

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

14 February 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 23 February 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
A F Richardson
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 26 January 2017 (to follow).

5 **ITEMS DEFERRED** (Page 5)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6-9)

6 **APPLICATION NO DOV/16/01099 - FORMER THREE HORSESHOES PUBLIC HOUSE, CHURCH HOUGHAM, DOVER** (Pages 10-18)

Erection of detached dwelling on site of former public house

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/16/00875 - SITE AT CASINO GARAGE, CANTERBURY ROAD, WINGHAM** (Pages 19-27)

Change of use from car sales forecourt to hand carwash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/16/00968 - LAND AT WEST SIDE, WESTSIDE, EAST LANGDON, DOVER** (Pages 28-38)

Erection of ten dwellings (two with car barns), creation of vehicular access, parking and associated landscaping

To consider the attached report of the Head of Regeneration and Development.

9 **APPLICATION NO DOV/15/01277 - PHASE II OF WHITFIELD URBAN EXPANSION, WHITFIELD** (Pages 39 - 90)

Outline application (with all matters reserved) for Phase 2 of Whitfield Urban Extension incorporating Parsonage Whitfield and Shepherd's Cross Neighbourhoods and comprising up to 410 and 780 dwellings respectively in the form of 1-5-bedroomed, two and part three-storey accommodation, together with green infrastructure including a minimum of 4.01 hectares of SAC mitigation land, cemetery, a spine access road and junctions connecting Archers Court Road with Sandwich Road, associated roads, footpaths and cycleways serving the individual residential areas, car parking and garaging and associated infrastructure

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **REVIEW OF THE CONSTITUTION** (Pages 91-96)

To consider the attached report of the Director of Governance.

Due to its size, the appendix to the report has been published as a supplement to the main agenda.

11 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

12 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 23 FEBRUARY 2017

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/16/01099** **Erection of detached dwelling on site of former public house – Former Three Horseshoes Public House, Church Hougham, Dover (Agenda Item 8 of 26 January 2017)**

This application is dealt with elsewhere on the agenda

2. **DOV/16/00442** **Erection of eight dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of vehicular access, parking area and associated works - The Three Tuns, The Street, Staple (Agenda item 8 of 15 December 2016)**

3. **DOV/16/00576** **Outline application for the erection of two detached dwellings, alterations to the existing access and car parking – Land adjacent and fronting Roseacre, East Langdon Road, Martin (Agenda Item 13 of 21 July 2016)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

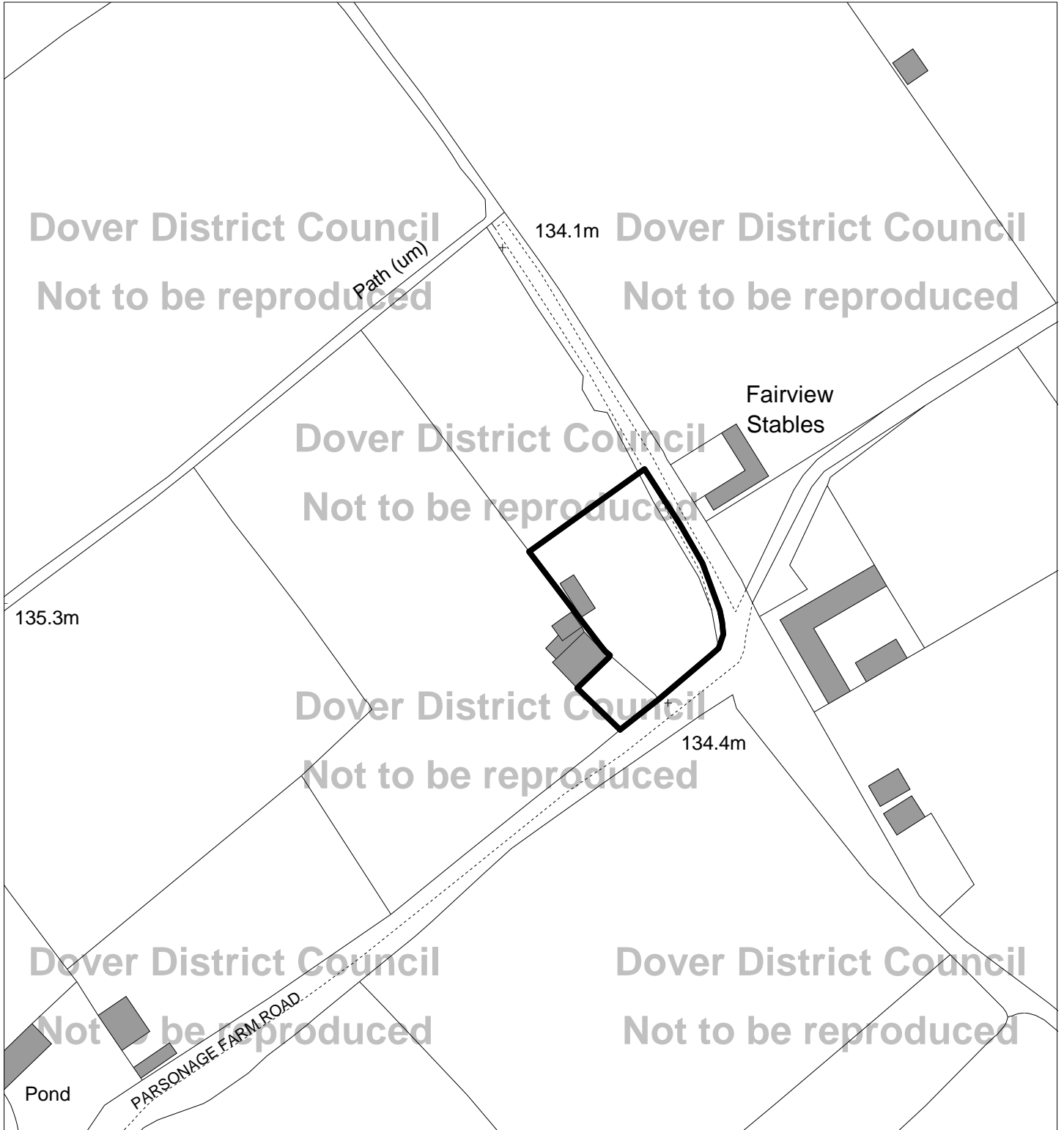
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.

This plan has been produced for Planning Committee purposes only. No further copies may be made.



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2016

Note: This plan is provided for purposes of site identification only.

Application: DOV/16/01099

Former Three Horse Shoes PH

Church Hougham

CT15 7FD

TR28274021



a) **DOV/16/01099 – Erection of detached dwelling on site of former Three Horseshoes Public House, Church Hougham, Dover**

Reason for report: The number of third party contrary views.

b) **Summary of Recommendation**

Refuse planning permission.

c) **Planning Policies and Guidance**

Dover District Core Strategy

- Policy CP 1 Settlement Hierarchy- Identifies where housing development should be directed.
- Policy DM 1 Settlement Boundaries- Development will not be permitted on land outside the rural 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.
- Policy DM 11 Location of Development and Managing Travel Demand- Indicates that development that would generate travel will not be permitted outside urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM 13 Parking Provision.
- Policy DM 15 Protection of Countryside
- Policy DM 16 Landscape Character

National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- The NPPF has 12 core principles which, amongst other things, seeks to: secure high quality of design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment; and actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of NPPF states that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing sites.
- Paragraph 55 of the NPPF states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...”

- Paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
- Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Kent Downs AONB Management Plan 2014-2019

Policy SD1- Conservation and enhancement of the Kent Downs AONB.

Policy LLC1- Protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB.

d) **Relevant Planning History**

DO/74/ 357- Erection of two detached bungalows. Planning permission refused.

DO/78/1075- Erection of log house. Planning permission refused.

DO/80/347- Erection of stable and store. Planning permission granted.

DO/85/1096- Erection of bungalow for disabled person. Planning permission refused.

DOV/15/01264- On 5th February 2016 planning permission was refused for the erection of a detached dwelling for the following reason:-

1. The development does not comply with the Core Planning Principles set out in the NPPF and Development Plan Policy. It is unjustified development located beyond any confines, in an isolated and prominent location and if permitted would detract from, and harm the setting, character, appearance and functioning of the AONB, would not generate social benefits, and would not benefit the wider economy. Accordingly, the development is not sustainable and is contrary to the aims and objectives of the NPPF, in particular at Paragraph 7, 14, 55, 109 and 115 and Development Plan Policies DM1, DM11 and DM15.

e) **Consultee and Third Party Responses**

Hougham Without Parish Council- Resolved to positively support this application and approve the design and site location stating that:-

“We are aware that such a new building close to the village would appear to set a precedent for other land owners in the parish to apply for similar permission. However, the council believes this location is a special case because there has already been a property on the site in living memory.

The old pub and other dwellings existed on the site until WW2 when they were badly damaged and demolished. Until this time these properties had been very much part of the community of Church Hougham and even though additional properties were built within the village immediately after the war

there has been only three other new buildings erected since then and most recent of these was around 35 years ago.

We consider thereby that this proposed property is sustainable as part of the village of Church Hougham. The property will not increase traffic flow in the village as the applicants already visit the site regularly to attend their animals which therefore would reduce the number of journeys.”

Ecological Officer- The site is within the Kent downs AONB and has reverted to a greenfield site. The development of a detached house on this isolated site would not conserve the landscape or natural beauty of the AONB, contrary to Paragraph 115 of the NPPF.

Public Representations- A total of eleven letters have been received from seven respondents objecting to the proposal on some or all of the following grounds:-

- Outside designated village confines;
- Adverse impact on character and visual amenity of AONB;
- Site is greenfield not brownfield;
- Unacceptable precedent for future development;
- Unacceptable increase in traffic;
- Exacerbate existing parking and access problems;
- Inadequate infrastructure;
- Additional traffic would damage existing poor quality road surface; and,
- Noise and disruption during construction.

A total of eleven letters have been received from ten individual respondents in support of the application, raising the following points:-

- Development would improve the appearance of the area;
- Dwelling would be well sited;
- There would be no significant increase in traffic;
- Help to restore local population;
- Area would benefit from more houses;
- The village is not isolated or remote;
- Would improve security for the community
- Would deter flytipping; and,
- Development would be good for the welfare of the applicant's horses.

In addition, two responses were received neither objecting to or supporting the application.

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

1.1 The application site is located on the north-eastern fringe of Church Hougham at the end of Parsonage Farm Road, a narrow rural access lane. The site is roughly rectangular in shape with a maximum depth of 38m, a width of 30m and an area of approximately 0.1 ha. The site contains a small barn of timber construction and is bounded by a timber post and wire fence supplemented by a hedgerow to the south-eastern side and a line of trees along part of the south-western side. The site previously contained a Public House and two cottages that were destroyed during WW2, prior to the `appointed day` i.e. 1948. Any structures or buildings on the site are now considered to have `gone`. The lawful use of the site is now for agricultural purposes.

- 1.2 The site lies on high ground within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is readily visible from the surrounding countryside, particularly to the north, west and east. The surrounding area is mainly used for the grazing of horses with a number of the adjacent and nearby fields containing stable blocks and field shelters.
- 1.3 The applicant owns approximately 2.8 hectares of additional land immediately adjoining the application site to the south-west, north-west and to the north-east, which appears to be solely used for the keeping of horses.
- 1.4 The application seeks full planning permission for the erection of a two storey, two bedroom detached house. The proposed building would occupy a central position within the site. It would have a rectangular footprint with a width of 11.5m, a depth of 10m with an eaves height of 4.8 and a ridge height of 7.8m. It would be set back 12m from the Parsonage Farm Road frontage and 6m from the return frontage with the rural track to the east.
- 1.5 The proposed building would be of a 'traditional' design with face brick elevations, a tiled gable roof and UPVC windows. There would be parking on the forecourt for three cars utilising the existing access onto Parsonage Farm Road.
- 1.6 Although located in a comparable position within the site, the two storey gable roofed dwelling currently proposed is significantly larger than the chalet style bungalow with half-hipped roof previously refused (DOV/15/1264). For example, the dwelling currently proposed is 2m wider and 2m its eaves and ridge 2.3m and 1m higher respectively.
- 1.7 The applicant has not submitted a Design and Access Statement or other documentation in support of the proposal. However, Members are advised that in connection with the earlier refused planning application, the applicant's indicated that they need to live on site on a full time basis because they look after horses with on-going medical conditions.

2. **Main Issues**

- 2.1 The main considerations in the determination of this application are:-
 - The principle of the proposed development;
 - Design and impact on the character and visual amenity of the area including the impact on the AONB;
 - Impact on the amenities of neighbouring occupiers;
 - Highways and parking; and,
 - Sustainability
- 2.2 **The Principle of the Proposed Development**
- 2.3 Church Hougham is not specifically identified in the Settlement Hierarchy (Core Strategy Policy CP1) and is thereby classified as a 'hamlet' which is "*not suitable for further development*". Church Hougham does not have confines. Given that residential development

does not functionally require a rural location, the proposal is contrary to Policy CP1.

- 2.4 Having regard to the proposals map the application site itself is located on land outside the designated urban boundaries and rural settlement confines and as such, under policy DM1 of the Core strategy development should not be permitted unless certain exceptions apply:-
- i. Unless specifically justified by other development plan policies; or,
 - ii. It functionally requires a rural location; or,
 - iii. It is ancillary to existing development or uses.
- 2.5 The above exceptions are not applicable in this case and therefore the principle of residential development in this location is also considered to be contrary to Policy DM1.
- 2.6 As members will be aware the District cannot currently demonstrate a five year supply of housing land and under these circumstances the National Planning Policy Framework (NPPF) indicates that policies for the supply of housing including CP1 and DM1 should not be considered up-to-date. Paragraph 49 of the NPPF goes on to state that where policies are not up-to-date planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”* or specific policies in the NPPF indicate that development should be restricted. The lack of a five year supply of housing land diminishes the weight of Policy DM1 to an extent but it remains an extant policy and the decision maker is required to consider how much weight should be attached to it.
- 2.7 In this case Paragraph 55 of the NPPF is of particular relevance and advises that with regard to development in rural areas local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the need for a rural worker to live at or near their place of work; where the development would re-use redundant buildings and lead to an enhancement to its immediate setting; or the design of the dwelling is of exceptional quality.
- 2.8 The proposed dwelling would be located in an isolated rural location beyond any designated settlement confines. It would not provide essential workers accommodation or re-use redundant or disused buildings. Furthermore, as reported below the design of the building would not be of exceptional quality. An additional single dwelling would hardly make a contribution to the Local planning Authority’s housing land supply deficit, and in this case little weight can be given to this argument. The proposal would not accord with the aims and objectives of the Core Strategy and the NPPF with regard to the protection of the countryside and the AONB.
- 2.9 Therefore, the proposal is contrary to Paragraph 55 of the NPPF and Core Strategy Policies CP1 and DM1. Other matters are considered below.
- 2.10 Design and Impact on the Character and Visual Amenity of the Area
- 2.11 The site lies within a protected AONB landscape and the countryside and is thereby subject to Policy DM 15 of the Core Strategy which

seeks to protect the character and visual amenity of the countryside. This development plan policy requirement is in accordance with the statutory requirement set out in the Countryside and Rights of Way Act 2000 to have regard to the “*purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*” in exercising its planning function.

2.12 Paragraph 115 of the NPPF is also pertinent, stating that “*great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty*”.

2.13 The Council has also adopted the Kent Downs AONB Management Plan as a material consideration in the determination of planning applications. This plan contains a number of policies including SD1 which states:-

“The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions”.

Policy LLC1 sets out:-

“The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.”

2.14 The farmed landscape is a key characteristic of the Kent Downs AONB. Policy FL1 of the Management Plan seeks to “*retain the principally farmed character for which it is valued*”.

2.15 The application site is used for stabling and pasture, in keeping with the surrounding area which is characterised by agricultural or managed grasslands in equine related uses. It is considered that the introduction of an unjustified substantial residential building on this site together with the associated domestic paraphernalia of washing lines, sheds, hard surfacing and potential for fences, walls and gates, would be out of keeping with the prevailing unspoilt rural landscape and would fail to conserve or enhance the visual quality and natural beauty of the AONB.

2.16 Whilst the design of the proposed house may be acceptable for a village setting it is not considered to be of a particularly exceptional quality or innovative nature which would significantly enhance its setting and as such cannot be justified as an exception to the aims of rural protection allowable under Paragraph 55 of the NPPF.

2.17 In summary the proposal would constitute an unacceptable form of development which would have a detrimental impact on the character and visual amenity of the AONB and countryside, contrary to the aims and objectives of policies DM15 and DM16 of the Core Strategy and the NPPF and the AONB Management Plan policies SD1 and LLC1 in particular.

2.18 Highways and Parking

- 2.19 Policy DM 13 of the Core Strategy requires that developments provide a level of car and cycle parking which balances the characteristic of the site, the locality, the nature of the proposed development and design objectives.
- 2.20 The applicant indicates that three off-street parking spaces would be provided utilising the existing vehicular access onto Parsonage Farm Road. Although numerically this is sufficient to meet the Council's parking standards, it is recommended that in the event of planning permission being granted, details of the parking and access arrangement should be submitted to the Local Planning Authority in the interests of visual amenity and highway safety.
- 2.21 Policy DM11 of the Core Strategy does not support development that would generate travel in a countryside location and states that *"development that would generate travel will only be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies"*. The NPPF also places great emphasis on the need to create sustainable development and to make the fullest possible use of public transport, walking and cycling.
- 2.22 The proposed dwelling would be located on the outskirts of a small hamlet over a mile from the nearest small village settlement of West Hougham. There are no significant facilities or public transport services in West Hougham and the application site itself is surrounded by a network of narrow lanes with no footways. In view of these circumstances, it is considered that a family house in this location would not only result in an increase in private car journeys putting more pressure on the rural lane network but would also be too remote to have a positive impact on the vitality and viability of the nearest rural settlement.
- 2.23 Accordingly, it is considered that the proposal would not constitute a sustainable form of development and as such would be contrary to the aims and objectives of the Local Development Framework and the NPPF.
- 2.24 Impact on the Amenities of Neighbouring Occupiers
- 2.25 There are no residential properties in the immediate vicinity of the application site and as such, there would be no adverse amenity implications in terms of privacy, daylight and sunlight.
- 2.26 Sustainability Overview
- 2.27 The development is an unjustified dwelling outside confines, distant from any facilities, remote in public transport terms and within the AONB. The NPPF sets out that sustainable development should perform an economic, social and environmental role. In this case for the reasons set out above the development is not considered sustainable.
- 2.28 Other Matters
- 2.29 The application site is within an AONB and it is therefore necessary, under the EIA Regulations 2011 (as amended) to screen the development as to whether an Environmental Statement would be

required. Due to the scale of the development, in this case it is not considered that an Environmental Impact Statement would be required.

2.30 Conclusion

2.31 The applicant previously put forward a case that the need to care for horses was the primary justification for the proposed development. Whilst it is accepted that horses welfare is important, it is not accepted that this is sufficient justification for setting aside strong policy objections. An on-site presence is very rarely, if ever a sufficient reason to justify overturning heavily weighted policy objections. There are always alternative methods ensuring the wellbeing of horses such as alarm systems and pressure infra-red security lighting. Therefore, it is considered that the proposed residential development of this site, which is outside the defined settlement confines and in a rural location with limited access to services and amenities, would represent an unsustainable form of development. Furthermore, your Officers consider that the proposal would constitute an incongruous and visually intrusive feature in this important rural landscape to the detriment of the character and appearance of the Kent Downs AONB. Accordingly, the application is contrary to the aims and objectives of the Local Development Framework and the NPPF and therefore, it is recommended that the application is refused.

g)

Recommendation

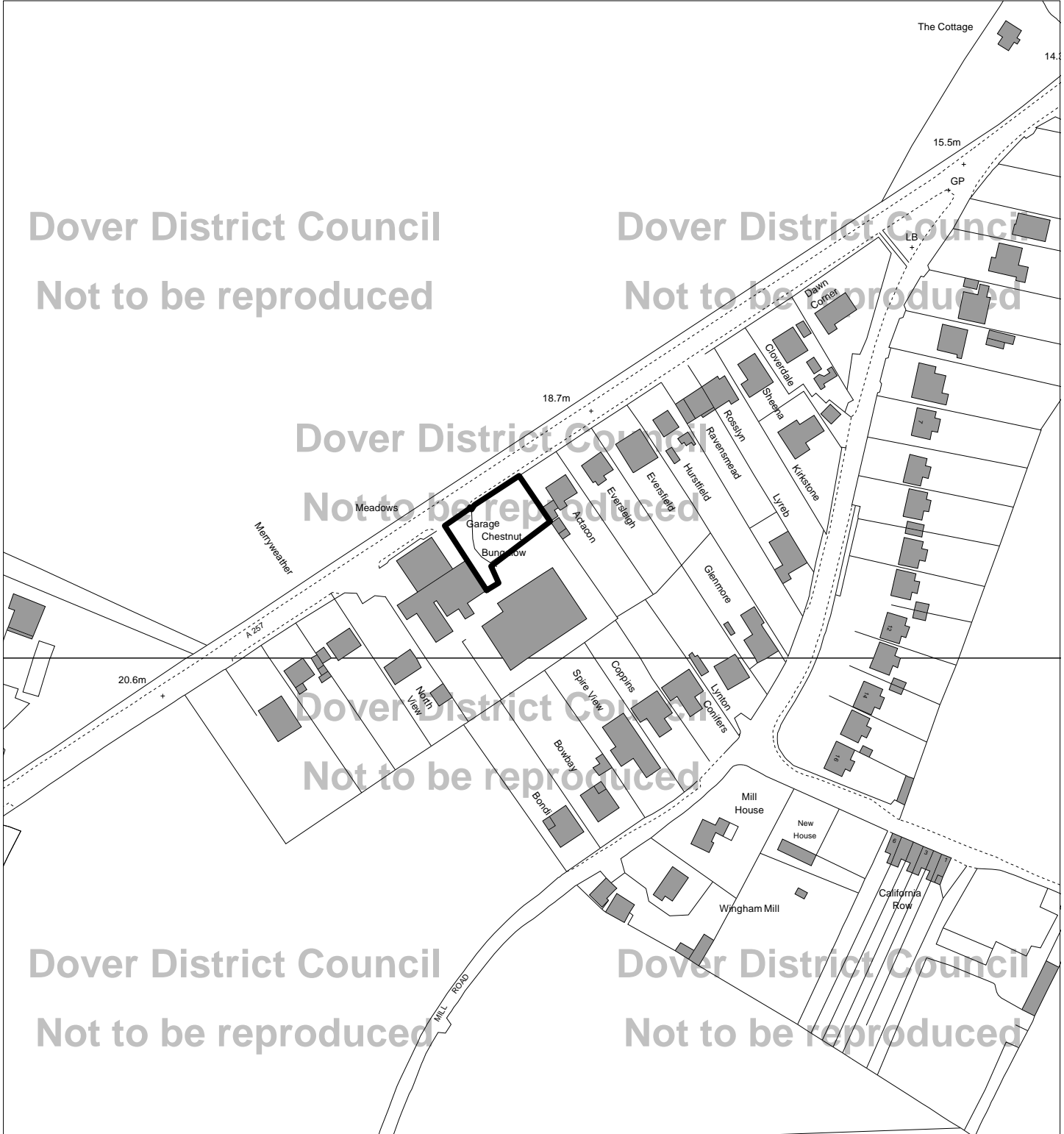
Planning permission be REFUSED for the following reason:-

1. The development does not comply with the Core Planning Principles set out in the NPPF and Development Plan Policy. It is unjustified development located beyond any confines, in an isolated and prominent location and if permitted would detract from, and harm the setting, character, appearance and functioning of the AONB, would not generate social benefits, and would not benefit the wider economy. Accordingly, the development is not sustainable and is contrary to the aims and objectives of the NPPF, in particular at Paragraph 7, 14, 55, 109 and 115 and Development Plan Policies DM1, DM11, DM15 and DM16 and the Kent Downs AONB Management Plan, in particular Policies SD1 and LLC1.

