is an existing access approved under application reference 17/00161 (listed above). A Public Right of Way (PROW EE198) is to the north west of the site and runs in north east to south west direction.
- 1.4 The site lies within Flood Zone (FZ) 1 and is therefore considered to be of low probability of flooding. The site lies within a Ground Water Source Protection Zone. There are no heritage assets on the site, or within the immediate vicinity of the site. The closest Listed Building is 280m south at Grade II* Hawthorn Cottage and Fairview Cottage and 360 m to the west at Grade II listed Christian Court.



Figure 1: Location Plan

The Proposal

- 1.5 The application is a full application for planning permission for the erection of 8 dwellings. One vehicular and pedestrian point to the site is proposed using the access, as approved by KCC Highways under application 17/01161.
- 1.6 The site is allocated within the Draft Local Plan (policy SAP55) for an indicative capacity of 5 dwellings, subject to a number of criteria relating to landscaping, archaeology, Flood Risk Assessment and Contamination Assessment.
- 1.7 In terms of the site layout, the proposal consists of 6 detached 4-bedroom units set back from the eastern frontage on Beacon Lane, with a pair of 3-bedroom semidetached units on the eastern boundary fronting on to Beacon Lane. Within the site, there is parking for each plot, a small central open space with SUDS area and landscaping. In terms of the site boundaries, with particular regard to the existing landscaping, this is proposed to be retained and enhanced. Materials would consist of brick, black and natural boarding, tiles and grey coloured windows and doors. The design and layout of the scheme will be discussed in more detail in the assessment below.



Figure 2: Site layout Plan

2. Main Issues

2.1 The main issues for consideration are:

- The Principle of the Development
- Landscape and Visual Impact on the Countryside
- Design Quality & Landscaping
- Residential Amenity
- Highways
- Biodiversity
- Flood Risk and Drainage
- Affordable Housing, Infrastructure and Open Space, and Housing Mix
- Other Matters

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.

Development Plan

- 2.3 The site is located outside the existing settlement boundary of Woodnesborough and is considered to be within the countryside for the purposes of the policies within the Core Strategy. In such a location Core Strategy policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the proposed development does not fall within any of these exceptions, it is contrary to policy DM1.
- 2.4 Policy DM1 is considered to be partially consistent with the aims of the Framework (including prioritising previously developed land, avoiding the loss of BMV agricultural land, making better use of under-utilised land and buildings, and recognising the intrinsic character and beauty of the countryside), it is also identified that policy DM1 is a product of the level of housing growth of the Core Strategy and is more restrictive than the NPPF which seeks to significantly boost the supply of homes.
- 2.5 The Core Strategy policies and the settlement confines referred to within those policies were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government's standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying policy DM1 is considered out-of-date. As such, policy DM1 should carry less than full weight.
- 2.6 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being outside the settlement boundary, is also considered to conflict with policy DM11.
- 2.7 The aim of policy DM11 to manage patterns of development to prioritise more sustainable modes of transport broadly reflects the aims of the NPPF. However, the blanket restriction within policy DM11 against development outside of the settlement confines is again significantly more restrictive than the NPPF which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.8 Policy DM15 seeks to resist the loss of countryside, which is more stringent than the NPPF, and development that would adversely affect the character or appearance of the countryside, which is broadly consistent with the NPPF. The first strand of this policy (resisting the loss of countryside) is another example of the blanket restriction against development outside of the confines; however, the second strand is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than the more generic character and appearance. Whilst not considered to be out of date, policy DM15 is considered to carry reduced weight.
- 2.9 Given the importance of policy DM1, the relationship between policy DM1 and DM15, and the tension between policy DM11 and the Framework, it is considered that the 'basket of policies' in the Core Strategy which are most important for determining applications are out-of-date and should be given less than full weight.