Case Officer

Ray Hill

This plan has been produced for Planning Committee purposes only. No further copies may be made.



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2016

Note: This plan is provided for purposes of site identification only.

Application: DOV/16/875

**Site at casino Garage
Canterbury Road
Wingham**

TR23295704



- a) **DOV/16/00875 – Change of use from car sales forecourt to hand carwash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence - Casino Garage, Canterbury Road, Wingham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 – Prevents development on land outside urban boundaries and rural settlement confines unless if functionally requires such a location, or it is ancillary to existing development or uses.
- DM2 – Seeks to protect employment land or uses to ensure maintenance of supply.
- DM3 – New commercial development or the expansion of an existing business in the rural area will be granted if within a Rural Service Centre or Local Centre. In all cases, if outside the settlement confines it should be demonstrated that no suitable site exists or there is a functional requirement for it to be located elsewhere.
- DM15 – seeks to protect the countryside for its own sake

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 3 of NPPF supports a prosperous rural economy, the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

- d) **Relevant Planning History**

DOV/15/00269 – the change of use from car sales to car hand wash forecourt, erection of screens and siting of office - withdrawn.

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

Parish Council: Raises no objections, but is concerned with the potential

impact of queuing vehicles on the highway. The Parish Council also seeks assurance that appropriate drainage will be in place.

Kent Highways: Adequate car parking has been provided within the site and the route for the car wash is acceptable. There is adequate space within the site to hold an adequate number of vehicles in a queue. Conditions are suggested to safeguard highway safety.

Environment Agency: Raises no objections subject to the imposition of a planning condition with regard to contamination and protecting vulnerable groundwater resources.

Environmental Health: The noise levels arising from the operation of the car wash would be unlikely to cause loss of residential amenity to nearby residents. Conditions are suggested to safeguard against the impact upon nearby residents.

Third Party Comments: There have been 9 letters received as a result of the consultation of the application, which raise objections to the proposal. In summary, these letters of objection raise the following concerns:

- 1) The use would give rise to queuing and congestion which would harm highway safety along Canterbury Road and be prejudicial to the customers and pedestrians crossing the site and visiting the existing garage/use.
- 2) The use would give rise to noise and disturbance and comings and goings on the site that would harm residential amenity and introduce activity on the site at times when the existing/previous use has not operated (not always on Saturdays and not on Sundays).
- 3) The proposed use fails to address the existing drainage problems that are experienced by local residents and does not suitably address drainage concerns arising from the proposed use.
- 4) The proposal lacks suitable facilities for staff and customers.
- 5) There is concern that staff may live on site.

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

Site

- 1.1 The application site forms part of a larger site that is in use as a petrol filling station with car sales, body shop, car repairs and servicing. There are three buildings on the larger part of the site. The first building comprises the petrol filling station building and its canopy (part of this building is used for car sales). The second and third buildings are linked industrial buildings in use for car repairs/servicing and are located immediately south of the application site.

- 1.2 The site, the subject of this application, was last in use for the sale of motor vehicles. It has an open forecourt and is located to the east of the petrol filling station and to the north of the car repairs/body shop buildings. There is a gated access to the site angled across part of the

forecourt of the petrol filling station. The site has a shared access and is not served by its own access from Canterbury Road.

- 1.3 The site is visible from the A257 Canterbury Road and from nearby gardens of residential properties. It is also visible from the nearest dwelling (Actacon) which has windows in its western flank elevation. A car port also exists alongside this dwelling.
- 1.4 The application site and its surrounding land comprises the only commercial use within an enclave of residential properties. These residential properties are built in linear form along a short section of Canterbury Road (extending to the west and east). The residential properties are also built along Mill Road to the south of the application site.
- 1.5 The confines of Wingham Village are located some 1000m to the east of the site. A footway exists along the northern section of Canterbury Road, but only grass verges and driveways to residential properties exist along the southern section of Canterbury Road – leading towards Wingham.

Proposal

- 1.6 The proposal is to change the use of the forecourt from car sales to a car hand wash operation.
- 1.7 To supplement the change of use the proposal also includes the erection of an office building, a designated washing bay with doors at each end and roof canopy over, a kiosk for accommodating pressure washers and vacuum cleaners, parking spaces for up to 8 vehicles, acoustic screens, boundary fence and a new drain run.
- 1.8 The existing access to the site would be retained and widened. The gates would be utilised to provide an “in-out” traffic flow.
- 1.9 The way the use would typically operate would include vehicles arriving onto the site and then remaining stationary between acoustic screens while the jet washers are used to clean the vehicle, the vehicle would then be “soaped” down with clothes/sponges etc, The vehicle would then be rinsed off with jet washers. The vehicle would then be hand dried/polished and then move to the far side of the screened area and vacuumed inside. Not all vehicles will be vacuumed, but based upon observations from other similar operations the exterior cleaning takes some 5 minutes (of which the jet washers are active for 70% of the time) and the interior Cleaning takes some 7 minutes (of which the vacuum cleaners are working for some 74% of the time).
- 1.10 The proposed hours of operation are 0830/0900 hours to 1800 hours in Summer and 0830/0900 hours to 1700 hours in the Winter and 1000 hours to 1600 hours on Sundays. Staff set up and set down would be 30 minutes either side of opening and closing times.
- 1.11 The vacuum units and jet washing process will take place within a purpose-built enclosure (and the motor and body of the vacuum unit will also be stored within an enclosure).

- 1.12 Daily vehicle movements are predicted to be some 50-60, with peak times just after opening, lunchtimes and late afternoon.
- 1.13 An Acoustic Noise Assessment has been submitted with the application. Further information with regard to screens, a fence and materials and their acoustic capabilities has also been submitted. These have been taken into account by the Council's Senior Environmental Protection Officer.

2 Main Issues

2.1 The main issues are:

- The principle of the development
- The impact upon the existing character and appearance of the area
- The harm to residential amenity
- Highway Safety

Principle of Development

- 2.2 An assessment is required as to the acceptability of the principle of the development on this site. The determination of the application should be considered within the context of development within the countryside, safeguarded by policies to protect the countryside and to restrain development within it.
- 2.3 The proposed use does not seek to expand an existing business or enterprise. However, the proposed use seeks to re-use an existing site that forms part of a wider commercial site for a new business purpose.
- 2.4 The proposal does not encroach further into the countryside – rather it reuses the existing hard surfaced area previously in use for car sales. As such, it is considered that in principle the proposed change of use safeguards the objective of protecting the countryside for its own sake.
- 2.5 The proposal seeks a change from one commercial business (car sales) which is a sui generis use and not a Class B business use, to another commercial business (car washing) which is also a sui generis use. It does not require additional land take and retains a quasi-employment use.
- 2.6 In effect, the proposal does not result in the loss of an existing employment use (Class B use), but retains an employment generating use of the land. As such, it is not considered that the proposal conflicts with Policy DM2.
- 2.7 For the above reasons, it is considered that in principle the proposed change of use is an acceptable form of development on the site making an efficient use of a vacant part of a commercial site for

additional employment generating purposes. It is considered that the proposal meets the overarching objectives of the policies in the Core Strategy and paragraph 28 of the NPPF that seeks to promote the rural economy.

Character and Appearance

- 2.8 The existing use of the land is for the sale of vehicles. This is an open use of the land as the parking and storing of cars on it is usually only for short periods; before vehicles are moved, washed, sold and new cars are parked on the land.
- 2.9 The use of the land is also visually contained, with industrial buildings to the south, residential development to the east and the petrol filling station building and canopy to the west. The land does not form part of a continuous open landscape.
- 2.10 The proposal includes cars coming and going across the site (in an in-out direction) with an office building, store, screens and an open canopied area. The buildings are modest in scale and located within the site close to existing buildings. They would not be prominent in the street scene and given their location and the context of the wider commercial activities and buildings they would not appear obtrusive.
- 2.11 Although the use of the land would appear different and more transient in character it is not considered that in its context the proposal would harm the existing character and appearance of the area.

Residential Amenity

- 2.12 There has been a series of exchanges of correspondence between the applicant and the senior Environmental Protection Officer with regard to the potential harm to residential amenity from the use of the site. This matter has now been resolved with conditions suggested by the Council's Officer which in his view would overcome his concerns.
- 2.13 As such, with safeguarding conditions on hours of operation, the use of jet washers and vacuums within enclosed/screened areas and storage of them within the store area identified, it is considered that the use can take place without harm to residential amenity.
- 2.14 There is the further consideration of comings and goings close to existing residential properties and the operation taking place beyond the hours associated with the previous car sales use (not usually on the weekend). The site is located on a busy road and its former use would have been associated with comings and goings. The site also forms part of a wider commercial site which has car repairs, servicing and the petrol filling station with some other car sales taking place. As a result, it is not considered that the proposed use would give rise to undue harm to residential amenity over and above what already occurs. A further consideration is that the existing commercial uses are not restricted by planning conditions limiting hours of operation (neither was the previous car sales use). As such, the planning authority cannot control the future operation times of these uses and would not control the hours of operation should car sales continue on

the application site.

- 2.15 A 1.8m high boundary fence is proposed along the eastern part of the site, which should provide further barriers to noise and disturbance and would help limit the visibility of the proposed use from the wide windows of the adjacent property.
- 2.16 With the safeguarding conditions being imposed, it is considered that the proposed use would not give rise to undue harm to those residents living close to the site.

Highway Safety

- 2.17 The concerns expressed about highway safety through the public consultation exercise have been considered. The Kent Highways officer has responded on the highway safety issues raising no objections, subject to conditions regarding parking and layout being provided in accordance with the submitted drawing.
- 2.18 The use will be able to accommodate some 6 vehicles queuing within the site (within the gated area). It is considered that room for this number of cars is sufficient. Up to 8 staff car parking spaces are provided on site.
- 2.19 There is additional space on the forecourt of the petrol filling station between the highway and the gated access to the site that would separate the queuing cars from Canterbury Road – this area would appear to act as a potential overflow waiting area should it be necessary.

Other Matters

- 2.20 The submitted drawings show how the surface water will be drained through gullies to a drain located away from the nearest residential property. Details of the drainage is subject to a planning condition.
- 2.21 The proposal does not indicate any sleeping accommodation for staff. It is considered that other staff and customer facilities should be provided at the operator's discretion and the issue is not a planning matter.

Conclusion

- 2.22 The proposed use seeks to re-use an existing hardsurfaced area previously used for car sales, within a small group of other commercial uses on a larger site. The proposal does not encroach further into the surrounding countryside than the existing use.
- 2.23 The change of use does not involve the loss of Class B employment floorspace – but retains a quasi-employment generating use.
- 2.24 The site is visually well contained and the proposed use with the associated development would likewise be visually contained within the site and would not be seen to be within the open countryside. The proposal would preserve the character and appearance of the area.

- 2.25 Subject to safeguarding conditions it is considered that there would be suitable protection from noise and disturbance for local residents.
- 2.26 Whilst local residents have expressed concern with regard to highway safety impact, Kent Highways consider that the proposal, as set out and shown on the submitted drawing, would not give rise to highway safety concerns.
- 2.27 With regard to achieving sustainable development, the proposed use has an economic benefit in providing employment opportunities; it also provides a limited social benefit in providing a service to customers. The potential for social dis-benefits arising from the proposal will be addressed through the imposition of conditions to safeguard residential amenity. Finally, the impact on the environment is considered to be neutral.
- 2.28 In conclusion, on balance, the proposal is supported as a sustainable form of development in this location.
- 2.29 Conditions are suggested to enable the use and the operation around the use to be suitably controlled.

g)

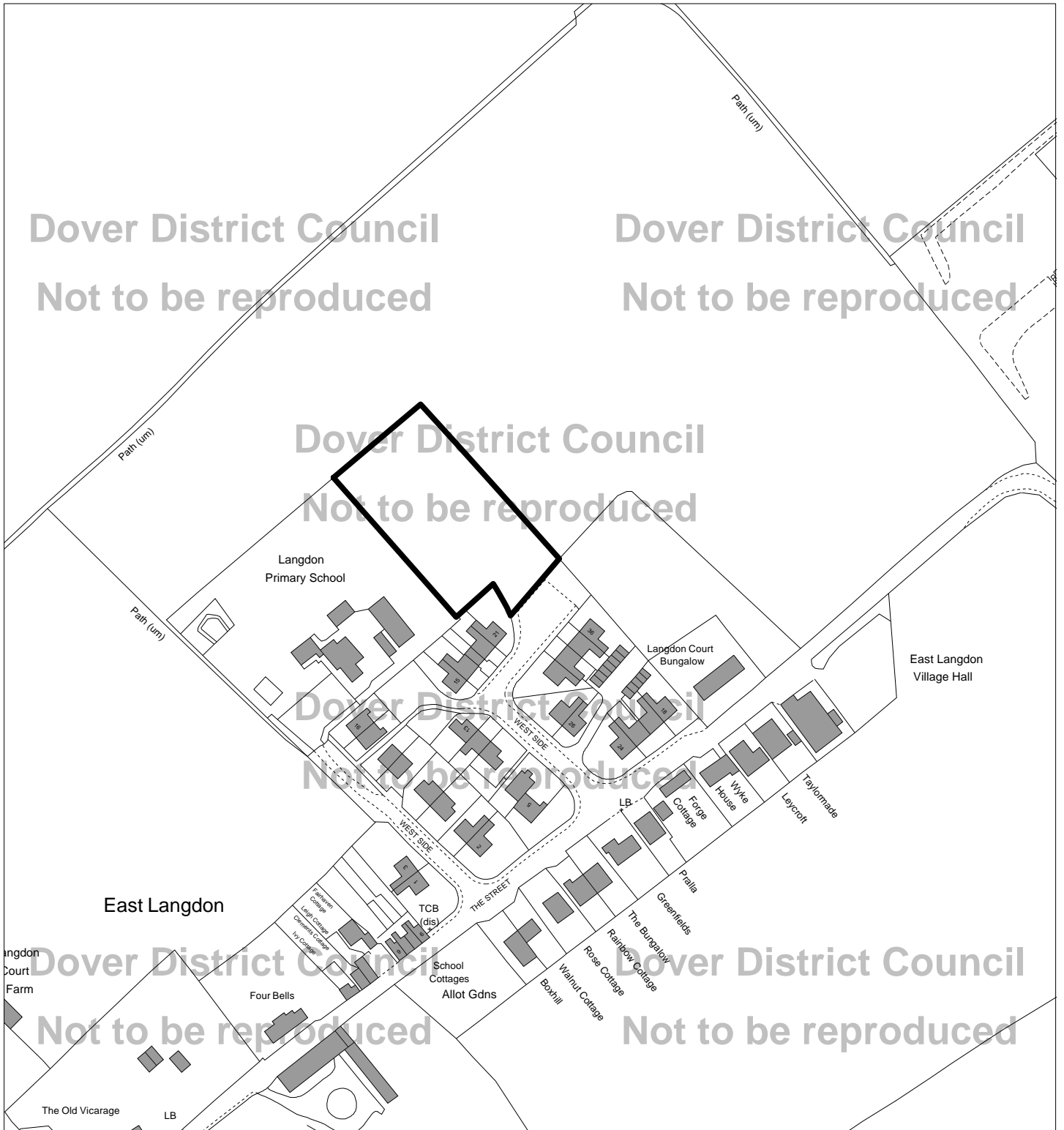
Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions set out in summary to include: i) commencement within 3 years, ii) carried out in accordance with the approved drawing, iii) hours of use to be limited to 8.30am to 5pm Mondays to Saturdays and 10am to 4pm on Sundays, iv) Details of surface water discharge to be submitted and approved v) The erection of the acoustic screen/fencing before the use commences and thereafter retained vi) the jet washing and vacuuming to only take place within the screened area vii) parking for staff and personnel to be provided and retained viii) details of construction vehicle delivery and turning areas to be submitted and approved ix) The layout of the site to conform to drawing 003/14 x) If contamination is found during construction development shall cease until a remediation strategy is submitted and approved xi) details of materials to be used in the external surfaces of the buildings and the hardsurfacing on the site to be submitted and approved xii) The office building to only be used as accommodation ancillary to the use of the land xiii) No outside storage to take place unless otherwise agreed in writing xiv) There shall be no external lighting unless otherwise agreed in writing xv) The jet washers and vacuum units to be stored only within the building hereby approved.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester

This plan has been produced for Planning Committee purposes only. No further copies may be made.



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2016

Note: This plan is provided for purposes of site identification only.

Application: DOV/16/00968

Land at West Side

Westside

East Langdon

CT15 5JG

TR33434638



- a) **DOV/16/00968 – Erection of 10 dwellings (2 with car barns), creation of vehicular access, parking and associated landscaping - Land at West Side, Westside, East Langdon, Dover**

Reason for report – the number of third party contrary representations.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- CP1 – Settlement hierarchy.
- DM1 – Settlement boundaries.
- DM11 – Location of development and managing travel demand.
- DM13 – Parking provision.
- DM15 – Protection of the countryside.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA34 – North of Langdon Primary School, East Langdon

“The site is allocated for residential development with an estimated capacity of 10 dwellings. Planning permission will be permitted provided that the existing boundary hedgerows/vegetation are retained.”

DM27 – Providing open space.

“To meet any additional need generated by development, 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...”

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances... the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements.”

National Planning Policy Framework (NPPF)(2012)

“14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay...”

“17. Core planning principles... planning should...

- proactively drive and support sustainable economic development to deliver the homes... and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas...

“49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

“61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

d) **Relevant Planning History**

DOV/98/00029 – Outline – the erection of 4 no. 3 bedroom detached two storey houses on vacant site – REFUSED.

DOV/90/00055 – Outline – residential development – REFUSED

e) **Consultee and Third Party Responses**

Principal Infrastructure Delivery Officer

No contributions can be sought for affordable housing or for open space due to the provisions of the NPPG threshold and policy DM27 Providing open space.

DDC Ecology

“The application is competent and has addressed preliminary ecological assessment issues of bats and reptiles. Neither groups present a constraint to development.”

DDC Trees

Considered, in agreement with arboricultural report in relation to the condition of trees and which trees should be removed/retained.

DDC Environmental Health

Requires condition for construction management plan.

KCC Infrastructure

No request on basis of NPPG relating to development obligations and threshold of 10 dwellings and 1000m² gross internal floor space.

KCC Highways

No objection to proposal. “The proposals are unlikely to generate a significant amount of vehicular trips and will not have a severe impact on the highway network.”

Requests a number of highways related conditions.

Further response to transport study commissioned by Langdon Parish Council. Maintains position in respect of original comment.

KCC Local Lead Flood Authority

Requires condition for submission of surface water drainage details.

KCC Archaeology

No objection, subject to condition for programme of archaeological work.

KCC PRow

Considered – no comments.

Langdon Parish Council

Objects –

- Concern relating to access issues, narrow with cars parked on one side of the street.
- Loss of turning head at West Side would result in the loss of 6 parking spaces.
- Existing shortfall estimated at 22 spaces, assessed against DM13 guidelines, has not been addressed in application.
- Independent transport review commissioned by parish council concludes that there will be a negative effect on the surrounding highway network.
- Seeks “construction site access plan”.
- Ecological assessment undertaken after site clearance.
- New development would be visible from PRow ER44 and ER45 north of the site.
- Question of utilities capacity.
- Concern about overflow parking damaging grass verges.
- No affordable housing contribution or proposed s106 contributions.

Affinity Water

No comment received.

Southern Water

Sewerage can be accommodated, will require a formal application for connection to mains sewer – requests informative on this basis.

Requires condition for details of foul and surface water disposal.

Southern Gas Networks

No gas mains in this area. Privately owned gas pipes may exist in this area. Information should be obtained from owners.

Public representations – 21 x objections

Objections –

- Congestion/road safety/access for emergency vehicles/needs access directly from The Street
- High density of proposals
- Application for similar development refused previously
- Construction traffic
- Surface water run off
- No community benefits, no affordable housing
- Loss of wildlife and scenery/ecological survey undertaken after site clearance
- Should provide a purpose built car park for the school
- Capacity of utilities

f) 1. The Site and the Proposal

1.1. The Site

The site is rectangular in shape and is located adjacent on the north western side of West Side in East Langdon. The site is orientated on a north west/south east axis. Adjacent on the south west site boundary is Langdon Primary School. Adjacent on the north west and north east boundaries is open countryside.

1.2. The site is allocated in the Land Allocations Local Plan 2015 under policy LA34 – Land north of Langdon Primary School, with an indicative capacity of 10 dwellings.

1.3. Until recently, the site was overgrown with dense vegetation, although much of this has been cleared. A number of trees/some vegetation remains on the site boundaries.

1.4. Approximately 60 metres north-west of the site is public footpath ER44. This does not connect with the site

1.5. The land rises south east to north west and falls very slightly south west to north east.

1.6. Site dimensions are:

- Width – 43 metres.
- Depth – 82 metres.
- Area – 0.33 hectares.

1.7. Proposal

The proposed development is for 10 dwellings, all containing three bedrooms. The gross internal floor space of the development is 948m².

- 1.8. Four dwelling types are proposed across the development.

| | | | |
|---------|---------|-------|-------------------|
| Type 3A | 5 units | 3 bed | 89m ² |
| Type 3B | 1 unit | 3 bed | 103m ² |
| Type 3C | 2 units | 3 bed | 97m ² |
| Type 3D | 2 units | 3 bed | 103m ² |

- 1.9. The layout of the development comprises a T shaped road on a north west/south east axis, which would be accessed from the existing turning head at the northern end of West Side.
- 1.10. Four dwellings (1, 2, 3 and 4) would be located on the south western side of the road, adjacent to the Langdon Primary School, comprising house types 3A (x3) and an end/corner house (3B).
- 1.11. Four dwellings (5, 6, 7 and 8) would be located on the north western side of the T, comprising house types 3C (x2) and 3A (x2). These houses would be sited adjacent to the school grounds and adjacent to the open countryside north of the site.
- 1.12. Two dwellings (9 and 10) would be located north east side of the road, these being type 3D. These dwellings would be sited adjacent to the open countryside.
- 1.13. Off road parking for two cars would be provided for all dwellings – some with a tandem arrangement. The two 3D dwellings would each have a car barn. Five visitor parking spaces would be provided across the development.
- 1.14. All of the proposed dwellings incorporate a similar design with brick detail at ground floor levels and weatherboarding at first floor level. the dwellings all have gable ended roofs and brick chimney stacks. Each of the dwellings has an open entrance porch.
- 1.15. Dwelling type 3A (1, 2, 3, 6 and 7). Dimensions as follows:
- Depth – 9.5 metres.
 - Width – 5.6 metres (11.2 metres where semi-detached).
 - Eaves height – 4.8 metres to 5.5 metres (topography dependent).
 - Ridge height – 8.8 metres to 9.5 metres (topography dependent).
- 1.16. Dwelling type 3B (4). Dimensions as follows:
- Depth – 5.7 metres.
 - Width – 11 metres.
 - Eaves height – 4.8 metres.
 - Ridge height – 8.8 metres.
- 1.17. Dwelling type 3C (5 and 8). Dimensions as follows:
- Depth – 9.5 metres.
 - Width – 6.2 metres.

- Eaves height – 4.9 metres to 5 metres (topography dependent).
 - Ridge height – 8.7 metres.
- 1.18. Dwelling type 3D (9 and 10). Dimensions as follows:
- Depth – 6.2 metres.
 - Width – 11.1 metres.
 - Eaves height – 4.9 metres to 5.4 metres.
 - Ridge height – 8.6 metres to 9.1 metres.
 - Car barns – 5.8 metres deep, 5.9 metres wide, 4.6 metres to 4.9 metres ridge (topography dependent).
- 1.19. A number of trees are proposed to be retained along the south western, north western and north eastern site boundaries. The applicant has submitted a landscaping plan indicating complementary planting to strengthen these boundaries with trees and hedgerows.

2. Main Issues

2.1. The main issues to consider are:

- Principle of development.
- Design and visual amenity.
- Residential amenity.
- Ecology.
- Trees and hedgerow.
- Highways and traffic impact.
- Planning obligations.
- Other matters.

3. Assessment

3.1. Principle of Development

The site is located within the amended East Langdon settlement boundary and is a housing allocation within the Land Allocations Local Plan 2015 – it is therefore policy DM1 compliant. The policy estimates the capacity of the site as 10 dwellings, this being the total sought by the current application. Subject to meeting other requirements of the policy and typical planning considerations, the development is acceptable in principle.

3.2. Design and Visual Amenity

The design of the dwellings is traditional in appearance, with a combination of detached and semi-detached dwellings. The materials, combining brick at ground floor and weatherboarding at first floor, incorporates a Kentish/coastal vernacular that would be acceptable at this location.

3.3. The topography of the site, rising from the access point on West Side, means that from the south eastern end of the site looking north west, the gables on the south eastern elevations, measured from the ground to the ridge, are between 9.1 and 9.5 metres.

3.4. The taller ridge heights of the dwellings are considered to be offset by

a combination of the end-on view, the location within the site i.e. where the land level is lower, and by the spacing of dwellings. The site sections provided show the proposed dwellings to be well spaced.

3.5. Nevertheless, these dwellings will inevitably have a degree of prominence in the local landscape. The design, which is considered to be of a good standard, helps to make the proposal acceptable. In order to maintain control over the appearance/character of the development, it is proposed to remove permitted development rights in relation to dormer roof extensions. This would not preclude future proposals for such extensions, but would mean that the local planning authority is able to ensure the suitability or otherwise of any future additions.

3.6. The design and visual appearance of the development is considered to be acceptable and would not bring about undue harm in a rural/semi-rural location.

3.7. Residential Amenity

The site and proposed dwellings are located such that the amenity of existing residents would not be affected either by overlooking or overshadowing.

3.8. Residents have raised concerns about the impact on their amenity by the loss of parking spaces at the turning head, and the potential further harmful effects of on street parking. The highways officer has advised on this point and this matter is considered below in the Highways and traffic impact section.

3.9. Ecology

A preliminary ecological survey was undertaken which identified potential for bats and reptiles inhabiting the site. Further detailed bat and reptile surveys were undertaken, but these did not observe any evidence of bats or reptiles.

3.10. The DDC Ecology and Landscape officer has raised no concern with the submitted surveys.

3.11. In accordance with the provisions of the NPPF, a condition will be placed on any permission requiring the development to comply with the specific enhancement and precautionary measures outlined in the submitted ecological surveys.

3.12. Trees and Hedgerow

Policy LA34 seeks the retention of trees and hedgerows on the boundaries of the site. It is acknowledged that a large degree of site clearance has been undertaken and that the tree protection plan proposes further tree felling. However, the submitted landscape plan proposes that the external site boundaries, including that to the primary school, are complemented by new tree and hedge planting. It is considered that this approach complies with the requirements of policy LA34. The approach is supported by the Council tree officer.

3.13. Highways and Traffic Impact

The highways officer has not raised any objections to the proposal, noting that from 10 dwellings, the impact on the highways network is unlikely to be severe. However, the parish council did commission an independent transport study, which concludes that there would be harm arising from the proposal – in terms of the loss of existing on street parking, the intensification of use of West Side, and disturbance issues that would arise from the construction phase of the development.

3.14. The highways officer's response to the findings of the independent study is as follows:

- **Parking.** The proposed development provides five unallocated visitor parking spaces, which represents a net gain of three spaces. In terms of increased parking requirements for the school, any parents living at the new development would not need to drive to the school and there is the potential effect that children closer by would result in fewer longer distance journeys.
- **Access for larger vehicles** at West Side is acknowledged as not being to an ideal standard, however, the new development does not propose on street parking, so no access difficulties should occur.
- **Additional traffic movements** created by the development in peak hours would typically be five or six, which averages out at an extra vehicle movement every 10 or 12 minutes. The highways officer notes that this is not a severe impact.
- The need for a **construction management plan** can be resolved by condition, and is proposed at the bottom of this report. Typically, the temporary impacts can be managed so that deliveries do not occur during peak hours and school times, and if parking restrictions are required, these would be lifted overnight to allow residents to continue to park as they do currently.

3.15. Parking arrangements for the proposed dwellings are considered to be acceptable.

3.16. In conclusion, highways issues are considered to have been satisfactorily addressed.

3.17. Planning Obligations

The NPPG sets out the circumstances where the Government does not consider it appropriate to seek contributions for affordable housing and tariff style planning obligations from developers. This states that these types of contribution should not be sought from developments of 10 dwellings or less, and which have a maximum combined floor space of 1000m².

3.18. The council's affordable housing policy, DM5, which was adopted before the NPPG was published, did seek financial contributions on developments between 5 and 14 dwellings. However, in light of the approach set out in the NPPG, which was tested through the Court of Appeal, no contribution in this respect can be sought.

- 3.19. The council's open space policy DM27, states in regard to the provision of open space, that: "... 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...".
- 3.20. The policy goes on to state that: "If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances... then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space...".
- 3.21. The provisions of policy DM27 would apply in this case.
- 3.22. The equipped play space at Langdon Playing Fields is 185 metres from the site, as the crow flies, and is within the accessibility distance for either a local play space (600 metres) or a strategic play space (1000 metres). The play space has recently received new equipment and it is considered that there is sufficient capacity to accommodate the likely number of new residents (26 – based on the KCC New Build Survey).
- 3.23. The council has explored the potential of the development contributing towards the long term maintenance of the existing equipment at the Langdon Playing Fields. However, policy DM27 seeks payments towards improvements and maintenance, but does not make provision for maintenance payments alone. For this reason, it would not be appropriate to seek a financial contribution under policy DM27.
- 3.24. Kent County Council has declined to seek any planning obligations from this development on the basis of the NPPG.
- 3.25. Other Matters
- Water supply – At the time of publishing, Affinity Water had not responded to the consultation on this development. In the absence of this a condition is proposed which would seek the submission of details for approval, regarding water supply to the site.
- 3.26. Langdon Primary School – Informal discussion with the school raised no points of concern regarding this proposal.
- 3.27. Conclusion
- The proposed development is acceptable. It complies with the requirements of the site allocation policy LA34.
- 3.28. The applicant has submitted a landscape strategy which illustrates how site boundaries would be strengthened in line with policy requirements.
- 3.29. The design of the dwellings is considered to be of a good standard, such that they would be reminiscent of a typical Kentish vernacular.

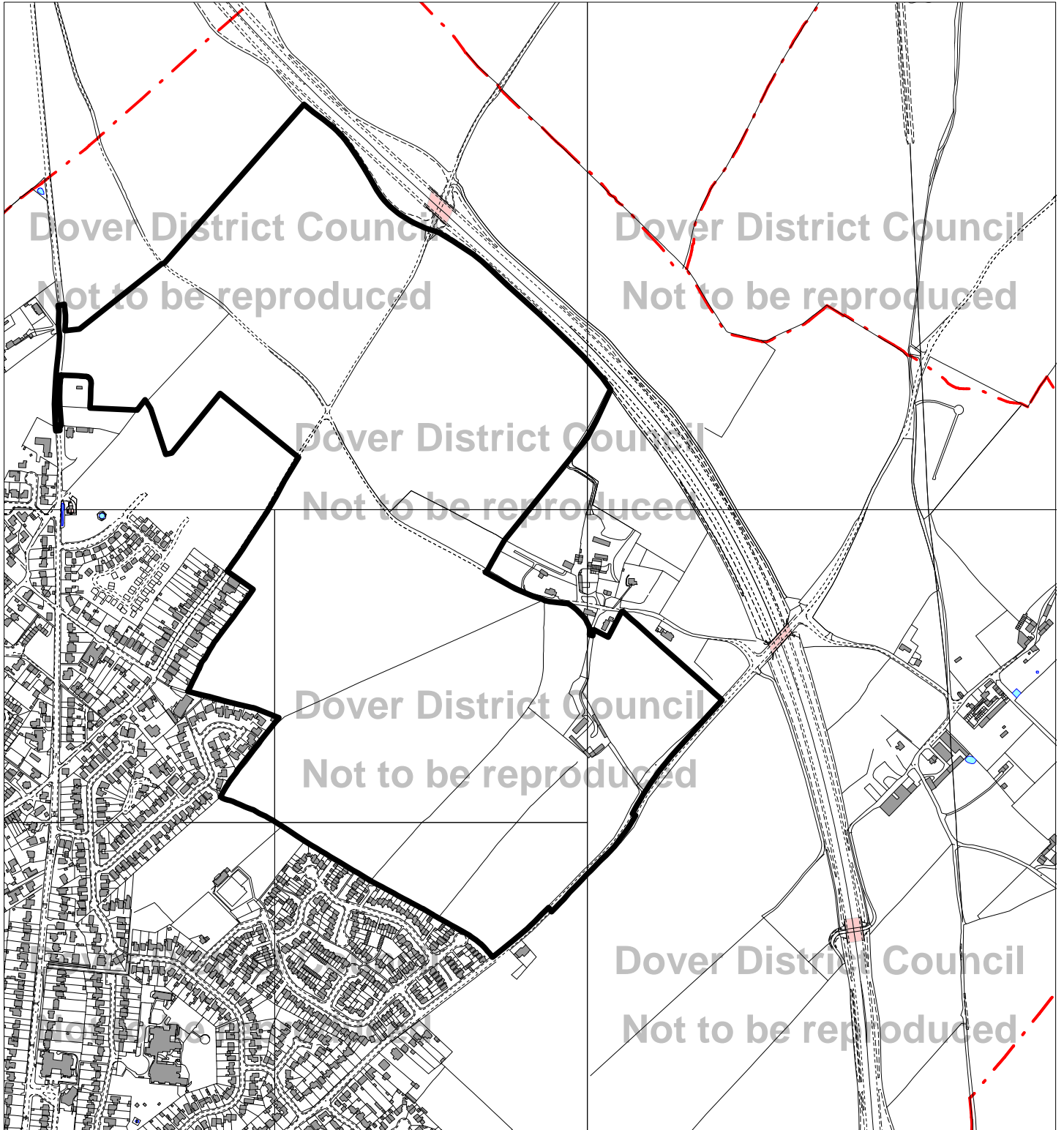
3.30. Highways concerns of local residents are acknowledged, however, the highways officer is satisfied that the development itself would not exacerbate the existing issues at West Side.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions to include: (1) Time (2) Plans (3) Materials (5) Tree and hedge protection measures (6) Retained trees/shrubs (7) Hard and soft landscape plan, including specifications and timetable (8) Ecological enhancements (9) Lighting strategy (10) Foul water drainage details (11) Surface water drainage details, timetable and implementation (12) Details of connection to mains water (13) Site sections and thresholds (14) Earthwork details (15) Provision of access (16) Provision of parking/garaging (17) Provision and retention of turning area (18) Measures to prevent surface water discharge onto public highway (19) Bound surface first 5 metres of each private access from the edge of the highway (20) Completion of specified highway works before first occupation of each dwelling (21) Bin and cycle storage (22) Programme of archaeological works (23) Construction management plan (24) Removal of PD rights (roof extensions).
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2015

Note: This plan is provided for purposes of site identification only.

Application: DOV/15/01277

Phase II

Whitfield Urban Expansion

Whitfield

TR30684596



- a) **DOV/15/01277 – Outline application (with all matters reserved) for Phase 2 of Whitfield Urban Extension incorporating Parsonage Whitfield and Shepherd’s Cross Neighbourhoods and comprising up to 410 and 780 dwellings respectively in the form of 1-5-bedroomed, two and part three storey accommodation together with green infrastructure including a minimum of 4.01 hectares of SAC mitigation land, cemetery, a spine access road and junctions connecting Archers Court Road with Sandwich Road, associated roads, footpaths and cycleways serving the individual residential areas, car parking and garaging and associated infrastructure - Phase II Whitfield Urban Expansion, Whitfield**

Reason for report: An appeal against the non-determination of the above application has been received by the council. This report seeks Committee determination as to whether planning permission would have been granted had the application been determined by the Committee and if not, to establish the putative reason(s) for refusal. The matter is also reported to the Committee given the importance of the Whitfield development to the District’s housing land supply.

b) **Summary of Recommendation**

Planning Permission would have been refused.

c) **Planning Policies and Guidance**

Core Strategy Policies (Adopted 2010)

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Deal is a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.
- CP2 – Sets the need for jobs and housing over the period 2006 to 2026.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for Dover, which includes the built-up parts of Whitfield.
- 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.
- CP7 - The integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy. Planning permission for development that would harm the network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. In addition, the Council will work with its partners to develop the Green Infrastructure Framework and implement proposed network improvements.
- CP11 - The site to the west, north and east of Whitfield is allocated for an expansion of Whitfield comprising at least 5,750 homes supported by transport, primary education, primary health and social care, utility services and green infrastructure

together with retail, financial and professional offices, eating and drinking establishments (Use Classes A1 to A5). Planning permission will be granted provided:-

i. Any application for development is preceded by, and is consistent with, a masterplan for the whole site which has been agreed by the Council as a Supplementary Planning Document;

ii. The proposals relate to the whole allocated development or if less do not in any way prejudice the implementation of the whole development;

iii. The proposals include a phasing and delivery strategy that is related to the provision of all forms of infrastructure and the creation of neighbourhood centres;

iv. An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport, especially to the town centre and the White Cliffs Business Park area, includes link/distributor roads to connect the site to the surrounding network, identifies access points to the site and between the site and the existing settlement, safeguards land for a park and ride facility and identifies construction access arrangements that do not disrupt existing residents;

v. An energy and water strategy is developed that will be capable of enabling the development throughout its lifetime to meet proposed national stepped requirements for sustainable construction under the Code for Sustainable Homes but enables residential buildings to achieve a minimum of Code for Sustainable Homes level 4 with immediate effect from adoption of the Core Strategy, non-residential buildings to achieve BREEAM excellent standard and schools to achieve zero carbon rating;

vi. Existing hedgerows and tree lines are, wherever possible, retained and enhanced to form the basis of a green infrastructure network that connects with the wider network and also incorporates open spaces for recreational and other purposes, including the provision of facilities to deflect likely urbanisation and recreational pressures arising from the development away from the Lydden and Temple Ewell Downs Special Area of Conservation;

vii. The design creates neighbourhood centres and incorporates a landmark building and foreground buildings and creates vistas and focal points using retained trees and having particular regard to relationships with the access and transport, energy, water and green infrastructure strategies;

viii. The mix of market housing is designed to broaden Dover's market offer and appeal and assist in attracting families and people of working age into the District while the provision of affordable housing should address prioritised need; and

ix. The proposals demonstrate how the development would protect the setting of listed buildings and integrate with existing residential areas while not causing any significant adverse effect on the amenities of existing residents.

- 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.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- 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.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM17 – Certain development within Groundwater Source Protection Zones 1 and 2 will only be permitted if adequate safeguards against possible contamination are provided. New graveyards will not be permitted in Zone 1. Farm waste, storage areas, new foul or combined sewerage systems will also not be permitted in Zone 1 unless adequate safeguards are provided.

Land Allocations Local Plan (Adopted 2015)

- 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.

Dover District Local Plan (Saved Policies) (Adopted 2002)

- CO8 - Development which would adversely affect a hedgerow will only be permitted if:
 - i. no practicable alternatives exist;
 - ii. suitable native replacement planting is provided; and
 - iii. future maintenance is secured through the imposition of conditions or legal agreements.

National Planning Policy Framework (NPPF) (Published 2012)

- Paragraph 7 explains the three dimensions to sustainable development: the economic role; the social role; and the environmental role.
- Paragraph 14 of the NPPF requires that, for decision taking, development proposals which accord with the development plan should be approved without delay whilst, where the development plan is absent, silent or relevant policies are out-of-date, development should be granted unless 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, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 17 of the NPPF provides 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of

amenity for all existing and future occupants and buildings; take account of the different roles and characters of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside; take full account of flood risk; contribute to conserving and enhancing the natural environment and reducing pollution; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; conserve heritage assets in a manner appropriate to their significance; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- Chapter one of the NPPF seeks to secure economic growth, requiring planning to encourage and not act as an impediment to sustainable growth.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”. A pattern of development which facilitates the use of sustainable modes of transport should be supported. Paragraph 32 states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of: the take up of opportunities for sustainable transport modes; whether the safe and suitable access to the site can be achieved for all people; and whether improvements to the highway network can cost effectively limit significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- Chapter six of the NPPF, at paragraph 47, seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities must ensure that a five year supply of deliverable housing sites to meet the objectively assessed needs of the authority. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eight promotes healthy communities. Planning decisions should seek the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Access should be provided to high quality open spaces and opportunities for sport and recreation.
- Chapter 10 promotes minimising vulnerability to climate change and flooding. Opportunities offered by new development to reduce the causes and impacts of flooding should be used.
- Chapter 11 requires that development contributes to and enhances the natural and local environment. Valued landscapes geology and soils should be protected and

enhanced, the wider benefits of ecosystem services should be recognised and impacts on biodiversity should be minimised and net gains sought.

- Chapter 12 requires that the significance of heritage assets should be taken into account. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
 - the harm or loss is outweighed by the benefit of bringing the site back into use

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where harm would be caused to a heritage asset, permission should be refused unless the public benefits of the development outweigh that harm. Where harm would be substantial, or lead to the total loss of significance, permission should be refused unless there are substantial public benefits.