Tilted Balance

- 2.10 Notwithstanding the primacy of the development plan, Framework paragraph 11(d) states that where the policies which are most important for determining the application are out of date permission should be granted unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the ‘tilted balance’) or (ii) specific policies in the Framework indicate that development should be restricted.
- 2.11 The consequence of engaging the tilted balance is considered further in the overall planning balance at the end of this report.
- 2.12 Whilst the tilted balance is engaged by reason of the most important policies for the site being out of date, it must be noted that the tilted balance is not engaged by reason of the councils housing land supply or housing delivery positions. The council is able to demonstrate a housing land supply of 5.31 years’ worth of housing supply and the council’s Housing Delivery Test measurement is currently 88% and forecast to increase to 107% for the period 2020/21 – 2022/23.

Draft Local Plan

- 2.13 Regard is had to the Draft Local Plan, which sets out the Council’s vision, strategic objectives and development strategy for the growth of the district over the period until 2040. This includes planning for housing development based on a local housing need figure of 611 dwellings per annum (using the Government’s standard method), with a distribution of those homes focussed on Dover town and Whitfield; at Deal and Sandwich, to an extent that reflects their environmental and highway constraints; and at Aylesham through a strategic size extension to that settlement.
- 2.14 The Draft Local Plan under policy SAP 55 – Beacon Lane Nursery, Beacon Lane, Woodnesborough (WOO005) seeks to allocate the site for residential development. The policy advises that the site has an indicative capacity of 5 dwellings and that development proposals will need to meet a number of criteria (outlined above). These criteria will be assessed later in this report.
- 2.15 The Draft Local Plan currently carries some weight in decision making. However, in accordance with Framework paragraph 48, given there are objections to relevant spatial and housing allocation policies of the Draft Local Plan, full weight cannot yet be afforded to its overall strategy of meeting the district’s housing needs. However, it is concluded that the draft policy does carry moderate weight at this stage.
- 2.16 The principle of residential development on the site is therefore considered to be acceptable, subject to the detailed assessment below.

Landscape and Visual Impact on the Countryside

- 2.17 The NPPF states in paragraph 131 that ‘creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.
- 2.18 The application site is a relatively large plot currently occupied by a number of polytunnels and a modern barn building. The site has existing vehicular access on

to Beacon Lane. The surrounding area to the north and south is a mix of properties of differing scale and age between the north and south. In terms of the layout of the surrounding area, this consists predominantly of linear development with long narrow rear gardens. To the west, the site is relatively well screened by an existing landscape buffer, but there are opportunities for this to be further enhanced through this application.

- 2.19 The introduction of development on the site will inevitably cause harm to the character and appearance of the local area contrary to policy DM15 of the Core Strategy but in view of the moderate weight given to the draft site allocation policy and it being a material consideration, this impact will be assessed in the context of this policy.
- 2.20 The draft site allocation policy is not accompanied by specific landscape impact evidence to define how the site should be developed and with regard to landscaping and design, the draft allocation states that: "Existing trees and hedgerows along the boundary of the site should be retained and enhanced to provide an appropriate landscape buffer".
- 2.21 In terms of the Council's Landscape Character Assessment (October 2020), the site forms part of D2 – Ash. This is an area described as a "gently sloping area of land, contrasting with adjacent low-lying marshes and part of their setting, and openness and long views which are vulnerable to changes. Relevant development Management 'Guidance' includes:
- using woodland creation opportunities to help integrate existing and new urban edges within the rural landscape setting;
 - seeking positive landscape management around the settlements and where development/extensions are proposed seek to create a well-structured landscape framework to define edges and integrate settlement within the wider landscape
 - Maintain separation and individual identity of the ridge settlements at Ash, Marshborough, Woodnesborough, avoiding further linear development, consolidation/infilling along the connecting roads.
- 2.22 The development will inevitably result in change to the character of the site and the local landscape both to Beacon Lane to the east and along PROW EE198 to the west of the site.
- 2.23 Therefore, through the pre application process and during the determination of the application, the three residential units on the western side of the site, have been moved further into the site from the existing boundary landscaping. This landscaping would be outside of the curtilage of the properties and to be managed by a management company for the development. This would ensure that the landscape is retained and continues to provide screening of the development when viewed from the PROW to the west. Whilst this landscaping is outside of the red line boundary, it is within the blue line (any other land owned by the applicant), and a Grampian condition will be used to ensure that the planting takes place, and the maintenance of the landscaping will be secured by the S106 legal agreement. It is considered that this set back, and the retained and enhanced landscape planting would suitably limit the visual impact of the development here in line with the draft policy criterion to retain and enhance this landscape boundary planting.