Whitfield Urban Expansion Supplementary Planning Document (Adopted 2011)

- The SPD carried forward the requirements in Policy CP11 of the adopted Core Strategy to provide a framework for the preparation of subsequent planning applications proposing to develop the site and aims to give certainty to local people and developers. It enshrined the need for good design and high standards of amenity. The document states that the preference is for a progressive anti-clockwise phasing of the development starting from the south east. Parsonage Whitfield lies in close proximity to Church Whitfield and the Grade II* Listed Church of St Peter. The hamlet and Church will require sympathetic treatment to retain local distinctiveness and to preserve or enhance their settings. Land to the west and south of Church Whitfield is not suitable for development, but could provide green infrastructure. The area to the south east could form an extension to the graveyard. Buildings should be set back from Archers Court Road. Development should be influenced by the topography and green infrastructure setting. A new primary street will connect Archers Court Road to the new village centre. Housing should generally be two storeys in height with some three storey buildings around squares and greens, subject to localised impacts. There is potential to extend the PROW network. Shepherds Cross shares similar characteristics to Parsonage Whitfield. The primary street would run through the area towards the new village centre and

the Sandwich Road. The proximity, form and scale of adjacent development, rising land levels, historic features, views and public rights of way should help define the density, scale, form, character, appearance, layout and siting of new development. Shepherds Cross should be incorporated into any new development, whilst Church Whitfield Road should be retained, with development set back from the road. Napchester Road is unsuitable for additional traffic which may mean that this road will need to be closed. The amenities of neighbouring properties should be protected. PROWS should also be protected and enhanced. Houses should generally be two storeys in height, unless otherwise justified. Towards the south east and north west the density of the development is likely to be lower. Applications for less than the whole development will be expected to demonstrate that they will not prejudice the implementation of the whole development. The SPD is, of necessity, based upon a set of assumptions, informed by evidence, about the needs and impacts of the development. As development progresses, there will be a need to monitor the actual characteristics of the development, review the resultant information and use it to inform the preparation and determination of subsequent phases (monitor, review and adjust). This should include monitoring of matters such as housing mix, population forecasts, traffic impacts and forecasts, infrastructure needs and delivery, usage and management of green infrastructure, and impacts on European designated wildlife sites.

The Kent Design Guide (KDG) (Published in 2005, but unadopted)

- The Guide provides criteria and advice on providing well designed development. Whilst this document is not adopted by the Dover District Council, it is considered to be a material planning consideration in the determination of planning applications.

d) **Relevant Planning History**

DOV/16/01389 - Phase 2 of Whitfield Urban Expansion incorporating Parsonage Whitfield and Shepherd's Cross Neighbourhoods and comprising up to 410 & 780 dwellings respectively in the form of 1 - 5 bedroomed two and part three storey accommodation together with green infrastructure including a minimum of 4.01 hectares of SAC mitigation land, cemetery a spine access road and junctions connecting Archers Court Road with Sandwich Road, associated roads, footpaths and cycleways serving the individual residential areas, car parking and garaging and associated infrastructure. (Resubmission of Planning Application reference: DOV/15/01277) – Undetermined

In addition to the above application, the following applications, pursuant to Phase 1 and Phase 1A are considered to be relevant. Phase 1 lies to the south of the current application site and is, broadly, bounded by Archers Court Road to the north west, the A256 to the east and the A2 to the south. Phase 1A lies to the north west of the application site and to the east of Sandwich Road. Phase 1 sub phase 1A lies adjacent to the A256, to the east of Phase 1.

DOV/10/01010 - Outline planning application for the construction of up to 1,400 units, comprising a mix of 2-5 bed units, 66 bed care home (Class C2) and supported living units, with vehicular access off the A256; provision of new 420 place 2FE Primary School including early years provision, energy centre and local centre comprising up to 250sqm of retail space (Class A1-A3) along with all associated access arrangements, car parking, infrastructure and landscaping, with all matters (except the means of access off the A256) reserved for future consideration. (Revised Proposals) – Granted on 30th April 2015.

DOV/10/01011 - Outline planning application for the construction of a new community hub/district centre, comprising BRT hub; health and social care centre (Class D1); retail

space (Class A1-A3); and 100 no. 2-5 bed residential units including 6no. supported living units (Class C3) provision of learning and community campus to incorporate new 420 place 2fe primary school including early years provision and provision of access arrangements, all associated car parking, infrastructure and landscaping, with all matters reserved for future consideration – Granted on 2nd January 2013.

DOV/15/00878 - Reserved matters application pursuant to outline permission DOV/10/01010, relating to the appearance, layout and landscaping of 94no. dwellings together with garages and parking including all highway related details, sub phase 1A, Phase 1, (Light Hill) Whitfield Urban Expansion – Granted on 12th October 2015.

In addition to the above, there have been several applications for the approval of details relating to conditions for applications DOV/10/01010 and DOV/10/01011.

e) **Consultee and Third Party Responses**

Whitfield Parish Council – Object. The application lacks sufficient detail, as required by appendix 5 of the Whitfield Urban Expansion SPD. The Council retain concerns about the overall effect of the development, the lack of social and community infrastructure and services. The development remains contrary to the wishes of the majority of the residents of Whitfield. The application should be treated as an outline application and, should permission be granted, conditions should be attached to secure the following:

- The development be a cluster of neighbourhoods and not a cluster of villages.
- Whitfield must be considered as one village
- Detailed consultation should take place regarding the control of traffic on Archers Court Road and the pine road junction.
- Arrangements should be made for the monitoring and management of traffic, which is currently lacking, with a proper traffic management scheme put in place.
- The extension of the existing bus routes is supported and should be secured by S106 agreement.
- Green Infrastructure Land should be safeguarded in perpetuity.
- Contributions for sports facilities should be spent in Whitfield.
- Contributions towards any health and social care provision should be provided at the village centre at the time of the development.
- Community and social infrastructure must be within Whitfield.
- The full provision of affordable housing (30%) should be provided within the development.
- The reserved matters should also be brought before the Parish Council.

River Parish Council - Concerns are raised regarding the increase of traffic.

Temple Ewell Parish Council - No objection.

Tilmanstone Parish Council - Consideration should be given to providing a roundabout at the junction on the A256. Cycle paths should also be provided.

Sutton Parish Council - Napchester Road should be permanently closed at the eastern edge of the site.

Dover Town Council - No response received.

Guston Parish Council - No response received.

Lydden Parish Council - No response received.

Canterbury City Council - No response received.

Environmental Health -

Dust

I note the Air Quality Environmental Statement highlights risk of dust during the construction phase. I note that the overall dust risk has been identified as high and therefore a dust management plan should be submitted and in addition to dust mitigation measures already identified include the following:

- Undertake daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100m of site boundary
- Water bowsers and water spray jets should be provided and used at all times when fugitive dust levels are at a level that are likely to cause loss of amenity to existing or future residents and not.

Noise

I note that site working hours are planned to be 07:00 – 18:00 hours Monday to Friday and 07.00 – 13.00 Saturday, however I would recommend that during construction there should be no noisy activity at the site boundary outside the prescribed hours of:

- Monday- Friday 0800-1800 hours
- Saturday 0800-1300 hours
- With no noisy activity on Sundays or Bank Holidays.

Contaminated Land

If during the course of development, significant contamination is suspected or found, or significant contamination is caused, works shall cease and the Local Planning Authority shall be notified in writing immediately. Where required, a suitable risk assessment shall be carried out and where necessary any remedial action shall be carried out in accordance with an agreed process and within a timetable approved by the Local Planning Authority. The remediation measures shall be implemented as approved and completed prior to the recommencement of works.

Reason - To secure the safe development of the site in terms of human health and the wider environment and pursuant to NPPF

Drainage

I note Environmental Health does not usually comment on drainage however the storm water overflow was not part of Phase 1 planning and therefore Environmental Health mirror Southern Waters concerns.

Environment Agency - Object

The application form states that the foul drainage will be directed to mains foul sewer, but following information provided by the applicant regarding Phase 1 of this development, it has come to our attention that the existing sewerage infrastructure is not capable of receiving the additional flows from Phases 1 and 2. The local sewerage network is not due to be upgraded for up to 5 years. Until this time, the developer is

therefore proposing an interim solution for a private treatment plant discharging treated sewage effluent to ground, for at least the first 1500 houses (Phases 1 and 2).

The use of a non-mains foul drainage system poses an unacceptable risk of pollution to groundwater quality in the underlying aquifer. We therefore recommend that planning permission be refused until a suitable solution for foul drainage has been found.

The applicant is likely to propose the use of a private sewage treatment plant which poses a significant risk to the environment.

Our approach to groundwater protection is set out in Groundwater Protection: Principles and Practice (GP3). In implementing the position statement in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution are high and the groundwater asset is of high value.

In this case, we consider that the discharge of treated foul sewage to ground poses an unacceptable risk of causing a detrimental impact to groundwater quality. We also have concerns regarding how the package treatment plant will be managed to allow it to be operated to protect people and the environment in this location. Consequently it is unlikely that the applicant will receive a permit from us to operate a private treatment plant in this location.

The site lies on the chalk aquifer in Source Protection Zone (SPZ) 3 for a public water supply. The chalk in this area is part of the East Kent Stour chalk groundwater body. Under the Water Framework Directive (WFD) classification, this groundwater body is of poor chemical status with high confidence. One of the main chemicals for causing this failure is elevated concentrations of nitrate in the groundwater.

The South East river basin management plan contains environmental measures and objectives that are set out in the WFD. Under the WFD Regulations public bodies including local planning authorities must have regard to the river basin management plan. This includes the WFD requirement for no deterioration in water body status, which is applied for the individual quality elements that make up water body status. It also includes facilitating measures in the river basin management plan to improve the water body. The discharge of treated sewage effluent to ground in this location would cause additional loading of nitrate and this could lead to rising trends of nitrate in the groundwater body and prevent its recovery.

This objection is also supported by the National Planning Policy Framework, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution.

We have made it clear to the developer that a private treatment plant serving such a large number of houses is not acceptable in this area, especially as a foul sewer is available. We have advised that further discussions should be sought with the water company.

We will maintain our objection until the applicant has supplied information to demonstrate a satisfactory solution for dealing with foul drainage from the development has been found.

KCC Highways and Transportation -

The Transport Assessment relies on many of the outputs from the Whitfield Urban Extension Transport Strategy 2010. Whilst the majority of such outputs are still valid for this phase of development, it is recommended that consideration is given to the potential need for further assessment of specific highway issues.

Section 6.2 of the Transport Assessment makes reference to the existing VSSIM model and the assessment of associated impacts. In addition, the document suggests that local authorities may wish to re-run the Whitfield Urban Extension Traffic Model for Phase 2 to confirm that results remain consistent with the overarching principles set out in the Whitfield Urban Extension Masterplan Supplementary Planning Document (SPD) 2010. The County Council advises that any such exercise should be funded by the applicant and notes that a current refresh of the existing strategic modelling in Dover may be of assistance in the assessment process.

KCC also notes that the Transport Assessment alludes to the potential reduction in trip generation through the introduction of Fast-track bus services and car clubs. The effectiveness of these facilities may rely on factors including regeneration, future growth and improvements and the availability of other forms of public transport. The County Council agrees that impacts should be assessed without applying the above reduction factors at this stage and expects such facilities to form a key part of the strategy for accommodating this significant phase of urban expansion.

Section 6.18 of the Transport Assessment outline trip distribution on the local highway network that relates to previous work undertaken to inform the Whitfield Urban Extension Transport Strategy 2010. Whilst the County Council can confirm that the distribution used is consistent with previous studies, the evidence has not been included in the appendix. Therefore, it is recommended that all the relevant sections from previous studies that are cross referenced within the Transport Assessment are appended to this document.

The ARCADY model for the already consented A256 roundabout suggests that the maximum quantum of traffic from Phase 2 (including Phases 1 and 1A) can be accommodated without exceeding capacity on any of its arms. The County Council notes that the site access arm of this roundabout will be nearing its operational capacity in 2021. It is important to note that this assumes that all traffic will utilise this access and there would be no traffic assignment onto Sandwich Road. Once the full quantum of development in Whitfield is realized, there will be additional access directly to the A2 which should help to reduce the impact of future phases on this junction.

The above observation in relation to junction capacity further highlights the importance of achieving reasonable modal shift at an early stage of the development. This should be achieved through high quality public transport, walking and cycling improvements to realise sustainable development of the urban extension holistically.

With regards to the future Bus Rapid Transit initiative, the Transport Assessment is very vague. Whilst it states that the development will facilitate the strategy, it does not outline what will be provided in terms of monetary contributions. The County Council would encourage discussions between all relevant stakeholders in order to progress a mutually agreeable way forward on this matter.

KCC recognizes that Highways England has raised concerns in relation to the TRANSYT modelling undertaken for the A2 Whitfield Roundabout. The County Council wishes to echo such concerns. Until such time that an agreed position has been

reached with respect to this matter, it would not be possible to agree other highways matters, as this could have an impact on the wider highway network.

The historic SPD Transport Assessment identified the Duke of York Roundabout as a constraint within the local highway network, with the A258 arm operating over capacity in the 2011 basement assessment year. The Transport Assessment for Phase 2 of the development vaguely addresses this junction and suggests that the impact from the development will be minimal. It is important to consider that a junction that is operating over capacity in the baseline year will be sensitive to minor increases in traffic flows. Given that a material level of additional traffic is assigned through this junction, it will be necessary to further explore the impacts of this additional traffic and seek appropriate mitigation, if necessary. The cumulative impact of Phases 1 and 1A and Phase 2 should be assessed to allow an informed decision to be made.

At this stage, KCC Highways and Transportation will not be in a position to provide a full informed steer with respect to the above highway matters until further information is received.

Highways England -

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A2.

Highways England are of the view that the proposed development (without the appropriate mitigation) may result in severe harm to the A2 Whitfield Junction and further information is needed from the applicant to establish whether this is the case. The information required is:

Revised TRANSYT modelling for the A2 Whitfield Junction.

In order to establish the level of mitigation required, the Transport Assessment provides a TRANSYT model run based upon the part signalisation of the junction agreed for the phase 1 and 1a developments. A brief examination has revealed that the link lengths all have a 100m link length that will not give sensible nor accurate results and therefore it would not be worthwhile reviewing the modelling in detail until this (and potentially other issues) are rectified. It is recommended that a thorough check of the junction models is undertaken prior to resubmission.

Highways England wish to write again when we have received this further information and have evaluated it.

KCC Public Rights of Way -

Public Footpaths ER62 and ER63 would be directly affected by proposed development. The locations of these paths are correctly indicated on the proposed Master Plan submitted.

Whilst KCC have no objection to the proposed development KCC do have some requirements for improvements and future maintenance if the proposal is to be approved.

In designing the master plan for the site the developer appears to have made excellent reference and consideration to the value of the PRoW. In particular the routes have been retained in open space and retain the valuable historic connection to and from St

Peter's Church. The Open Space shape also allows for the retention of wider landscape views of the distant sea.

Open access and recreation access provision

The size of the development and mitigation to steer people away from the SAC will require additional walking routes. Again though, sufficient provision has been provided so long as there are inclusions within the "Heads of Terms" for new PRow dedications, as appears to be intended. The annotations on the submitted Sport and Play Strategy within the Design and Access Statement represent those routes that the County Council feel will be of benefit to dedicate as Public Rights of Way. The dedication of these routes will allow them to be included on the Ordnance Survey map for the area, steering people away from the SAC and protecting their future status, as appears to be the intention. It is requested that this plan be passed on to the developer with a view to further discussion.

Overlooking and personal Security

One area of the current Master Plan is of concern in respect of public safety and designing out crime.

Currently the PRow ER63 link to the back of Beauxfield is not showing as being overlooked. KCC suggest that this small section of PRow is a key link and the start of the longer walk towards the historic church. As such further thought should be given to provide sufficient open space provision alongside it. Past iterations of the plan and resident submissions have requested that development opportunity allows for this PRow be moved away from the rear gardens and into an adjoining open space. It is suggested that the properties fronting on to the section of PRow be designed with a small strip of open space and are given "Green Space" frontage status, allowing for the PRow to be overlooked. The locating of the path behind close board garden fencing would result in significant loss of amenity and public enjoyment. It will also deter pedestrian access along the route through issues of personal safety and security. Both national policy and Kent Design guidelines clearly state that pedestrian and cycle routes should be overlooked within open and welcoming environments.

In respect of the proposed planting further along the route behind Farncombe Way, whilst supported, this should again provide clear visual gaps to prevent encouraging anti-social behaviour.

Consideration will also need to be given as to whether this path can be moved away from the rear of the existing properties and into the wider open space area.

Heads of Terms and Section 106

It is noted in the submitted Draft Head of Terms there is reference to PRow as:

Creation of new PRow in accordance with a scheme to be prepared and submitted by the Owner and approved by the Council.

This inclusion is welcomed and we will be delighted to work with the developer to get this in place prior to commencement. An amendment is required however, so that it includes "...and improvements to existing PRow's ER63 and ER62". As mentioned above the Service has outlined those routes which it believes will be of maximum benefit to the PRow network, local community and objectives of the development, on the attached plan.

There may also be a need to take an off-site contribution although it will be preferred in this instance that the developer includes improvements to existing Public Footpaths as part of the above plan.

Should the above agreement not be able to be secured it would necessitate an off-site contribution in the region of £93,115.00 for improvements to Public Footpath ER63.

In respect of ongoing maintenance it will be expected that Site Operators take on maintenance responsibilities for any landscaping and enhancements to benefit the public right of way network. Any planted vegetation screening should be cut on a regular basis so that the footpaths are open and available to their full width at all times. If it is appropriate to do so we request that these maintenance responsibilities be added as a planning condition.

If you are minded to approve the application I ask that you make the following inclusions in the Section 106:

1. Creation of a new PROW in accordance with a scheme to be prepared and submitted by the Owner and approved by the County Council prior to commencement.
2. Improvements will be made to existing PROW ER62 and ER63 in accordance with a scheme to be prepared and submitted by the Owner and approved by the County Council prior to commencement.

In respect of conditions we would request the following:

That all creations and improvements as agreed in the approved "PROW scheme" shall be in a position to be certified by the County Council prior to the 250th occupancy.

The following should be brought to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Right of Way.
- If the applicant needs to apply for a temporary traffic regulation order whilst the works are undertaken, such applications take six weeks to process.

KCC Lead Local Flood Authority -

Whilst the LLFA acknowledge that the application is for outline approval only, the principles of the site-wide drainage infrastructure should be considered and established from the outset. KCC are therefore pleased to note that a Flood Risk Assessment/Drainage Strategy has been submitted to outline how the surface water generated by these proposals can be accommodated and disposed of solely within the curtilage of the site.

Although BGS information suggests that infiltration should be appropriate for this site, it would be expected that confirmation of the exact locations of the proposed attenuation/infiltration features along with location specific soakage testing be provided to demonstrate that the scheme has been appropriately sized and will function as intended. Additionally, and in light of the sites location within a Groundwater Source

Protection Zone 3, it would be expected that evidence of the Environment Agency's approval of the location and nature of any infiltration feature be provided.

The detailed drainage design should be developed to be fully in accordance with the recommendations of the submitted and approved RPS FRA. Specifically, any such scheme should:

- Be based on the principles of source control and infiltration alone.
- Be designed to accommodate all rainfall durations and intensities for any event up to (and including) the climate-change adjusted critical 100yr storm.
- Be based on the use of open SuDS features (swales, infiltration ponds, reed-beds, etc.), rather than through the use of subterranean geocellular crates. Such open features not only visually enhance a development site, they are often cheaper to construct and maintain, provide added amenity and ecological value and can be more easily used to accommodate exceedance flows.
- Consider the flow routing and accommodation of any rainfall event that may exceed the design parameters.
- Any infiltration feature to be designed to be less than 1m in depth at the peak of any rainfall event, with a half-drain time of less than 24 hours (to ensure that any subsequent storm events can be adequately accommodated).

Additionally, whilst KCC welcome their incorporation, any attenuation volume provided by water butts and rainwater harvesting tanks should not be included in the overall drainage capacity calculations. Although they can assist in controlling the rates and volumes of runoff from a site, it can never be assumed that they will have sufficient spare capacity permanently available to form part of a detailed drainage strategy.

Should your Authority be minded to grant permission to this development, KCC would recommend that the following Conditions are attached:

1) Commencement of any phase or sub-phase of this development shall not be permitted until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the preliminary strategy prepared by RPS Group (December 2015) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

2) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

3) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Southern Water –

It is confirmed that Southern Water cannot accommodate the needs of the development without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Section 98 of the Water Industries Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.

Should the LPA be minded to grant planning permission, Southern Water would like the following condition to be attached:

Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable has been submitted to and approved in writing by the LPA in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

An informative, relating to the developer entering into discussions with Southern Water, is also recommended.

As there are no public surface water sewers in the area, an alternative means of drainage will be required. This should not involve disposal to a public foul sewer. The following condition should be attached to any grant of consent:

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

The proposal lies within a Source Protection zone around one of Southern Water's public supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on consultations with the Environment Agency to ensure the protection of the public water supply.

DDC Principle Infrastructure Officer –

Pitches

Having looked through the documents the applicants do not appear to have submitted an indicative green infrastructure plan, and I think this is necessary to demonstrate how an appropriate level of open space will be provided to meet the additional needs arising from this development. The documentation as submitted does not provide a sufficient level of clarity. For example, in paragraph 1503 on page 95 of the online Design and Access statement the following text occurs 'The Indicative landscape Strategy shows 3.79 ha of formal sport pitches, provided by five junior football pitches and two senior

cricket pitches.’ However, the Indicative Landscape Strategy on page 94 of the online Design and Access statement shows five junior football pitches, but cricket pitches do not appear on the plan. (N.B. this information appears on pages 86 and 87 of the printed Design and Access Statement).

We should take note of the Football Association comments, as forwarded to DDC by Sport England. The FA has a detailed and up to date knowledge of pitch requirements in our district, and DDC would be likely to approach the FA for advice in any case. Provision of 5 junior football pitches would constitute unbalanced level of provision and would fail to attract club use. This is exacerbated by the fact that three of the pitches are located far from the existing recreation ground without direct access to changing facilities and no parking provision. Therefore there is very little likelihood that these three pitches would be used for competitive sport. Phase II of the Whitfield development offers the only opportunity during the whole of the Whitfield expansion to expand capacity of the existing recreation ground for the purposes of competitive sport. Unfortunately the proposals as set out in the Design and Access Statement fail to take advantage of this opportunity.

It would be far better to provide a smaller number of pitches in close proximity to the existing recreation ground, and for the mix of pitches to include at least two full sized football pitches (although we could approach the FA for further advice). Furthermore, the applicant does not appear to have submitted any evidence to show that users of the new pitches will have access to changing facilities in the existing pavilion, which are operated by the Parish Council. Perhaps this could be addressed in the Statement of Community Involvement? For the long term sustainability of any pitches it is crucial that they are co-located with ancillary facilities, including changing rooms.

The Design and Access Statement makes reference to the Whitfield SPD, but does not mention DDC’s more recently adopted open space standards, as set out in the Land Allocations Local Plan. As you are aware, these standards were initially developed in parallel with the Whitfield SPD, but have been further refined during preparation of the supporting strategies. For example, the Playing Pitch and Outdoor Sports Facility Strategy is particularly relevant to this application and it was adopted in 2015.

Please see the attached spread sheet that shows estimates of the open space needs that will arise from this proposal. The calculations are based on 1190 residential dwellings and assume housing mix that meets Core Strategy objectives. On this basis, additional need for 3.2 ha of outdoor sports facilities will be generated. It is unlikely that this will be met entirely through provision on site (e.g. provision of 2 full sized pitches would amount to around 2.4 ha including run offs), therefore an off-site contribution is likely to be appropriate in addition to the provision of new facilities on site. The off-site contribution would be used to increase capacity at existing sports facilities in the Dover sub-area, as defined in the Playing Pitch and Outdoor Sports Facilities Strategy.

The S106 heads of terms documents should incorporate any off-site contribution towards outdoor sport facilities.

Cemeteries

A rough measurement of the area proposed for a new cemetery, shows that it is a little under 2ha in extent. If the freehold of this site is transferred to DDC for the Council to operate as a strategic facility, then this is likely to be acceptable to Property Services. On the other hand if this were operated as an extension to an existing graveyard then it is much less likely to meet the identified strategic need. One reason is that DDC did not adopt a standard for cemetery provision due to equality concerns; new, strategic cemetery provision should be available to all.

If DDC were to take responsibility for operating the cemetery, Property Services would need to check in advance that the facility meets all current legal and safety requirements. Therefore Property Services should be consulted regarding the detailed green infrastructure plan that I imagine we will be requiring by condition.

The S106 heads of terms should make reference to the cemetery.

Children's equipped play

The proposed level of equipped play is much higher than is required under our adopted open space standards. I suggest we refer the applicants to these standards and ask them to reconsider. In addition, play areas located in distant corners of the site are unlikely to be acceptable, e.g. the LAP located at the Northern tip of the application site. It would be far better to locate play areas in central areas, surrounded by overlooking houses. Therefore the Sport and Play Strategy in the Design and Access Statement does not demonstrate that additional needs for children's equipped play will be met appropriately.

Accessible Green Space

This will be complex to assess. You will note that the attached spreadsheet identifies a need arising for 6.07 ha of accessible green space. The SPA contribution is estimated as £51,448. This should be re-calculated closer to the time that the S106 agreement is signed, to incorporate indexation.

Sport England - Object

Sport England welcomes that 3.79ha of formal sports pitches are proposed. This would include five football pitches and two senior cricket pitches. However, Appendix 2 of the Whitfield SPD requires a combined total of 4.6ha of outdoor sport provision. The Design and Access Statement states that options could be explored for other types of sports pitches such as tennis courts to be provided, or to make contributions to existing facilities, such as the neighbouring Whitfield Recreation Ground. Further indoor sports facilities are proposed. Sport England would be keen to explore this further.

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]*

The additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Circular 05/05, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England’s Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of 1,190 will generate a demand for 0.06 swimming pools (£206,682), 0.09 sports halls (£267,693), 0.02 indoor bowls centres (£33,103) and 0.03 artificial grass pitches (£33,118 3G or £29,000 Sand). As part of the consultation on this planning application, Sport England consulted The FA who stated:

The Design and Access statement highlights that the proposed development will include the provision of 5 new Junior Football Pitches. Although this approach is welcome, Dover District Council’s recently produced Playing Pitch and Outdoor Sports Strategy (2014) highlighted a deficit of 3 senior (11v11) Football pitches, a deficit of 7 youth football pitches but showed an oversupply of Mini Soccer pitches within the Dover sub – category area (where Whitfield is situated). In addition to this the strategy also identified six of the eleven senior football pitches being rated as poor, with the youth and mini soccer pitches being classified as average to good.

Using current participation data and conversion rates as part of a Kent FA Football Pitch Calculator we predict that the proposed development will likely yield an additional 4 teams, and the need for an additional 2 pitches.

Therefore, with this information in mind it would be beneficial if the playing pitches could look to address the deficit in senior 11v11 and youth 11v11 and 9v9 pitch provision within the Dover Sub-category area, and that suitable ancillary facilities that meet FA Technical Specifications be provided.

The Playing Pitch and Outdoor Sports Strategy (2014) also highlighted a deficiency in training facilities across the Dover Sub-category area. Dover as a district has 2 full size 3G Football Turf Pitches and 1 Small Sided (60x40) 3G Football Turf pitch. All of these facilities are within a 10 mile radius of Whitfield. Therefore, it would be beneficial if the development could incorporate a full size 3G football turf pitch. A 3G Football Turf Pitch will also enable for clubs to play affiliated matches on the surface, and the ability for these surfaces to cater for a variety of pitch configurations means that it would go a long way in addressing the deficit of pitches highlighted within the Playing Pitch and Outdoor Sports Strategy (2014).

Furthermore, the requirement for natural turf playing pitch provision arising from the proposed population should be considered. This would be supported by Dover District Local Plan 2002 planning policy OS3 Provision of open space needs from new development.

In light of the above, Sport England wishes to object to this application.

Sport England would recommend that the detailed design of the proposed sports facility accords with Sport England’s relevant design guidance in order to ensure that the facility is fit for purpose and of an appropriate quality. The guidance is available to view on Sport England’s website. The design considerations raised by The FA above should therefore be resolved as appropriate.

DDC Principle Ecologist –

House Numbers and SAC Mitigation

The original reasoning for SAC mitigation has been revisited. At the outset it was found that Parsonage Whitfield and Shepherd’s Cross, together with the Village Centre could be treated as one. The separate development of the Village Centre involved recasting of the Dedicated Mitigation Areas (DMA) and associated walking route distances. The DMA generated by re-uniting of Parsonage Whitfield and Shepherd’s Cross is a simple addition. The general principles of the DMA layout shown in the Design and Access Statement accord reasonably with the Whitfield SPD.

Phase 2 involves 1190 dwellings, which in turn generates a need for 4.01 ha DMA and 600m of walking routes. In the SPD the area identified is NE and SW of Church Whitfield Road. However, it is noted that in the application the DMA provision has been broken down into phases on the Indicative Phasing plan. This is rational; however, on that plan the dwelling number only comes to 1103 and the SAC DMA provision is 6.42 ha. While it is accepted that this is indicative, the DMA for Phase 2 is part of a far larger area that will be required to be maintained in perpetuity and will be subject of a set of S.106 agreements. Therefore, while the ‘excess’ DMA provision can come forward as landscaping, the precise DMA must be drawn up as part of any S.106. Also, the layout of the DMA is rather illogical in places and has some peculiar shapes. Therefore, as part of the iterative EIA process, it is recommended that this is revisited with a view to establishing the best location and scale of DMA.

The table below is based on the phases shown on The Pegasus drawing H.0535_13 REV.B and provides approximate DMAs based on the 1103 dwellings. It should be noted that the essential multipliers for Phase 2 are:

4.01/1190 ha/dwelling and 600/1190 m/dwelling

| Phase | Dwellings | DMA ha | Path Distance m |
|------------|-----------|--------|-----------------|
| Yellow | 194 | 0.654 | 97.8 |
| Orange | 156 | 0.526 | 78.7 |
| Light Blue | 155 | 0.522 | 78.2 |

| | | | |
|-----------|------|-------|-------|
| Green | 151 | 0.509 | 76.1 |
| Purple | 155 | 0.522 | 78.2 |
| Dark Blue | 152 | 0.512 | 76.6 |
| Red | 140 | 0.472 | 70.6 |
| TOTAL | 1103 | 3.717 | 556.2 |

HRA

The Document to Inform Habitats Regulations Assessment conforms to what the Council would seek from the developer pursuant to Regulation 61(2) of the Habitat Regulations and will allow screening for appropriate assessment.

Reference to the Thanet Coast SPA Mitigation Strategy (2012) is mentioned in 7.2.21, together with the expectation that payment for Phase 2 would be expected to be made through a S.106. This is actually an in-combination consideration and would have been better placed in Section 8 'In-combination Effects'. However, this does not affect the relevance of the document.

Hedgerow Regulations (1997)

In the Baseline Ecological Appraisal, pp 12 and 13, and evaluation is made regarding whether any of the hedgerows on the application site would be classified as important under the Hedgerow Regulations 1997. A superficial reading of the table on p. 13 would suggest that some hedges may have sufficient woody species within them to warrant further analysis. Also, some of the existing hedge lines follow the same boundaries as marked on the 1797 Ordnance Survey Drawing (Heritage Assessment). As this part of Kent was not subject to Inclosure (mid-late 18th C) it is probable that these hedgerows are of historical importance and as such, are important within the meaning of the Hedgerow Regulations. Therefore, it is considered that the further work is carried out which can inform not just ecology and heritage, but landscape and design as well.

Other notable aspects of the Baseline Ecological Appraisal

It is considered that site is of low value for both bat roosting and foraging/commuting. More detailed surveys can be carried out at the appropriate reserved matters stage (Yellow Phase) in respect of any trees with roost potential. Similarly two badger setts were recorded and survey work in respect of badgers can also be carried out at the appropriate reserved matters stage (Yellow Phase, also). Other species, possibly present will be in low numbers such that at this level, survey work would not be beneficial. However, as different phases come forward there may well be a requirement for species surveys.

Green Infrastructure

The principles enshrined in the SPD for green Infrastructure have been transposed into this application and are welcomed.

While the majority of paths proposed are associated with green infrastructure, it is noted that PRow ER63 at the back of Beauxfield is not shown to benefit from such, and this

could render it less than inviting for people to use. It is noted that this route was not considered at the time of the SPD. Since that time, the ambience of walking routes has become increasingly acknowledged as important in encouraging health and well-being and it is recommended an adjustment to the layout is made to provide some green space alongside this public right of way.

LVIA

The LVIA is competent and builds on the good work undertaken by Barton Willmore during the Whitfield Urban Expansion masterplanning. It addresses, in particular, the impacts of construction and in-combination effects. The inevitable changes to landscape character are noted. During construction there will be a reliance on site hoardings and while these serve a very useful purpose, it will be important at the reserved matters stage to ensure that there is not a preponderance of such structures, either in single applications or in-combination, so that residents are able to continue to use the wider area for recreational walking. Green infrastructure and planting will play a particularly strong role in mitigating visual impact during the operational phase of the development and will require careful consideration at the reserved matters stage to ensure that different phases demonstrate an integrated approach to landscape matters.

Kent Wildlife Trust – No objection

The provision of public open space and green infrastructure that has been provided as part of this planning application is welcomed. It is recommended that this should be as well linked as possible across and through the site, in order to ensure the most gain for biodiversity. We recommend that a condition is applied to this application, for a long-term conservation management plan for these areas, with details provided for monitoring and financial support. This is particularly important considering that this area is being provided in order to deflect recreation pressure from more sensitive sites with European protection nearby. We would also advise Dover District Council to make sure that any financial contribution to the Thanet Coast Mitigation Strategy is tied into the financial agreements for the development (section 106 or similar).

It is recommended that careful consideration is given to the retention and enhancement of existing hedgerows and boundary trees on site as a significant feature and these are included in any management plan.

KWT are surprised, given the very large size of the site and its boundary features, that the baseline ecological assessment has not recommended any further survey, in particular for bat roosting and bat activity, breeding birds and also possibly for invertebrates and reptiles and suggest that this should be requested and not left to condition stage.

Kent Wildlife Trust would like to submit no objection to this planning application, subject to the information above being provided.

Natural England –

Natural England advises that Dover District Council, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The documents submitted to Natural England do not include a Habitats Regulations Assessment. However, whilst the proposal is not necessary for the management of a European Site, the proposal is unlikely to have a significant effect on any European Site and can therefore be screened out from any requirement for a further assessment. When recording your Habitats Regulations Assessment we

recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The development will provide high quality, semi natural greenspace and circular walking routes within the development to deflect residents away from Lydden and Temple Ewell Downs SAC. The quantum of greenspace provision must, as a minimum, be in accordance with that agreed within the Whitfield Urban Expansion Masterplan Supplementary Planning Document (SPD) and the outline planning application.

The development will provide the appropriate, per dwelling, financial contribution to the Thanet Coast Mitigation Strategy, as detailed within the Whitfield Urban Expansion Masterplan SPD to ensure that recreational disturbance to the Thanet Coast and Sandwich Bay SPA and Ramsar Site do not result from this development.

The development will provide an air quality monitoring programme within the Dover to Kingsdown Cliffs SAC where it falls within 200metres of the A2 Jubilee Way to understand the impacts resulting from increased traffic movements associated with this development, both alone and in-combination with other plans or projects. The results of the monitoring will subsequently inform, where required, detailed mitigation measures which will need to be implemented in full. This is in accordance with the requirements of the Whitfield Urban Expansion Masterplan SPD and the outline planning application.

Natural England has not considered the impacts of the development on protected species. The Council should have regard for Natural England's Standing Advice when considering the likely impacts on protected species.

Crime Prevention Officer –

The applicant/agent has taken into consideration crime prevention and Designing Out For Crime and they have demonstrated and applied the seven attributes of CPTED in their Design and Access Statement (D&AS) (see page 99 section 5.114-5.119) and for this I commend them, however to date we have had no communication from the applicant/agent and there are other issues that need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate.

There is merit in pre application meetings prior to submission of any planning application and by meeting with us and discussing issues such as Crime Impact Statements (CIS) and any formal applications for this scheme such as BREEAM, Secured By Design (SBD) and National Building Approval Scheme (SBD) need to be addressed and agreed.

I would be grateful if you could draw the applicant's attention to the Kent Design Initiative & protocol (KDI), Design For Crime Prevention dated 13th of April 2013 which will also assist them with Crime Prevention and Community Safety. I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail and any notes from a meeting/consultation will be passed back to the Planning Officer dealing with the application as part of my full response to this planning application.

If the applicant fails to contact us, this may have an effect the development with regards to SBD and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would strongly suggest that a condition be included as part of the planning approval to ensure that CPTED is fully addressed

If a condition is to be used we suggest something similar to:

The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.or in accordance with good design NPPF.

If a condition is not used then we suggest you consider using an informative, something similar to the below, to encourage the applicant/agent to contact the CPDA:

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

Note that this informative would only be imposed upon outline planning permissions prior to the submission of reserved matters application.

The use of a condition or an informative will address both our statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.

Southern Gas Networks –

There are low and medium pressure gas mains near the site. There should be no mechanical excavations taking place above or within 0.5m of the system. Where required the exact position of the pipe should be confirmed using hand dug trial holes.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Historic England - Initial response received on 16th February 2016:

Much of the significance of the grade II* listed Church of St Peter, Church Whitfield lies in its Saxon origins. Separated from Whitfield village by characteristically rural open fields, it is likely that the church's elevated position deliberately took advantage of local topography thus creating a distinctive silhouette even in the absence of a spire, particularly when approached from the north along Church Whitfield Road. Therefore, we consider that the setting of the building in terms of its separate nature and intended visual prominence within the landscape positively contribute to the significance of the building.

The NPPF makes it clear that the significance can be harmed or lost through alterations or development within a heritage asset's setting (paragraph 132). Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

(www.HistoricEngland.org.uk) paragraph 6, describes how views contribute to understanding the significance of a heritage asset. In this case, the current application is supported by a detailed design and access statement and heritage statement and we are pleased that the SPD notes that the open setting of the church must be maintained. However, we feel that the setting of the church has not been thoroughly explored and subsequently articulated within the indicative masterplan. We would wish to see further detailed drawings and an illustrative 3D layout showing how views of the church and a sense of the existing open landscape are to be maintained within the proposed development focusing on height, density and pattern of arrangement.

Although English Heritage does not have a locus for possible impact on archaeology as there is no nationally designated archaeology on the site, this does not necessarily imply that there are no archaeological impacts to consider and indeed the applicant's planning policy statement highlights archaeological potential in this area. We therefore advise you to contact the County Archaeologist at Kent County Council for further advice if you have not already done so.

Whilst we do not object to the current proposals we suggest that consideration should be given to the impact the development may have on the significance of the church in particular its setting as described above. We expect to be consulted again once further information has been provided.

Subsequent response received on 22nd November 2016

The issues raised, in terms of long distance views of the Church, can be dealt with by reserved matters. It is suggested that the applicant seek pre-application advice from Historic England before submitting the finer details of the residential scheme (building height and layout).

DDC Principal Heritage Officer -

In respect of heritage assets identified, the Built Heritage Statement accords with the WUE SPD. Whilst it includes an assessment of heritage assets, it fails in my view to provide sufficient analysis on two points: recognition of the wider setting of the church within the landscape; and the impact of the development on this aspect of the significance of the Church and an assessment of Parsonage Farm.

The Church itself is not visible from any vantage points but the trees and hedges that surround the building and the hamlet itself creates a distinct feature in the landscape. The openness of Church Whitfield Road and the prairie field system emphasise the green space and draws the eye; isolated hamlets within a wide and open landscape are a key feature of this part of the North Downs, as noted in the Kent Farmsteads Guidance (2014). The WUE SPD identifies this openness and the rural character of the lane as being important to retain and whilst a significant green buffer is proposed I am concerned that the building height parameter plan indicates potential 2.5 to 3 stories along this route. This is not in line with the WUE SPD which states that the development around Shepherds Cross should be no more than 2 storey and raises a concern that even with a set-back the development could visually impose upon Church Whitfield Road which consequently impacts on the setting of the hamlet. Additionally, 'landmark' 3 storey corner plots may draw the eye away from the hamlet.

A further area of concern is the section of development adjacent to footpath ER63 and closest to Church Whitfield: the land is distinctly higher than the hamlet and Church and sections to demonstrate how the development relates to the heritage assets in relation to land levels are key in determining the level of impact.

In respect of Parsonage Farm the WUE SPD and application note that it is to be retained, however it has not been assessed in the Built Heritage Statement. Although the buildings appear to be modern and the pond is long gone (although a shadow of it can still be found in the layout of the road), the site is historic and shows on the 1842 map. Whilst not necessarily of interest in terms of their architecture the site contributes to the understanding of the landscape and how it functioned and at the very least the site should be recorded and noted as a heritage asset (undesigned).

NHS -

NHS Property Services Ltd (NHSPS) has historically been the body that has requested Section 106 (s106) health care contributions on behalf of NHS England (NHSE). However recent changes to the primary care commissioning landscape in Kent have resulted in NHSPS no longer carrying out this function.

This therefore means that going forward it will be our responsibility to secure Section 106 (s106) healthcare contributions and to work with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population (at the moment we are doing this in collaboration with NHSE who currently commission primary care).

The Clinical Commissioning Group (CCG) wishes to apply for such assistance and to request a healthcare contribution in accordance with the recognised Dover District Council Planning Guidance and the Whitfield Supplementary Planning Guidance. Inevitably, any increase in the local population has a knock-on effect in terms of health care and the CCG would seek to apply this s106 contribution to meet these extra demands placed upon the local primary healthcare service.

The CCG's Premises Strategy is currently being developed. Given the significant number of new houses that are projected to be built over the next 10-15 years it is highly likely that the s106 monies would be used to support investment in a new primary care facility. This improvement to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health and social care services for local patients.

Such a development would be expected to result in a need to invest in at least one local GP surgery. Given the scale of the growth a contribution will very likely be used to directly support improvements within primary care by way of a new build surgery to provide the required capacity.

I would be grateful if you could consider this as a letter of intent to continue to work with you and seek appropriate contributions as and when they arise. For this particular development, if you require more detailed information please get in touch. We will continue to work with NHSE and NHSPS to jointly ensure that we undertake any actions required, including responding to any further information you require.

KCC Contributions –

The development would give rise to a need to provide the following infrastructure:

- A primary school site of 2.05ha should be delivered at the Village Centre at no cost to KCC to accommodate a 2 form entry primary school within the Whitfield Urban Expansion Area to accommodate the pupils arising from Phase 2, together with a contribution of £4,760,000 for build costs.
- A contribution of £2,808,162 towards the first phase of expansion at Dover Christ Church Secondary School.

- A contribution of £30,510.22 towards Community Learning at Dover Hub.
- A contribution of £57,143.80 towards providing library services in Whitfield.
- A contribution of £83,407.10 towards Youth Services. This contribution would provide adaptations at Whitfield Children's Centre to increase the capacity and accommodate the additional demand.
- A contribution of £94,902.50 towards Adult Social Care in Dover. Despite KCC's best endeavours to facilitate a new Health and Social Care Centre at Whitfield, it has not been possible to provide these facilities in Whitfield, due to existing long leases elsewhere.
- The development should incorporate 24 Wheelchair accessible homes as part of the on-site affordable housing delivery.
- The provision of High Speed Fibre Optic Broadband (100mb/s) should be secured by condition.