- 2.24 In terms of the visibility of the site from the east, the development would be clearly visible from Beacon Lane and PROW EE220A. Two units would front on to Beacon Lane and would follow the existing building line and house types that are adjacent to the site to the north. The two units would be set back from Beacon Lane, on the existing building line, and this allows space for landscaping to be provided to the frontage. In the intervening space between these units and the funeral home to the south, there are significant areas within the centre of the site, relative to the size of the site, to provide landscaping, SUDS ponds, and with the meander of the road and landscaping to be provided, this would sufficiently break up views of the site when viewed from the east.
- 2.25 In terms of the northern boundary, units 4 and 5 to the rear of the site, would be visible from EE198, which runs in a north east to south west direction. This boundary and the proposed development will be partially screened by retained and enhanced northern boundary landscaping and although set back from development fronting on Beacon Lane, it will be perceived as a natural extension of the existing development that will replace existing polytunnels that are currently on the site. It is considered that in the long term, the visual effects would be reduced as the landscaping becomes established.
- 2.26 Overall, the development will cause a degree of change and appearance of the local area and landscape from agricultural polytunnels to residential. However, in the context of the draft Local Plan allocation and the site criterion which require the retention and enhancement of landscape planting, the measures outlined above to limit this impact through setting development back from the site boundaries, with new planting on the boundaries of the site and within the site, these measures would serve to suitably minimise the impact. The Draft Local Plan has moderate weight, and the proposals align with the draft site policy in respect of the impact landscape retention and enhancement. Furthermore, the Draft Local Plan allocation as submitted made no specific reference to where new built development could be located so, given this context, it is considered that an acceptable scheme has been submitted in accordance with Draft Local Plan policy SAP55.

Design Quality and Landscaping

- 2.27 The NPPF has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Healthy Life'. This application has been assessed against this framework.

Access and Connectivity, Walking and Cycling

- 2.28 One access point would be provided using the existing access off of Beacon Lane. KCC Highways has raised no objections in terms of the suitability of the access, the visibility splays and also the internal layout in terms of access and manoeuvrability. KCC Highways has not requested that the speed limit be reduced as requested by the Parish Council. In terms of the site entrance, the meander within the road entrance as you enter the site will reinforce speed change as drivers enter the site. The applicant has provided vehicle tracking to show that fire and refuse vehicles are able to access the site.
- 2.29 In terms of pedestrian access, a footway is proposed along the access road, which would connect with Beacon Lane. Beacon Lane itself does not contain any footpaths within the vicinity of the site, or bus stops so the accessibility of the site to more sustainable modes of transport (bus, walking and cycling) counts against

the scheme, however as discussed above, the site is an allocation for residential development and this lack of access to sustainable modes of transport is not considered to be a ground for refusal for this application.

Layout and Building Designs

- 2.30 The residential proposals are for a density of approximately 11.4 dwellings per hectare (dph). Policy CP4 sets out that residential development will be expected to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings net per hectare. The proposals are therefore significantly lower than the policy requirement, however this is appropriate particularly bearing in mind rural area of the application and its lower density and the allocation policy requirement for an indicative capacity of 5 dwellings, to ensure a transition to the rural landscape and the need for the development be of an appearance sympathetic to the surrounding rural area. This is also borne out through the spacious nature of the development.
- 2.31 The units would be two storeys in height, in keeping with residential units in the surrounding area. Units 7-8 on Beacon Lane seek to fit in with the existing houses and are traditional in nature from the public facing elevations but blend into a more contemporary style to the rear extension elevations. Units 1 – 6 are set back from the road and relate closely to the surrounding countryside. These units have been designed to fit into their setting, drawing inspiration from traditional agricultural buildings. This approach manifests in the simple linear shapes of the buildings, which are generally rectangular in shape with tiled or natural slate pitched roofs.
- 2.32 Good detailing and interest are provided for all of the units and incorporate red brickwork, black and natural weatherboarding, natural slate, clay tile, vertical boarding and chimneys. The designs are of good quality and are appropriate for the rural location and high-quality materials will be secured by planning condition.



Figure 3: Street Scenes

- 2.33 Hard surface details within the site have not been provided at this stage, but high-quality materials and the use of block paving for the roads and parking areas will be secured by condition. Front boundaries are generally open with the use of three

rail chestnut cleft post and rail fencing used to the front of units as well as around the rear boundaries of private amenity areas.

- 2.34 Refuse storage details have been provided that would be in rear gardens. Cycle storage would be provided with sheds for each property. This provision will be secured by condition.
- 2.35 Overall, the building designs are of high quality with the use of appropriate materials and detailing in accordance with policy PM1 of the Draft Local Plan.

Landscaping

- 2.36 Indicative landscape details have been provided on the proposed site layout plan that shows trees and hedging to enhance the site boundaries, which is appropriate. Additional landscaping will be provided along the western boundary to further screen the development. Within the site, properties are generally bounded to the front with amenity grass, and with hedging on side boundaries. The amenity grass areas adjacent to plots (front gardens) should provide further areas for shrubs and this will be secured by condition to be provided as part of a detailed landscaping plan. Street trees are shown around the access road and around the central SUDS pond.
- 2.37 For the areas beyond the housing there would be two SUDS ponds within the site, one to be located within the centre of the site and with one adjacent to the eastern boundary of the site. There would be landscaping around the ponds, to provide year-round interest in these areas, which can be secured by condition. In addition, the basin would not be excessively large, deep, and would predominantly remain dry with a significant amount of planting around the basin so would be aesthetically acceptable. The enhanced boundary native planting along the north, west and eastern boundaries will be secured by condition as will the central areas landscaping within the site. Conditions will secure details of implementation and ongoing management.
- 2.38 As set out above, the application proposes to retain and enhance boundary landscaping and with a significant amount of landscaping within the site. Landscape planting will be outside of the ownership of future residents with details of the management of these areas to be provided. This will ensure that these areas remain attractive and well maintained.
- 2.39 Overall, it is considered the landscaping principles will provide a good quality environment and setting to the development. Conditions can guide the details to ensure a high-quality scheme is delivered in accordance with Draft Local Plan policy PM1. This would also comply with the landscape requirements of draft policy SAP55.

Residential Amenity

Neighbouring Properties

- 2.40 The main potential impacts will be upon existing dwellings adjacent to the east of the site at No's 1-2 Beacon Lane to the north and east of the site. Plots 6-8 are the closest residential properties to these existing properties. In terms of plots 7-8, these units have side elevations on to the side elevation of the neighbouring residential property. Due to this side orientation, low level windows only and separation distance, it is not considered that these units would result in

unacceptable residential harm, in terms of overlooking, loss of privacy or overshadowing.

- 2.41 In terms of plot 6, the front elevation of this dwelling would face on to the rear elevation of the existing residential property to the north. There is an acceptable separation distance between the elevations, whilst there will be opportunity for some mutual loss of amenity in terms of loss of privacy, this is not considered to be of significant harm to warrant refusal.

Future Residents

- 2.42 All of the proposed houses would have sufficiently sized rear gardens that would benefit from suitable outlook and privacy. The houses are designed to be compliant with Nationally Described Space Standards in accordance with Draft Local Plan policy PM2.
- 2.43 All residents would have access to open space areas within the site and private amenity space which provides future residents with sufficient outdoor amenity space.
- 2.44 Overall, it is considered the development would not result in an unacceptable impact upon privacy, light, or outlook of any neighbouring properties or result in excessive noise or disturbance in accordance with Draft Local Plan policy PM2 and NPPF paragraph 135.