Public Representations – One letter has been received, neither supporting nor objecting to the application. This letter raises the following points:

- It would be preferable for Napchester Road to be made a cul-de-sac to reduce congestion and improve road safety.
- Aerial imagery suggests that there may be features of archaeological interest along Napchester Road. It is hoped that these features will be fully investigated before works start.

f) **The Site and the Proposal**

- 1.1 This application relates to an area of agricultural land extending to approximately 67ha. The land lies between Whitfield, to the south west, and Church Whitfield, to the north east. The south eastern boundary of the site is delineated by Archers Court Road, the north eastern boundary is formed by Church Whitfield and the A257, the north western boundary is formed by agricultural land and the western boundary of the site is formed by Whitfield and Sandwich Road. Church Whitfield Road and Napchester Road cross the site, as do Public Rights of Way ER62 and ER63. The land, whilst relatively flat, falls gradually from south west to north east, with a difference in land levels of around 15m to 20m between the highest and lowest parts of the site. The A257 is set at a higher level than the adjoining part of the site.
- 1.2 The land is allocated for residential development under Policy CP11 of the Dover District Core Strategy. This policy allows for at least 5,750 dwelling across the entire allocation, together with all the necessary infrastructure, health, education, social care and commercial development required to support the residential use. This application relates to Phase 2 of the Whitfield Urban Expansion, which follows Phase 1 – Light Hill, to the south, and Phase 1A – Village Centre, to the west. The application comprises two neighbourhoods, as described within the Whitfield Urban Expansion Supplementary Planning Document (the SPD) as Parsonage Whitfield, which comprises 410 dwellings, and Shepherds Cross, which comprises 780 dwellings.
- 1.3 This application seeks outline planning permission for the erection of 1190 dwellings, together with green infrastructure, areas of land for mitigation against potential impacts on the Lydden and Temple Ewell Downs Special Area of Conservation, a cemetery, access roads, footpaths and cycle ways, sports facilities and open space, together with associated infrastructure.
- 1.4 Whilst the application has been submitted in outline with all matters reserved, the application has been supported by a suite of documents, including an

Environmental Statement, and parameter and indicative plans, which describe how the development could be accommodated on the site. The submitted documents comprise:

- Affordable Housing Statement
- Draft Heads of Terms
- Planning Statement
- Design and Access Statement
- Environmental Statement
- Statement of Community Involvement
- Site Waste Management Plan

2

Main Issues

2.1 The main issues are:

- The principle of the development
- Housing land supply
- The impact of the development on the character and appearance of the area
- Impact on the highway network
- Impact on neighbours
- Living conditions of future occupants
- Flood risk and surface water drainage
- Ecology
- Contributions and viability
- The benefits of the development
- The planning balance

Assessment

Principle

2.2 Policy CP11 of the Core Strategy identifies the land to the east, north and west of Whitfield for residential expansion comprising at least 5,750 dwellings, supported by transport, primary education, primary health and social care, utility services and green infrastructure, together with retail, financial and professional offices and eating and drinking establishments. Policy CP11 sets nine criteria which any development would need to adhere to:

- Any application for development is preceded by, and is consistent with, a masterplan for the whole site which has been agreed by the Council as a Supplementary Planning Document;
- The proposals relate to the whole allocated development or if less do not in any way prejudice the implementation of the whole development;
- The proposals include a phasing and delivery strategy that is related to the provision of all forms of infrastructure and the creation of neighbourhood centres;
- An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport, especially to the town centre and the White Cliffs Business Park area, includes link/distributor roads to connect the site to the surrounding network, identifies access points to the site and between the site and the existing settlement, safeguards land for a park and ride facility and identifies construction access arrangements that do not disrupt existing residents;

- An energy and water strategy is developed that will be capable of enabling the development throughout its lifetime to meet proposed national stepped requirements for sustainable construction under the Code for Sustainable Homes but enables residential buildings to achieve a minimum of Code for Sustainable Homes level 4 with immediate effect from adoption of the Core Strategy, non- residential buildings to achieve BREEAM excellent standard and schools to achieve zero carbon rating;
- Existing hedgerows and tree lines are, wherever possible, retained and enhanced to form the basis of a green infrastructure network that connects with the wider network and also incorporates open spaces for recreational and other purposes, including the provision of facilities to deflect likely urbanisation and recreational pressures arising from the development away from the Lydden and Temple Ewell Downs Special Area of Conservation;
- The design creates neighbourhood centres and incorporates a landmark building and foreground buildings and creates vistas and focal points using retained trees and having particular regard to relationships with the access and transport, energy, water and green infrastructure strategies;
- The mix of market housing is designed to broaden Dover's market offer and appeal and assist in attracting families and people of working age into the District while the provision of affordable housing should address prioritised need; and
- The proposals demonstrate how the development would protect the setting of listed buildings and integrate with existing residential areas while not causing any significant adverse effect on the amenities of existing residents.

2.3 This application follows previous applications for Phase 1, which comprises the Light Hill area, and Phase 1A, which comprises the Village Centre area. At the time that these applications were granted, the Whitfield Urban Expansion Supplementary Planning Document (The SPD) had been adopted, in accordance with the first criteria of Policy CP11. The majority of the other criteria under this policy relate to material considerations relevant to the determination of the proposed development and, as such, will be addressed under the relevant headings of this report.

2.4 In furtherance to the Core Strategy Policy, the SPD provides the adopted masterplan for the managed expansion of Whitfield, developing the parameters for the development to provide certainty to applicants, local residents and the Council. Together with providing detail relating to landscape, highways, ecological, heritage and utilities impacts, the SPD provides an overview of each of the development areas, the number of houses each should include and its site specific requirements, including the infrastructure that each phase will need to bring forward. Paragraphs 6.7 and 6.8 of the Masterplan include a series of 11 criteria by which planning applications should be considered, which expand upon the criteria of Policy CP11.

2.5 The SPD is based on a number of assumptions. Whilst these assumptions were based on the sound evidence which was available at the time of its drafting, it proposes that a system of 'monitor, review and adjust' takes place to test the assumptions which have been made. Criterion 8 at paragraph 6.8 of the SPD states that "once development commences, all subsequent planning applications should be informed by, and will be determined having regard to, the findings of the monitor, review and adjust process". Paragraph 6.7 of the SPD requires that, as the development progresses, there will be a need to monitor the actual characteristics and impacts of the development, review the resultant information

and use it to inform the preparation and determination of subsequent applications. Further details regarding how the monitor, review and adjust process will operate are provided at paragraph 6.12 of the SPD, which states that the monitoring will need to be undertaken in a comprehensive, systematic and consistent manner and the findings used to review progress and whether the assumptions upon which the SPD is based hold good. This process should include monitoring of matters such as housing mix, population forecasts, traffic impacts and forecasts, infrastructure needs and delivery, usage and management of green infrastructure, and impacts on European designated wildlife sites, as described at paragraph 6.7 of the SPD. The outcomes of this process should then be used to either establish that the assumptions made in the drafting of the SPD hold true or demonstrate how the assumptions need to be re-evaluated. Phase 1 was granted permission on 30th April 2015 and Phase 1A was granted permission on 2nd January 2013, although at present only a small number of dwellings have been constructed. The application contains no evidence that the applicant has undertaken the 'monitor, review and adjust' process. Consequently, whilst the application has sought to address individual issues on their own merits, there is no evidence that the mechanisms proposed by the SPD in relation to ensuring that the urban expansion provides the development, infrastructure and mitigation required, remain appropriate.

- 2.6 The SPD requires that each phase of development for the expansion of Whitfield is carried out sequentially to allow for the orderly progression of development and provision of infrastructure. The SPD provides a phasing plan which indicates that development will commence to the south east of Whitfield and then progress anti-clockwise around Whitfield. The first phase of development, Light Hill, has already been granted planning permission. That application began the sequence of development as proposed by the SPD. The current application would continue the envisaged phasing plan, comprising the next two neighbourhood areas in the sequence. Furthermore, the development proposed in this application would itself be split into seven sub-phases of between 140 and 194 dwellings. Subject to the build out of these sub-phases being carried out in a logical progression, which can be secured by condition, the phasing of the development would accord with the SPD and would be acceptable.
- 2.7 The application also proposes the provision of a cemetery of approximately 2ha. The SPD, including the approved Concept Masterplan, confirms that the principle of providing a cemetery to the north of Parsonage Whitfield is acceptable.

Housing Land Supply

- 2.8 The District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, significant weight should be given to the provision of housing whilst permission should be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused. The assessment of sustainability is a comprehensive exercise, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF, and will be addressed under the heading 'Planning Balance'. Notwithstanding this, it must also be emphasised that the Whitfield Urban Expansion (WUE) is highly important for the provision of housing within the District. Policy CP3 of Core Strategy identifies a need for 14,000 houses throughout the plan period, of which 9,700 (70%) will be provided within Dover (which includes Whitfield). The WUE is expected to contribute at least 5,750 dwellings to this target. The application would also provide the requisite 30% affordable housing. As such, this application for a total

of 1,190 dwellings represents a substantial contributor to the districts housing land supply, which must be attributed significant weight in the planning balance.

Housing Mix and Affordable Housing

- 2.9 The Whitfield Urban Expansion is intended to create a new housing offer in Dover, with an emphasis on attracting working age people and families. The mix of housing will need to be designed to achieve this aim. Accordingly, the SPD proposes a mix of: 25% one bedroom houses; 35% two bedroom houses; 30-35% three bedroom houses; and 5-10% four bedroom houses. The need to provide such a mix of housing has been acknowledged and accepted by the planning application, as evidenced within the Planning Statement which suggests that this matter be controlled by condition. It is considered that this is an appropriate method of controlling the detailed mix of dwellings. As such, subject to the appropriate controls, it is considered that the development would provide the requisite housing mix.
- 2.10 The SPD, in accordance with the Core Strategy, requires that 30% of the dwellings be affordable units. The application confirms the provision of up to 357 affordable dwellings, will be provided. At least 24 of the affordable dwellings will need to be wheelchair accessible homes. The precise location, mix and tenure have not been provided, with the application confirming that these details will be provided closer to the time of delivery and following discussions with the Councils Housing Manager. It is considered that, subject to full details being secured by condition, the development would provide the requisite quantity and type of affordable housing, in accordance with Policies CP11 and DM5 of the Core Strategy, Appendix 2 of the SPD and paragraphs 7, 17 and 50 of the NPPF.

Character and Appearance

- 2.11 All detailed matters are reserved at this outline stage; however, the application has been supported by a series of parameter plans, which define the extent of aspects of the development, such as land use, building heights and access and movement, and illustrative plans which indicate how the development might be laid out and, whilst not detailing the precise form or appearance of the development, demonstrate one way in which the amount of development being applied for could feasibly be accommodated on the site. As such, these indicative details seek to demonstrate how the development could be laid out within the application site to accord with the requirements of Policy CP11 and the SPD.
- 2.12 The submitted Design and Access Statement also describes the parameters which will be used to determine the detailed design. The development would be split into four character areas; two within Parsonage Whitfield and two within Shepherd's Cross. The purpose of these character areas is to provide variety within and between the different neighbourhoods which are to be created and to 'provide a sense of place'. This approach will also enable different areas to take on different characters to better respond to their individual settings, for example adapting to the different densities of development (or lack of development) on adjacent land.
- 2.13 Character Area A, which relates to Parsonage Whitfield East would be low density with detached houses in large plots. The houses would be predominantly two storeys in height and finished in a mixture of render and flint. The layout of houses would include informal squares, referencing the centre of Church

Whitfield and would be provided with generous landscaping to provide a soft transition between the character area and Church Whitfield.

- 2.14 Character Area B relates to Parsonage Whitfield West. This area would be set away from the existing development in Whitfield by a landscape corridor. The dwellings will be predominantly two storeys in height and would take the form of a mixture of detached and semi-detached dwellings, interspersed with occasional short terraces. The density of development would be similar to that of Cranleigh Drive and Farncombe Way. Buildings would be finished in brick and weatherboarding.
- 2.15 Character Area C, which relates to Shepherds Cross West is described within the Design and Access Statement as having a typical density of 34dph (this is the only Character Area for which the application has confirmed the density in dwellings per hectare), but would increase adjacent to the primary street and would be lower towards the edges of the site and along Napchester Road. In particular, the houses to the north west of the area would comprise lower density detached dwellings. Buildings would be predominantly two storeys in height, with the potential for bungalows at Napchester Road and Beauxfield. There would be some, occasional, terraces, but largely buildings would be detached or semi-detached. The material palette would comprise a prevalence of brick, together with some render and weatherboarding.
- 2.16 The final character area, Character Area D, relates to Shepherds Cross East. The development in this area would be set away from the A256 by a landscaped corridor. Where development would be visible from the A256 (before the landscaping to the boundaries has had time to become established), the design would seek to avoid a regimented, unbroken appearance. The density towards the edges of the site would also be relatively low. Again, buildings would predominantly be two storeys in height and would be constructed of a mixture of brick and flint or render.
- 2.17 The Design and Access Statement also confirms that the development fronting onto the primary street and Archers Court Road would be designed specifically to respond to the particular character of the road.
- 2.18 In terms of detailed design, the SPD confirms that each character area will contain its own individual design elements, with changes in height, setbacks, landscape treatments, architectural detailing, colour and use of materials. Boundaries between the areas will, however, evolve and gradually transition.
- 2.19 The Design and Access Statement describes the layout of the development as being based around perimeter blocks to provide strong frontages onto roads and natural surveillance of public areas. This layout would also reduce the potential for overlooking between houses.
- 2.20 The application would produce an overall density of 35.5dph in respect of the proposed built up areas (with an overall density, including all open space and non-residential areas of around 18dph). This compares to an approved density of around 42dph within the less sensitive Phase 1. This density, whilst slightly higher than the approximate densities for each area stated in the SPD, is broadly what is to be expected within this location, particularly given the variation in densities within Whitfield. It is therefore considered that the densities proposed are reasonable, subject to the reserved matters application demonstrating that this density is appropriately varied across the Phase as a whole.

- 2.21 The scale of development would respond to the scale of development within much of Whitfield. The vast majority of the development would be two storeys in height. This height would increase to two and half to three storeys where properties would front onto the main roads through the site, squares and open space. Generally, the scale of the development is considered to be well-conceived; however, some areas of housing close to Church Whitfield are indicatively shown to be taller two and half to three storey buildings. Within this sensitive part of the site, these taller buildings would be likely to harm the setting of Church Whitfield and, as will be discussed in the next section, the setting of the Church of St Peter. However, it is considered that, as scale is reserved at this stage, this can be explored further at reserved matters stage. In any case, it is not considered that a need to reduce the heights of buildings in this location would inhibit the ability to provide the amount of development which is being applied for.
- 2.22 The indicative masterplan demonstrates that substantial areas of soft landscaping can be provided between and around the new neighbourhoods, avoiding an overly urban character, whilst retaining Church Whitfield as a separate and distinct hamlet. The existing hedgerows within the site will be retained, enhanced and incorporated into the wider landscaping plan. The Design and Access Statement further demonstrates that the green infrastructure will flow from these open spaces into the Parsonage Whitfield and Shepherds Cross neighbourhoods, where structural tree planting will be used to define key routes, such as Archers Court Road.
- 2.23 Overall, whilst the detailed design of the scheme is reserved at this outline stage, it is considered that the application has demonstrated that the amount of development proposed could be accommodated on the application site whilst providing a high quality built environment. The development would inevitably alter the landscape character of the site and its environs. However, the reasonable impacts of the development in this respect were envisaged and accepted when the site was allocated, whilst the current application has demonstrated that it would minimise and mitigate this harm appropriately and so would accord with policies DM15 and DM16 of the Core Strategy, the SPD and paragraphs 17, 56, 57, 58, 59, 61 and 109 of the NPPF.

Heritage

- 2.24 Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' to whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had as to whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits, as described by paragraphs 133 and 134 of the NPPF respectively.

2.25 The site does not contain any listed buildings and is not within a conservation area. The closest listed building is the Grade II* Listed Church of St Peter in Church Whitfield. It is not considered that the application would harm any other heritage assets, or their settings, by virtue of the separation distances to, and relationships with, other listed buildings, conservation areas or Scheduled Ancient Monuments.

2.26 The list description for the Church of St Peter reads:

Church. C8 or C10. Extended C.1200. Restored 1894 by Ewan Christian. Flint and plain tiled roofs. Nave, north aisles chancel and sanctuary, south porch and vestry. Blocked west doorway (flint jambs visible) and small round headed gable light, with rebated head of single block of stone, both probably C8 features. Restored C12 lancet cuts into doorway. Flint jambed double-splayed window above south porch exposed remains of arcade in south wall. Double lancet and roundel east window to north aisle, otherwise C19 fenestration throughout. Porch, north aisle and chancel all C19, with shingled bell turret. Interior C8 nave and chancel, with exposed remains in south wall of C12 arcade to demolished south aisle, with round piers. Simple tall round headed chancel arch altered 1894, with surviving round arched opening on round responds with scalloped capitals (part of south arcade now to C19 vestry) in Saxon chancel, with simple pointed arches to north aisle and second chancel (originally C13, rebuilt 1894). Two bay arcade from nave to north aisle, C19 with double chamfered arches on round pier. C19 roofs. Monuments Lucy and George Stringer (1821 and 1839), large black and white wall monument as a neo-classical aedicule with oval plaque and urn over; Harriett Stringer- Latham d.1825, white wall plaque as a sarcophagus with reeded side pieces and pediment over the C13 bell said to be oldest in Kent. The church since 1971 has been reorganised, with centralised plan, the altar now in north aisle, facing south, the old chancel and sanctuary now vestry/school rooms. (See BOE Kent II 1983, 495; Church guide, 1986, Joyce Molyneux).

2.27 Historic England have advised that the setting of the Church is particularly important, having a deliberately elevated position to create a distinctive silhouette. The SPD identifies that the setting of Church needs to be protected, whilst encroachment of the Church, and the hamlet of Church Whitfield, would be likely to harm the significance of the Church's setting. Consequently, the SPD advises that landscape buffers, used as Green Infrastructure, be provided to the south and west.

2.28 The Principal Heritage Officer has raised concerns that the Built Heritage Statement does not provide sufficient recognition of the wider setting of the Church within the landscape and the impact of the development on this aspect of the significance of the Church and an assessment of Parsonage Farm. Furthermore, Historic England has advised that the submitted application does not thoroughly explore the setting of the Church and, subsequently, the indicative masterplan does not positively articulate this setting. Historic England have, accordingly, recommended that further detailed drawings and 3D models are prepared and submitted with the application for reserved matters to fully assess the developments impact on the setting of the listed building and that this work should inform the detailed application in terms of height, density and pattern of arrangement.

2.29 The application proposes a swathe of Green Infrastructure around Church Whitfield, which is typically in excess of 100m in width; although, there is one

triangle of development which extends within approximately 50m of the hamlet. However, acknowledging that this plan is indicative only, it is considered that the application has demonstrated that, subject to further analysis refining the detailed reserved matters application, the development could be carried out in a manner which provides an appropriate setting to the Church and the hamlet. In accordance with the consultations received, it is considered that conditions would need to be attached requiring the submission of detailed evidence at the reserved matters stage regarding the potential impacts of the development on the setting of the Church and how these potential impacts have been avoided in the formulation of the detailed design, so as to ensure that the development accords with paragraphs 3.52 to 3.54 of the SPD and paragraphs 128, 132 and 134 of the NPPF.

2.30 Whilst a consultation response has not been received from the County Archaeologist, it is noted that the site lies within an area of significant archaeological potential. The submitted Heritage Statement identifies that the Roman Road between Dover and Richborough ran north south near Pineham, suggesting that the village of Church Whitfield developed along this route. Church Whitfield was known to be present in the Medieval period, whilst there is also evidence of both Roman and Saxon settlements. The Church itself is first mentioned in 762AD. There have been several archaeological finds, predominantly of Medieval date, in the locality. For these reasons, it is considered that a condition requiring that a programme of archaeological works takes place be attached to any grant of permission. Such a condition would accord with paragraphs 3.57 to 3.59 of the SPD.

2.31 The site contains three rural lanes which have been identified as having heritage significance: Napchester Lane; Church Whitfield and Archer's Court Road. Whilst these lanes will not be closed to traffic, the application proposes low density development along, and generously separated from, these lanes. Such an approach, subject to consideration at reserved matters stage and the retention of existing hedgerows, would preserve the significance of the rural lanes, in accordance with paragraphs 3.55 and 3.56 of the SPD and paragraphs 17 and 135 of the NPPF.

Impact on Residential Amenity

2.32 The development would adjoin the north east of the existing built up area of Whitfield. The indicative masterplan demonstrates that, along much of the site's contiguous boundary with the existing built up area, the development would provide a transitional landscape buffer, which would provide generous separation between existing and proposed development. Whilst parts of the western edge of Shepherd's Cross neighbourhood would be closer to existing houses (in particular in those in Beauxfield and Napchester Road, as well as the development within Phase 1A) than other parts of the proposed development, it is considered that the scope of the application site and the prescribed density within this neighbourhood of 34dph would allow for sufficient separation such that unacceptable levels of overlooking, loss of light or sense of enclosure would be avoided. The development would be well separated from Church Whitfield, which is necessitated by landscape and heritage requirements. As such, it is considered that it has been demonstrated that the amount of development proposed could be accommodated on site without causing unacceptable harm to neighbouring properties or residential amenity. Any subsequent application for Reserved Matters, where detailed layouts, scales and designs of buildings would be provided, will need to ensure that acceptable relationships with existing dwellings would be provided.