Highways

- 2.45 NPPF Paragraph 115 sets out that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.
- 2.46 There are no definitive thresholds set out in national planning policy that dictate when a Transport Assessment or a Transport Statement report is required, as local factors will determine whether a Local Planning Authority considers a development will have a 'significant impact' on transport or not. However, in broad terms, a residential scheme of 10 or more dwellings will require a Transport Statement, and those of 100 dwellings or more will require a Transport Assessment (draft Local Plan policy T12).
- 2.47 Whilst the application is not supported by a Transport Assessment or Transport Statement, the applicant has submitted a comprehensive site plan showing that the 8 dwellings would use the existing access and that the site would have a sufficient number of independently accessible parking provisions with additional visitor bays to meet the requirements set out within Draft Local Plan policy T13. Additionally swept path analysis drawings demonstrate that vehicles can enter and exit the site in a forward gear.
- 2.48 KCC Highways has assessed the application and consider that subject to planning conditions, they have no objection to the application for 8 dwellings. Therefore, no objection is raised on highway grounds.

Biodiversity

Protected Species

- 2.49 Ecological surveys have been carried out and identify that there is potential impact on nesting birds and hedgehogs during construction, and the potential for impacts for foraging and commuting bats as a result of lighting of the proposed development once complete. The Senior Natural Environment Officer has advised that sufficient information has been submitted to determine the application.
- 2.50 Mitigation measures for impacts to nesting birds and hedgehogs are recommended in the Preliminary Ecological Assessment and these will be secured by condition. With respect to the external lighting proposals, the PEA recommends that guidance to minimise impacts to bats is followed and again this will be conditioned.
- 2.51 Biodiversity enhancement measures are recommended within the Preliminary Ecological Report, however the Council's Senior Natural Environment Officer has commented that further ecological enhancement measures should be provided, including bat bricks and bird nest boxes, hedgehog gaps and native species planting. These enhancements will be secured by planning condition.

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.52 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.53 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the 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.
- 2.54 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.
- 2.55 In terms of Draft Local Plan policy NE3 and the Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy, the site is located within the 9km Zone of Influence radius of the SPA and therefore a total financial contribution is required of £8,054, to be secured by a Unilateral Undertaking.
- 2.56 It is considered that the proposal complies with Draft Local Plan policies SP13, SAP55, NE3 and NPPF Chapter 15.

Flood Risk and Drainage

- 2.57 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or from the sea. Consequently, it is not necessary to undertake the Sequential or Exceptions tests for flooding.
- 2.58 Surface water drainage would be dealt with through SuDS. KCC Flood and Water Management have reviewed the proposals and following clarification on matters, they raise no objections subject to conditions.

- 2.59 Foul drainage would be through sealed cess pits, and subject to conditions, the Environment Agency is satisfied that planning permission can be granted.
- 2.60 No objection is raised on flood risk or drainage grounds in accordance with Draft Local Plan policy CC6.

Affordable Housing, Infrastructure and Open Space, and Housing Mix

- 2.61 The number of units proposed is below 10 and the site area is under 0.5 hectares and therefore, as per NPPF Paragraph 65, Core Strategy policy DM5 and Draft Local Plan policies SP5 and SP11, no infrastructure contributions or affordable housing are sought from this proposal.

Housing Mix

- 2.62 Draft Local Plan policy H1 sets out the overall housing mix being sought through the draft Local Plan. However, as the number of units is below 10, the policy is not applicable to the consideration of this application.

Other Matters

Archaeology and Heritage

- 2.63 The draft allocation policy requires the submission of an Archaeological Assessment to support the application due to the site lying within an area of archaeological potential. However, notwithstanding this, there is already a considerable amount of development on site, in the form of the access, polytunnels and a barn, and it is considered that this matter can be dealt with by a suitably worded pre commencement condition.
- 2.64 In terms of heritage, due to the separation distance of the site from heritage assets (listed within the description of the site above), and the intervening development, it is not considered that the proposal would have any adverse effects on the significance of the listed buildings. There are no Conservation Areas within the vicinity of the site. The proposed development would therefore comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Draft Local Plan policies HE1 and HE2. The assessment fulfils the requirements of paragraph 200 of the NPPF. The tests of paragraph 207, 208 and 209 of the NPPF are not engaged.