- 2.33 The submitted Environmental Statement includes a Detailed Construction Dust Assessment. The development includes a significant amount of development within relatively close proximity to existing residential properties. Consequently, without appropriate mitigation, it is likely that unacceptable harm would be caused to neighbouring land uses by fugitive dust. Consequently, Environmental Health have requested that a condition be attached to any grant of permission requiring that a dust management plan be submitted to, and approved by, the LPA. It is considered that such a condition would be a reasonable and proportionate response to this issue.
- 2.34 The application has been supported by an assessment of noise and vibration, which considers both impacts on existing and proposed properties. The primary source of noise in the area is that of traffic noise. The proposed development, together with consented developments, would not significantly increase noise levels generated on the surrounding road network and would not, therefore, lead to unacceptable harm to the living conditions of existing residents in this respect. Whilst the development would not significantly increase road noise, the areas to the north of Shepherds Cross would be in close proximity to the A256 and Sandwich Road where noise exposure is sufficiently high that mitigation will be warranted, as described within the SPD. Accordingly, the application proposes that in these areas dwellings will be designed so as to mitigate road noise, through the provision of alternative ventilation to allow windows to remain closed. This approach is, in principle, considered to be acceptable; however, full details will be required by condition.
- 2.35 The development itself would be unlikely to generate significant levels of noise and disturbance once in use. However, due to the relationship between the site and neighbouring dwellings, the construction phase has the potential to cause noise and disturbance for its duration. Accordingly, Environmental Health have advised that noisy activities during the course of construction should be limited to between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays, with no noisy activity on Sundays or Bank Holidays. It is considered that such restrictions, which can be secured by condition, will be necessary to ensure that unacceptable harm is avoided, in accordance with paragraph 6.17 of the SPD and paragraph 17 of the NPPF.

Transportation

- 2.36 Criterion 4 of Policy CP11 requires development proposals to include an access and transport strategy that maximises the potential for walking cycling and the use of public transport, especially to the town centre and the White Cliffs Business Park area.
- 2.37 The SPD developed this requirement into a framework transport strategy that was informed by a micro-simulation computer model of the local road network which itself was based upon a Dover urban area wide transport computer model and the resultant Dover Transport Strategy. It should be noted that the baseline information underpinning these models is now out-of-date and the Council, in collaboration with Highways England and Kent County Council is in the process updating and reviewing the Dover Transport model and Strategy.
- 2.38 The key elements of the SPD's transport strategy are: a series of improvements to the highway network, the phased introduction of an express bus service (known as Bus Rapid Transit or BRT) to the town centre and train station, the extension and improvement of the local Public Rights of Way network to

encourage walking and cycling, and a requirement for individual planning applications to develop travel plans to manage the demand for travel and promote alternatives to private car use. The transport modelling at that time showed that these non-car initiatives were both necessary to manage a reduction in vehicular traffic generation and desirable in terms of promoting a quality development. Even with these initiatives highway improvements were needed and, more specifically in relation to the phases of development proposed by this application, they consist of:

- Access to be achieved by a new primary street linking across Archers Court Road to the new roundabout provided on the A265 as part of the Phase 1 development
- Improvement to the Duke of York's Roundabout on the A2
- Assessment of improvements to Whitfield roundabout (to be delivered as part of the Phase 1 development) to be undertaken to determine whether additional works are necessary

2.39 The transport assessment submitted with the application draws on the modelling undertaken in connection with the Dover Transport Strategy and the SPD. KCC considers that this work needs to be refreshed and verified by drawing on the updated information that has now become available through the review of the Dover Transport Strategy. Both KCC Highways and Transportation and Highways England have fundamental concerns with the specific signalisation modelling for the Whitfield roundabout which they have required be rectified before they can make a reliable evaluation.

2.40 The submitted transport assessment presents the application on the basis that it would create a modal shift in the way residents would travel, away from private car in favour of bus, walking and cycling. It is, however, vague in how this would be achieved and while the submitted Heads of Terms for a S106 agreement confirms that financial contributions would be made to a BRT service, it is unclear what level of service this would enable and how effective it is likely to be.

2.41 The Duke of York's roundabout is already operating at over-capacity. The permitted Phase 1 development makes provision for a financial contribution of £100,000 towards improvement works. However, this application needs to make further assessment of the cumulative impact of the Phase 2 proposals and whether additional mitigation is needed. A reliable assessment of these cumulative impacts has not been undertaken.

2.42 In the absence of up-to-date and reliable computer modelling and a suitably revised transport assessment it is not possible for the Highway Authorities to provide an evaluation of the impact of the proposals on the highway networks and identify any mitigation measures that might be needed to make the development acceptable. If the application was to be permitted as matters stand, the impact on the highway networks is not quantifiable but, bearing in mind the known difficulties with specific junctions, and in the absence of specific, evidenced mitigation (the proposed mitigation is generalised and its effects not measurable), the application has failed to demonstrate that the development would not cause a severe cumulative effect on the network, contrary to Policies CP11 and DM12 of the Core Strategy, paragraphs 4.19-4.23, Figure 4.4 and Table 5.2 of the SPD and paragraphs 17 and 32 of the NPPF.

2.43 Whilst detailed layouts have not been provided at this stage, the proposed densities of development would allow for the provision of sufficient space for car and cycle parking for each dwelling to be provided. These matters would be

addressed once full details of the development are known, at the reserved matters stage.

- 2.44 The SPD confirms that in both of the proposed neighbourhoods, it will be necessary to retain and enhance the existing Public Rights of Way (PRoWs) and create new PRoWs. The site includes two PRoWs, the ER62, which links Church Whitfield Road to Archers Court Road to the east of the site, and the ER63 which runs between Archers Court Road along the south western boundary of the site to Beauxfield, before turning north east and linking with Church Whitfield Road. The indicative masterplan confirms that both of these routes will be incorporated into the development. The Access and Movement Parameter Plan, together with the indicative masterplan, propose that a new network of footpaths, which would be set within attractive landscaped areas, would be provided. The detail of the new routes would be provided at reserved matters stage; however, it is considered that the principle of these new routes is supported. KCC PRoW has recommended that the development should be designed so as to overlook the PRoW. Whilst this recommendation is reasonable, it is considered that this is a matter for the reserved matters application.
- 2.45 KCC PRoW has raised no objection to the incorporation of the existing PRoWs into the scheme, but have requested that improvements are made to these paths and contributions made towards their future maintenance. However, concern has been raised that, whilst the draft heads of terms references the need to submit for approval a scheme for the provision of new PRoW, there is no reference to contributing towards upgrading the existing PRoWs. Should the development not bring forward the improvements to the existing network directly, KCC have requested a contribution be made to carry out improvements to the ER62 and ER63, amounting to £93,115. Having reviewed the application, it is noted that the applicant has specified within the Design and Access Statement that the existing PRoW's will be enhanced. It is considered that the enhancement of the existing routes and the provision of new routes, could be dealt with by way of a condition which requires a fully detailed scheme, including a timetable for the works and details of future maintenance, to be submitted for approval. Such a condition would ensure that the development would accord with Policy CP11 of the Core strategy, paragraphs 5.17 to 5.19, 5.103 and 5.108, and paragraphs 29, 30, 32 and 35 of the NPPF.

Flooding and Surface Water Drainage

- 2.46 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or from the sea. Consequently, there is no requirement to apply the Sequential or Exception Tests.
- 2.47 Regard must also be had for whether the development would cause, or be susceptible to, localised flooding, having particular regard for foul and surface water drainage.
- 2.48 The NPPF, at paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere, going on to say priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:
- reduce the causes and impacts of flooding;
 - remove pollutants from urban run-off at source;

- combine water management with green space with benefits for amenity, recreation and wildlife.
- 2.49 KCC have issued a Drainage and Planning Policy Statement, which sets out how applications will be assessed. In particular, SUDS Policy 1 within this plan, in conformity with the hierarchy suggested by the Planning Practice Guidance, sets out the hierarchy for dealing with surface water. The full hierarchy is as follows:
1. to ground,
 2. to a surface water body,
 3. a surface water sewer, highway drain, or another drainage system; or,
 4. to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.
- 2.50 KCC, in association with eight other Lead Local Flood Authorities across south east England have also prepared a document called 'Water, People, Places' which provides advice on the incorporation of SUDS into development.
- 2.51 The application has been supported by a Flood Risk Assessment which includes a 'Proposed Surface Water Drainage Strategy'. Whilst full details of surface water drainage are yet to be worked up, the submitted strategy outlines the constraints and overall parameters of surface water drainage. The strategy would rely on a mixture of infiltration features, including soakaways, basins, swales and ponds, which would be sized to provide sufficient capacity to store and discharge a design storm event equivalent to a 1 in 100 year flood event, adjusted for climate change. Additional overflow capacity would also be provided so that, should rainfall exceed the design flood event, open landscaped areas would be allowed to temporarily flood to protect housing from floodwater.
- 2.52 The Strategy includes an indicative SUDs Masterplan (Figure 7 of the FRA) which demonstrates that SUDs will comprise a range of surface attenuation features including permanent wet ponds, attenuation basins and linear swales. This masterplan, whilst similar, does not accord with the indicative masterplan submitted with the application. In particular, ponds are shown on the SUDs plan to be located in the area which is proposed to form sports pitches on the illustrative masterplan. The indicative SUD's masterplan would not, therefore, be acceptable, resulting in drainage features being co-located with sports pitches. The revised Green Infrastructure Strategy relocates the indicative locations for water attenuation features to more appropriate sites, but provides no details of what these features would be, or their capacities. Furthermore, having regard for the advice which has been received from the Lead Local Flood Authority, it would be expected that the exact locations of the proposed attenuation/infiltration features are confirmed, along with location specific soakage testing being provided to demonstrate that the scheme has been appropriately sized and will function as intended. In accordance with consultee responses, it is considered that it would be necessary and reasonable to attach a condition to any grant of permission requiring that full details of the drainage strategy be provided at reserved matters stage. These details will need to be submitted at the reserved matters stage (as opposed to prior to the commencement of the development) as the detailed drainage design will influence, and therefore need to be considered in conjunction with, the detailed layout of development.
- 2.53 Turning to foul drainage, Southern Water have advised that there is currently inadequate capacity in the local network to provide foul sewerage disposal to the proposed development. This is consistent with the SPD which, on page 26, identifies that there is no capacity in the existing sewerage system to

accommodate the development and, consequently, advises that more detailed investigations will be required at the planning application stage. The existing public sewerage system comprises a 150mm diameter gravity system which feeds to a pumping station at Sandwich Road, and pumps up a rising main into the wider network, eventually ending at the Broomfield Bank sewerage treatment works 6.5km to the south west.

- 2.54 Southern Water continue their advice to confirm that, subject to the provision of additional off-site sewers or improvements to existing sewers which can be secured through a request made under Section 98 of the Water Industry Act 1991, the needs generated by the development can be met. Southern Water has therefore requested that, should permission be granted, conditions are attached requiring that full details of foul and surface water drainage are submitted to and approved in writing by the LPA.
- 2.55 The application has been supported by a Utilities Statement which considers, amongst other things, how foul drainage from the development will be accommodated. This statement confirms that there are currently no sewers within the site boundary and that there is currently insufficient capacity in the public sewerage network to meet the needs of the development. The statement also advises, in accordance with the covering letter for the application, that discussions with Southern Water regarding the upgrading of existing infrastructure are ongoing.
- 2.56 Whilst it is agreed that there is a legal mechanism outside of the planning regime for securing the necessary improvements to the foul drainage network, the application has not demonstrated a viable solution which is both implementable and which would not increase the risk of localised flooding. The LPA also have a role in ensuring that the infrastructure required is provided in accordance with a suitable timetable to ensure that the infrastructure is delivered in advance of the occupation of the development. Without sufficient foul sewerage drainage, the development would be likely to cause localised flooding and, as a consequence, pollution of groundwater. Furthermore, given the scale of the development, the foul drainage infrastructure is likely to be substantial in its own right, will be likely to include both above and below ground operational development and, consequently, will influence the layout of the development.
- 2.57 The Utilities Statement states that an existing 150mm diameter foul water pipe will be 'affected by the development' whilst, on site, a new strategic pumping station (the indicative location for which is shown on the indicative masterplan) and off site rising main, together with an adoptable network of on-site sewers will be required. Regard has been had as to whether the condition suggested by Southern Water, which would require full details of sewerage infrastructure to be submitted for approval, would overcome the applications lack of detailed scheme for foul sewerage disposal.
- 2.58 The Planning Practice Guidance envisages local planning authorities exercising control over the timing of development to allow for improvement works to be carried out in advance of occupation, stating:
- “the timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out”.

It is considered that a condition requiring full details of on and off site foul sewerage infrastructure would be appropriate and necessary, meeting the six tests for the imposition of conditions, in order to ensure that the infrastructure required can be accommodated within the site and would be delivered in accordance with a timetable which ensures that the provision of adequate infrastructure is concurrent with the occupation of the development. As the provision of foul sewerage infrastructure will be likely to influence the detailed design of the scheme, it is considered that these details will need to be provided in advance of the submission of the reserved matters application. Such a condition would ensure that the development accords with Core Strategy Policy CP6, paragraphs 4.26 and 4.27 and Table 6.2 of the SPD and paragraphs 17, 94, 99, 100 and 103 of the NPPF.

Ecology

- 2.59 In accordance with the Habitats Directive and the Wildlife and Countryside Act 1981, it is necessary to ensure the application (a 'project') does not harm a European Site. The SPD confirms that, whilst there are no statutory nature designations within the WUE, the Lydden and Temple Ewell Downs, which is a National Nature Reserve, SSSI and SAC (a European Site), lies close to the site to the southern side of the A2. This area is vulnerable to increased recreational pressure especially walkers with dogs. In order to avoid such increased pressures, the SPD requires that appropriately sized, designed and located green infrastructure be provided to deflect walkers away from the SAC. In respect of Parsonage Whitfield 1.48ha of such on-site mitigation will need to be provided, whilst Shepherd's Cross will be required to provide 2.53ha of on-site mitigation (4.01ha in total). 600m of walking routes will also be required. The Green Infrastructure Strategy confirms that 4.01ha of SAC mitigation area would be provided, as would the required walking routes. The layout of the mitigation areas, which has been amended during the course of the application, is considered to be logical and well related to the open space and retained footpaths. Whilst the indicative layout of these areas is therefore accepted, it is necessary to ensure that provision is made for the retention and maintenance, in perpetuity, of these areas. The applicant has submitted, within their Draft Heads of Terms, that details of such maintenance shall be provided in advance of the commencement of development and that this can be secured by legal agreement. Whilst this mechanism for delivery and maintenance is acceptable, no such legal obligation has been secured and, as such, these details have not been secured.
- 2.60 The application also has the potential to cause in-combination effects on the Thanet Coast and Sandwich Bay SPA and Ramsar Site. However, the LALP provides a suggested mitigation against these cumulative impacts of development, setting out a mitigation strategy to avoid potential impacts comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Thanet Coast and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £51,448. However, as above, as no such legal obligation has been secured, it cannot be concluded that the development would not cause a likely significant effect on the SAC or SPA.
- 2.61 In relation to the off-site impacts of the development, regard must be had to whether the development would cause any harm to habitats or species on or adjacent to the application site, having regard to Natural England's Standing Advice.

- 2.62 The SPD states that the vast majority of the site is considered to be of low ecological value. However, some features of interest are present, including trees, areas of woodland and hedgerows, which should be retained and enhanced. Regard should also be had at the application stage for the likely effects on, in particular, badgers, bats and nesting birds. The application has been supported by a Baseline Ecological Appraisal for the site, which considers both the flora and fauna of the site.
- 2.63 The vast majority of the site comprises arable farmland containing no notable species, which is of low ecological value. Equally, the two areas of improved grassland and three areas of semi-improved grassland are botanically poor and also of low value.
- 2.64 The Assessment confirms that there are 22 hedgerows within the site, which predominantly form field boundaries. It is stated that these hedgerows do not form a coherent network across the site, many are narrow having been regularly trimmed and that none are deemed to be 'important' for the purposes of the Hedgerow Regulations 1997. However, the Councils Principal Ecologist disagrees with these conclusions, commenting that:

"some hedges may have sufficient woody species within them to warrant further analysis. Also, some of the existing hedge lines follow the same boundaries as marked on the 1797 Ordnance Survey Drawing (Heritage Assessment). As this part of Kent was not subject to Enclosure (mid-late 18th C) it is probable that these hedgerows are of historical importance and as such, are important within the meaning of the Hedgerow Regulations. Therefore, it is considered that further work is carried out which can inform not just ecology and heritage, but landscape and design as well".

No such further analysis has been submitted. However, it is noted that the Green Infrastructure Strategy plan demonstrates that the hedgerows within the site would be retained, being incorporated into the open spaces, accessible green spaces and SAC mitigation areas. Whilst it is disappointing that further analysis of these hedges, or details for how they will be retained or upgraded, has not been submitted, it is considered that sufficient evidence has been provided to demonstrate that the hedgerows can be accommodated. Should permission be granted, it is considered that it would be appropriate to require, by condition, that further detailed analysis of the hedgerows, together with full details of how the hedges will be incorporated into the development, enhanced and subsequently maintained, be submitted for approval.

- 2.65 Relatively few trees are present within the site, correlating with the arable use of the land. Where trees are present, they are largely confined to the hedgerows discussed in the previous paragraph. It is concluded that none of the trees identified are of more than low ecological value.
- 2.66 Turning to faunal use of the site, the report concludes that there is no evidence of mammals (with the exception of badgers), amphibians, reptiles or invertebrates. However, the developments potential to impact upon badgers, bats and birds has been assessed in greater detail.
- 2.67 Two badger setts have been identified within the application site. The first of these setts is most likely an outlier sett, used on a very occasional basis and currently disused. The second, whilst showing signs of recent use, is likely to be a former subsidiary sett, which is now an outlier sett. Given the state of these setts and the habitat in the area, it has been concluded that the site is of low

ecological value for badgers. The Council's Principal Ecologist has agreed that, subject to further survey work of the two badger setts at the reserved matters stage for the yellow sub-phase, no concerns are raised.

- 2.68 Whilst there are no records of bats within the site, records do exist for bats around 0.4km to the west. A survey of the site has been undertaken, following similar surveys in relation to Phase 1, which concluded that the site contains very few features with the potential to support roosting bats and, consequently, is of low value for roosting bats. Equally, the site provides sub-optimal habitat for foraging and commuting. Notwithstanding these conclusions, six trees have been identified as having potential to support bats. The Council's Principal Ecologist has confirmed that he agrees that the site has a low value for roosting and foraging bats. However, as bat populations vary from time to time, it would be reasonable to require that further, more detailed, surveys be carried out when the reserved matters for the yellow sub-phase is submitted, to assess trees which have a potential for bat roosts.
- 2.69 Surveys have been undertaken to assess the development's likely impact on birds, during which only common and widespread species were observed. Whilst the application therefore concludes that the site is of low ecological value to birds, it would be proportionate to include a condition on any grant of permission to ensure that breeding birds are safeguarded during construction.
- 2.70 Subject to further species surveys coming forward with reserved matters applications, as appropriate, it is not considered that the development would cause any significant harm to protected species, or their habitats, on or adjacent to the site. However, in the absence of a legal obligation which provides for the necessary maintenance of the SAC mitigation areas and for a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study, it cannot be concluded that the development would not cause a likely significant effect on the SAC or SPA, contrary to paragraphs 1.21 to 1.24 of the Land Allocations Local Plan, paragraphs 5.38 to 5.43 of the SPD and paragraphs 109, 113, 118 and 119 of the NPPF.

Infrastructure and Contributions

Open Space

- 2.71 Policy DM27, which is included in the Land Allocations Local Plan (LALP), requires that planning applications for residential development will be expected to provide, or contribute towards the provision of open space to meet the needs generated by the development. The SPD sets out the specific infrastructure requirements of the Urban Expansion, providing a neighbourhood by neighbourhood breakdown at Appendix 2.
- 2.72 Regarding Parsonage Whitfield, the SPD requires that 1.24ha of outdoor sports space, 0.08ha of children's play space, 0.20 ha of community gardens/allotments and 0.84ha of accessible green space be provided. In respect of Shepherd's Cross, 3.36ha of outdoor sports space, 0.15ha of children's play space, 0.39ha of community gardens/allotments and 1.89ha of accessible green space will be required. This provision should be in addition to areas proposed for SAC mitigation, which amounts of 4.01ha and has been addressed earlier in this report.

2.73 However, subsequently to the adoption of the SPD, the Council have produced and adopted Sports and Leisure Strategies which have, following the assessment of additional evidence, revised the open space requirements of new development. Advice has been provided by the Council's Principal Infrastructure and Delivery Officer, confirming the overall amounts of Open Space which the development will need to provide amounting to:

- 6.07ha of accessible green space;
- 3.2ha of outdoor sports space;
- 0.16ha of children's play space; and
- 0.57ha of community gardens/allotments

As these figures are more up-to-date than those included within the SPD, it is considered that they more accurately represent the amount of open space need which would be generated by the proposed development.

2.74 The application proposes open space which, in most instances, meets or exceeds the open space requirements. There is ambiguity regarding the provision of community gardens/allotments. The draft heads of terms states that 0.59ha of community gardens/allotments is proposed. However, the Green Infrastructure Strategy proposed an area of 0.53ha, which would fall below the required 0.57ha. Notwithstanding this confusion, it is considered that, should permission be granted, it would be feasible to achieve the amount of community gardens/allotments which are required.