Contamination

- 2.65 The application is supported by a Contamination Assessment, as required by the draft allocation policy for the site (SAP55). In respect of contamination, the assessment identifies that there is a moderate risk of contamination and further works are required. The Environmental Protection team has reviewed the submitted information and are satisfied that this can be dealt with by the Council's standard land contamination condition. In addition, due to the proximity of the site to other residential properties, the Council's Environmental Protection team has requested a condition for a demolition and construction management plan, which will also be secured by condition.
- 2.66 The site is located within a Source Protection Zone 1 for a groundwater abstraction utilised for human consumption and is therefore a highly sensitive area. The

Environment Agency has been consulted, and they have no objection subject to conditions relating to SUDS, foul drainage and contamination.

- 2.67 No objection is raised on the grounds of contamination and the proposal is in accordance with Core Strategy policy DM17 and Draft Local Plan policy SAP55.

Agricultural Land

- 2.68 The NPPF, at paragraph 180, advises that planning policies and decisions should recognise “the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”. The site includes Best and Most Versatile (BMV) agricultural land and the loss of BMV agricultural land is a material consideration which weighs against the development. However, the loss of land would be relatively limited. Whilst the loss of BMV is material in the planning assessment, it is not considered that it is determinative given the circumstances of this case, in particular given that the site is proposed for allocation.

3. Conclusion

- 3.1 The site has been proposed for allocation in the emerging Local Plan, being identified as a suitable location for additional housing to meet the needs of the district and a small site identified in Woodnesborough, being capable of delivering housing over the plan period (together with one other ‘smaller site’). The development would have an impact on the character of the area, however this impact is considered to have been limited and mitigated through the use of landscaping. Due to the small number of units proposed, no objection is raised on highway grounds and impacts on protected species are considered to be acceptable, subject to conditions.
- 3.2 The ‘basket’ of Core Strategy policies that are ‘most important’ for the determination of this application are out of date. Consequently, the application should be assessed having regard for the ‘presumption in favour of sustainable development’, or the ‘tilted balance’ as set out at paragraph 11d of the Framework. This requires that planning permission should be granted unless the adverse impacts of granting planning permission would ‘significantly and demonstrably’ outweigh the benefits.
- 3.3 The site is also included within the emerging local plan for residential development. Whilst the emerging policy allocating the site indicates a capacity for 5 dwellings (this application proposing 8 dwellings), it is considered that the development of the site for residential use is acceptable.

The development of the site would, necessarily, alter the character of the site in some views, especially short-range views from Beacon Lane and PROW EE198. Whilst this impact is considered to weigh against the scheme, it is concluded that the level of harm is limited. There would also be a loss of BMV agricultural land. Whilst this weighs against the development, this is not considered to weigh heavily in the planning balance.

- 3.4 Subject to conditions and a legal agreement, the development is considered to be acceptable in all other material respects.

- 3.5 It is therefore concluded that the harm of this development is significantly outweighed by the benefits (conversely, the test for refusal being that the harm must significantly and demonstrably outweigh the benefits). As such, it is recommended that planning permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to completion of a unilateral undertaking to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA and the retention and maintenance of landscaping, and subject to the following conditions:
- (1) Time limits
 - (2) Approved plans
 - (3) Existing the proposed site levels and building heights
 - (4) Samples of materials
 - (5) Details of hard landscaping
 - (6) Full details of windows and doors, including the depth of reveals
 - (7) Biodiversity Method Statement
 - (8) Biodiversity Enhancement
 - (9) Lighting
 - (10) Soft landscaping plan
 - (11) Tree protection details
 - (12) Foul drainage
 - (13) No infiltration of surface water drainage
 - (14) Contamination
 - (15) Demolition and Construction Management Plan
 - (16) SUDS
 - (17) SUDS Verification
 - (18) Programme of archaeological works
 - (19) Refuse, recycling facilities and cycle storage to be provided in accordance with details submitted
 - (20) No flues, vents, grilles or meter boxes
 - (21) Boundary details/enclosures as per submitted plans
- II Powers to be delegated to the Head of Planning and Development to agree a contribution for off-site highway work, settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Adam Reynolds

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).