2.75 Notwithstanding the acceptance of the amount of open space proposed, it is also necessary to consider whether the location, form and usability of the spaces are acceptable. The Council's Principal Infrastructure and Delivery Officer initially raised concerns in this respect. The application, as submitted, proposed the provision of five junior football pitches and two cricket pitches (although the cricket pitches were not shown on the corresponding plan). This would have represented a very unbalanced provision, which would be highly unlikely to attract club use. Furthermore, the majority of the pitches would have been located to the far north east of the site, would have been remote from the existing pitches and would have had no changing facilities or parking. The location of one of the children's play areas was also considered to be unacceptable, being in an isolated location in the far northern corner of the site. Consequently, the applicant's revised Green Infrastructure Strategy, which was submitted during the course of the application, amended the indicative location for the sports pitches and equipped children's play areas so that they would be located more centrally within the development and, in respect of the sports pitches, would be co-located with the existing sports pitches at Whitfield Recreation Ground. The type of sport pitches to be provided has also been amended, which would now provide 2no senior football pitches (11vs11) and 1no youth pitch suitable for U11 to U12 level (9vs9), together with an outdoor gym. This provision responds to the FA's advice regarding the application, which formed a part of Sport England's consultation response advising that it would be beneficial if the playing pitches could look to address the deficit in senior 11v11 and youth 11v11 and 9v9 pitch provision. For these reasons, it is considered that the indicative locations and sizes of open space are acceptable.

2.76 Whilst it is accepted that, subject to acceptable details being submitted at the reserved matters stage, the development could meet the open space needs which would be generated, regard must also be had for the timing of this provision and how it would be retained, and maintained, in perpetuity.

- 2.77 The application proposes that the Green Infrastructure will be provided and maintained, in perpetuity, in accordance with details which are to be submitted for approval. The draft heads of terms also proposes that the sports provision will be directly provided, or provided via the payment of a Sports Facilities Contribution, prior to the occupation of the 600th dwelling. The allotments would be provided in two parts. The first will be provided prior to the occupation of the 300th dwelling, whilst the second part will be provided prior to the occupation of the 600th house. It is important to note that direct provision would best serve the development, as it would represent the most efficient way to create a sports hub.
- 2.78 When considering the timing of the delivery of infrastructure, a balance must be reached between ensuring the timely delivery of the infrastructure, so that it coincides with the need arising as the development is occupied, and avoiding any unnecessary front loading of infrastructure costs, so that the earliest stages of the development are not unreasonably overburdened by the costs of providing infrastructure. In this case, it is considered that the proposed trigger points for the provision of open sports space would be especially late in the build out of the proposed development, with no provision whatsoever before 600 dwellings are occupied. Given the likely rate of build-out, this would be several years after the first houses are occupied and is not considered to be reasonable. Therefore, in the absence of a suitable, earlier trigger point in relation to open sports space, the proposed development conflicts with, Policy DM27 of the Land Allocations Local Plan, paragraphs 5.45 and 5.46 of the SPD and paragraphs 17 and 73 of the NPPF.

Education

- 2.79 The SPD requires that each phase of development provide the necessary educational provision to meet the needs of the development. In this respect, Appendix 2 of the SPD advises that the development would require the provision of a two form entry primary school, to be provided in the Light Hill neighbourhood, to meet the needs of Parsonage Whitfield, and the provision of a second two form entry primary school in Shepherds Cross. The SPD, whilst not confirming that secondary school provision will be required, also states that each application will need to demonstrate whether or not additional secondary school provision will be required. In each case, the application would need to provide a financial contribution for capital build and a proportion of land costs, although the SPD does allow for the developer to directly provide the school in Shepherd's Cross.
- 2.80 The outline planning permissions which have previously been granted in respect of Light Hill (Phase 1) and the Village Centre (Phase 1A), each included the provision of a two form entry primary school. Whilst the SPD required the provision of a primary school within Light Hill, it did not require a primary school in the Village Centre. Consequently, whilst a school is no longer proposed within Shepherds Cross, it is considered that the permission for the school in the immediately adjacent Village Centre would appropriately meet the needs generated by the development. KCC have accepted this approach, requiring that the school site, of at least 2.05ha, be provided in the Village Centre, at no cost to KCC, together with a contribution of £4,760,000 towards build costs. The applicant has proposed that, in order to secure the relevant primary school contribution, a legal obligation be agreed to provide "a programme for the construction of a 2FE primary school at Village Centre and a 2FE primary school at Light Hill OR contributions for such". Subject to the receipt of a S106 obligation to secure this provision, the development would meet its needs in this respect. However, a draft S106 agreement has not been received.

- 2.81 Turning to Secondary School provision, KCC have provided evidence to demonstrate that there is insufficient provision at present to meet the needs which would be generated by the development. Consequently, KCC have advised that the development would need to increase local capacity, in this instance by providing a contribution of £2,808,162 towards the first phase of the expansion of Dover Christ Church Secondary School. The draft heads of terms submitted as part of the application proposes that a S106 include a requirement to pay “contributions towards the creation of new secondary school places, as may be required at the time of the reserved matters application, if there is insufficient capacity in local schools”. This wording does not demonstrate that the required contribution would be made, instead seeking to delay clarification of contribution values until the reserved matters stage. Clarifying the need for secondary school contributions at the reserved matters stage may be appropriate, provided that a robust set of calculations are agreed as part of the S106. However, no draft legal agreement has been submitted and, as such, this infrastructure has not been secured.
- 2.82 Whilst the development would not prejudice the provision of the required primary and secondary school places to meet the needs of the development, in the absence of a draft legal agreement to secure these contributions, it has not been demonstrated that these needs would be met, contrary to Policy CP6 of the Core Strategy, Table 6.2 and Appendix 2 of the SPD and paragraphs 17, 69 and 72 of the NPPF.

Other contributions

- 2.83 The SPD requires that each phase provides the health and social infrastructure required to meet the needs which would be generated. In particular, the development will need to proportionately contribute towards a Health and Social Care Centre in the Village Centre or Shepherd’s Cross and a Multi-Agency Social Care Facility within Shepherd’s Cross. A health/social centre has been granted outline planning permission within the Village Centre, under application number DOV/10/01011.
- 2.84 KCC have requested that the application provides contributions towards community learning at their hub in Dover (£30,510.22), library provision in Whitfield (£57,143.80), youth services at Whitfield Children’s Centre (£83,407.10) and adult social care in Dover (£94,902.50). It is noted that the community learning and adult social care provision would be provided within Dover and not within Whitfield. KCC have clarified their justification for this, confirming that efforts were made to provide new services within Whitfield, however, due to operational reasons (for example long leases at existing facilities), this has not been possible. Whilst this is regrettable, it is considered that Dover is relatively well linked to the application site, particularly if the development is to provide the required enhancements to public transport links into Dover. As such, it is considered that these services would be used by residents of the development and, accordingly, the contributions requested would be directly related to the development, as well as being CIL compliant in other respects.
- 2.85 The NHS has advised that the development would increase demand for NHS services, placing additional pressure on existing resources. The development would result in the need to invest in at least one local GP surgery. However, the NHS has not provided details of a suitable project or the level of contribution which would be required, confirming that the Premises Strategy is still being developed. In the absence of an identified project, it is not considered that the

request made by the NHS is CIL compliant and, consequently, such a contribution cannot be sought.

- 2.86 The submitted draft heads of terms proposes that a contribution will be provided towards a Health and Social Care Centre in the Village Centre. However, as KCC are no longer supporting this particular service, it is considered that alternative provision, such as a financial contribution towards off-site provision, will be required. The draft heads of terms makes no reference to meeting the needs generated in terms of library provision or youth services. A draft legal agreement has not been submitted and, as such, the required contributions in respect of community learning, library provision, youth services and adult social services have not been secured. Consequently, the development would lack the necessary infrastructure in these respects, contrary to Policy CP6 of the Core Strategy, paragraphs 5.71 to 7.75 of the SPD and paragraphs 17, 69 and 72 of the NPPF.
- 2.87 The application has confirmed that there is sufficient capacity in the electricity network to meet the needs of the development, equivalent to an extra 4000 houses, without the need for on-site energy efficiencies and power generation. Notwithstanding this, the SPD requires that each application be developed in such a way that it could provide 'on-site energy centres' which could run on a variety of fuels and provide power or combined heat and power. The indicative layout plan proposes a site of 0.35ha, which would be set aside for the provision of an energy centre. This adheres to criterion 5 of CP11 and the requirements of the SPD, including the location of this energy centre which responds to the indicative location proposed on figure 4.5 of the SPD. In conformity with the SPD, and the previous planning permissions for Phase 1 and Phase 1A, on-going consideration of whether there is a need for an energy centre will be required throughout the lifetime of the development and subsequent applications for reserved matters, as well as subsequent planning applications for further phases, to explore such provision further. However, for the purposes of considering the principles of the scheme, the application demonstrates that an energy centre can be accommodated, if required. The designation of an area for the provision of an energy centre should be secured by condition.
- 2.88 As confirmed in paragraph 2.10, the development would include the required provision of affordable housing, subject to being secured by condition.
- 2.89 This application has been submitted in advance of much of the infrastructure required within Phase 1 being provided. The current application will depend on some of this infrastructure and, consequently, cannot be built in advance of this infrastructure being provided. The applicant has proposed that the current application be subject to an obligation within the legal agreement which prevents any development proposed by the current application being commenced prior to the necessary infrastructure within Phase 1 being provided. In particular, this would ensure that the adopted spine road from the A256 to Archers Court Road and the new roundabout on the A256 are completed, the 2 form-entry primary school is programmed for delivery and the required electricity, gas and sewerage facilities necessary to serve Phase 2 have been installed. The application also proposes that the application be subject to a legal obligation that requires that no development can take place within Phase 2 until Phase 1 is substantially complete. It is considered that, subject to the inclusion of a precise definition of 'substantially complete', these provisions would be sufficient to ensure that the development of Phase 2 would respect the envisaged sequence of development and would be not precede the provision of Phase 1 infrastructure upon which Phase 2 relies. However, no such draft legal agreement has been submitted and,

as such, this phasing has not been secured, contrary to Policy CP6 of the Core Strategy, paragraphs 4.19-4.23, 4.25-4.27 and 5.58-5.61 of the SPD and paragraphs 17, 30, 32, 34 and 72 of the NPPF.

Contamination and Groundwater

- 2.90 The application has been supported by a Phase 1 Environmental Report, which has reviewed the historical uses of the site, the geology of the site and potential sources of contamination, before assessing the sensitivities of surrounding land uses to potential contamination. The report follows a previous report, carried out in 2010, which covered the wider Whitfield Urban Expansion area.
- 2.91 The site has been used for agriculture since at least the late 19th century, with the system of open fields being unchanged since. There is one farmstead adjoining the site which has the potential to have caused low level localised contamination from spillages or leaks of oils, fuel or chemicals, whilst there is a potential for nitrate, heavy metals and organic contamination. Asbestos may have been used in the construction of buildings. The site, and the wider area, has also contained ponds and chalk pits which, now out of use, may have been infilled by contaminated materials. However, overall, the potential for contamination on the site is low.
- 2.92 Given the nature of the proposed development and the low likelihood of contamination being present on the site, it is not considered that any further assessment of contamination will be required, whilst contamination does not present a constraint to development. However, adopting a precautionary approach, Environmental Health have recommended that a condition be attached to any grant of planning permission, requiring that any suspected or known contamination which is discovered during the course of development be reported immediately to the LPA and remediated in accordance with a process and timetable which is first approved by the LPA.
- 2.93 The site lies within Groundwater Source Protection Zone 3. Whilst certain types of development are restricted in the higher risk Zones 1 and 2 under Core Strategy Policy DM17, there are no such restrictions within Zone 3. It is not considered that the development would present a significant risk to groundwater. In relation to the proposed cemetery, it is noted that such development will not be permitted in Zone 1, but is not restricted in Zones 2 or, as is relevant in this case, Zone 3.

Benefits of the application

- 2.94 As confirmed earlier in this report, significant weight must be attributed in favour of the development by virtue of the provision of housing, particularly as the Council is currently unable to demonstrate a deliverable five year housing land supply. The application would also provide a valuable contribution of affordable housing which must also be attributed significant weight in favour of the development.
- 2.95 The development would provide an economic benefit during the construction phase. Given the scale of the proposal, whilst this benefit would be transitory, it would create significant employment, would benefit businesses reliant on construction (for example the suppliers of materials and professional services) and would produce a trickle down of spending into the economy, including the local economy.

- 2.96 Whilst the indicative masterplan would require some amendment in order to form an acceptable basis for a reserved matters submission, it is considered that the principles of appearance, landscaping, layout and scale contained within the application demonstrate that the development could provide a high quality built environment. Such a development would, subject to detailed design and mitigation, acceptably preserve the natural, built and historic environment. In addition, the development has shown that the important vegetation within the site, principally historic hedgerows and trees, can be retained and incorporated into the development. The development would also deliver a new cemetery, increasing capacity within the District.
- 2.97 The development of the second phase of the development would also, in accordance with the SPD, allow for the sequential development of further phases of the Whitfield Urban Expansion, releasing these further phases for development and contributing further to the delivery of housing within the District.

Planning Balance

- 2.98 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". At present, the council is unable to demonstrate a five year supply of housing land. As such, it is considered that the Councils relevant policies for the supply of housing are out of date and, in accordance with paragraph 14 of the NPPF, planning permission must be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".
- 2.99 Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental.
- 2.100 The development would provide a short term economic benefit by providing employment during the construction phase. The dwellings would be well located in relation to Whitfield and in a location which has been accepted as being appropriate in principle for substantial residential development. The development would result in the loss of approximately 50.6ha of Best and Most Versatile agricultural land. Whilst this weighs against the sustainability of the site, it is important to acknowledge that this loss was accepted when the site was allocated for residential development. The application has, however, failed to demonstrate that it would not cause severe harm to the local highway network, including strategic routes, in particular the Whitfield Roundabout and the Duke of York Roundabout, both on the A2.
- 2.101 With regards to the social role, the development would provide a substantial contribution to the Councils five year housing land supply of 1190 dwellings. This equates to 8.5% of the total housing allocations within the Core Strategy and must therefore be given significant weight in the planning balance. Likewise, the development would provide a substantial number of affordable dwellings, with 30% of the total number of dwellings (up to 357 dwellings) being affordable units. The application has also demonstrated that, subject to an acceptable application for reserved matters, the development could be carried out in a manner which creates a high quality built environment. However, whilst the location of the site is

capable of be augmented to provide sustainable access to facilities and services, the application has failed to demonstrate that it would provide the necessary modal shift towards more sustainable public transport. Furthermore, the development would not provide the necessary infrastructure, in terms of community learning, libraries, youth services, adult social services, primary schools and secondary schools, to meet the needs of the development and support its health, social and cultural well-being.

2.102 Turning to the environmental role, the application has demonstrated that the development could be designed so as to respond to the built and historic environment, albeit, the development of the site would cause some harm, which has been mitigated as much as practicable, to the character of the natural environment. However, the application has failed to provide the necessary mitigation against increased recreational pressure on the Lydden and Temple Ewell SAC and the Thanet Coast and Sandwich Bay SPA, having failed to secure on-site SAC mitigation land and payment of a contribution towards off-site wardening. Finally, in the absence of facilitating adequate improvements to the bus network, the development would have failed to demonstrate that it would assist in reducing pollution and climate change.

2.103 The development would produce some significant benefits, most notably the provision of a substantial number of open market dwellings and affordable dwellings, which must be weighed in the balance. However, the development would also produce numerous, significant, adverse impacts. Where there is a lack of five year housing land supply, the relevant test is to grant permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits". In this instance, drawing each of the strands together to reach a natural conclusion, it is considered that the disbenefits of the development significantly and demonstrably outweigh the benefits. It is therefore considered that the development does not represent 'sustainable development' and is not supported by the provisions of paragraph 14 of the NPPF.

Overall Conclusions

2.104 The Whitfield Urban Expansion is the largest housing allocation within the District, capable of providing a substantial proportion of the housing required within the District and representing an important driver for the regeneration agenda. The Council is currently unable to demonstrate a five year housing land supply and, in consequence, development must be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF. Notwithstanding the application of this test, it is important that progress of development of the Whitfield Urban Expansion is not unnecessarily delayed.

2.105 The application is submitted in outline only, with all detailed matters reserved at this stage. However, the application has been supported by numerous assessments and parameter plans, together with an indicative masterplan to evidence how the amount of development which has been applied for could be accommodated within the application site.

2.106 Whilst the submitted information has provided evidence that, in many respects, the development which is being applied for could be accommodated on the site (subject to conditions, development obligations and the submission of an acceptable application(s) for approval of reserved matters), the application is flawed in other respects.

- 2.107 This application has been made in advance of the significant build out of Phases 1 or 1A and, as such, the application does not include any monitoring or review of the assumptions made within the SPD. Consequently, the assumptions upon which the SPD has been formulated have not been tested and it has not, therefore, been established that the mitigation development would meet identified needs or provide reliable mitigation in respect of highway impacts, infrastructure needs or European Site mitigation. Further, in the absence of a legal obligation, the application has not secured a mechanism to ensure that the infrastructure to be provided within Phase 1, upon which the development that is the subject of this application (Phase 2) relies upon, will be provided in advance of this application being occupied.
- 2.108 In furtherance to the above, the lack of a legal obligation means that there is no reliable mechanism in place for the provision of the required development contributions, relating to primary and secondary schools, community learning, youth services, adult social services and libraries, or the provision of the required mitigation in relation to the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site or the Lydden and Temple Ewell Downs Special Area of Conservation.
- 2.109 The application has failed to provide evidence to demonstrate that it would not cause severe harm to the local highway network. In the absence of a scheme to provide a Bus Rapid Transit, or a legal obligation to secure the provision of such infrastructure, the application has not shown that it would produce a modal shift in how people travel. Furthermore, the application lacks up-to-date, reliable modelling of vehicle movements and an assessment of their consequential impact on the highway network and it has not therefore been demonstrated what impact the development would have on the wider road network, in particular on the Whitfield Roundabout and Duke of York Roundabout, both on the A2.
- 2.110 It is likely that some of the issues which have been raised could have been rectified, were further discussions to have taken place and additional information have been submitted. However, as this application is now the subject of an appeal to the Planning Inspectorate against non-determination, it is incumbent on the Local Planning Authority to establish how it would have dealt with the application, as it stands, had it been in a position to do so. For the reasons explained above, it is recommended that Committee confirm that it would have refused to grant planning permission, had it been in a position to do so.

g) **Recommendation**

- I That the Committee confirms that it would have refused to grant planning permission, had it been in a position to do so, for the following reasons:
1. The proposed development has failed to demonstrate that the development would be phased to allow for the provision of all forms of infrastructure upon which it would rely, contrary to Dover District Core Strategy Policy CP11, the Whitfield Urban Expansion Supplementary Planning Document and paragraphs 17, 29, 30, 32, 34, 35, 69, 72, 73, 113 and 118 of the National Planning Policy Framework.
 2. The proposed development, in the absence of sufficient evidence to the contrary, has failed to demonstrate that it would not cause severe residual cumulative impacts to the local highway network, in particular to the Whitfield Roundabout on the A2 and the Duke of York Roundabout on the A2, contrary to Policies CP11 and DM12 of the Dover District Core Strategy, the

Whitfield Urban Expansion Supplementary Planning Document and paragraphs 17 and 32 of the National Planning Policy Framework.

3. The proposed development, in the absence of sufficient evidence to the contrary, has failed to demonstrate that it would provide a Bus Rapid Transit initiative and would, consequently, fail to create a modal shift towards a more sustainable pattern of transport, contrary to Policies CP11 and DM11 of the Dover District Core Strategy, the Whitfield Urban Expansion Supplementary Planning Document and paragraphs 17, 29, 30, 32, 34 and 35 of the National Planning Policy Framework.
 4. The proposed development fails to provide the necessary mitigation against increased recreational pressure on the Lydden and Temple Ewell Special Area of Conservation and the Thanet Coast and Sandwich Bay Special Protection Area, contrary to paragraphs 1.21 to 1.24 of Annex 1 of the Dover District Land Allocations Local Plan, the Whitfield Urban Expansion Supplementary Planning Document and paragraphs 109, 113 and 118 of the National Planning Policy Framework.
 5. The proposed development fails to provide the necessary infrastructure, in respect of community learning, libraries, youth services, adult social services, primary schools and secondary schools, to meet the needs which would be generated by the development, contrary to Policy CP6 of the Dover District Core Strategy, the Whitfield Urban Expansion Supplementary Planning Document and paragraphs 17, 69 and 72 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Regeneration and Development to settle the detailed wording of the case for the local planning authority, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Luke Blaskett

Subject: REVIEW OF THE CONSTITUTION 2016

Meeting and Date: Governance Committee – 1 December 2016
 Council – 25 January 2017
 Planning Committee – 23 February 2017

Report of: David Randall, Director of Governance

Classification: Unrestricted

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A 2016 review has been undertaken proposing changes to Part 3 – Responsibility for Functions at Section 1, 2 and 6.

Article 15, paragraph 15.02 (a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

Recommendation:

Governance Committee:

That it be recommended to Council:

- (1) That it be recommend to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council's Constitution, issue no. 20
- (2) That it be recommend to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

Council:

- (1) That that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council's Constitution,
-

- (2) That the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved

Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

Planning Committee:

That Committee note the proposed changes in the Review of the Constitution 2016 issue no. 20, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

1. Summary

- 1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This 2016 review incorporates a number of changes to the functions of the Planning Committee (Part 3, Responsibility for Functions, Sections 1 and 2) and to the Scheme of Officer Delegations (Part 3, Section 6, Sub Section C).
- 1.2 The purpose of the proposed changes to Sections 1 and 2 are to make the functions more transparent and easy to understand and don't attempt to change the balance of power between the Planning Committee and those delegated to the officers through the Scheme of Officer Delegations. They are intended to make the document more accessible.
- 1.3 The purpose of the proposed changes within Sections 6 are to mirror the changes in sections 1 and 2 and also to reflect changes in structures and responsibilities within the Council. They are also intended to make the document more accessible.

2. Introduction and Background

- 2.1 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution nineteen times. The Review of the Constitution 2016, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Team Leader - Democratic Services, will be the twentieth revision resulting in the proposed draft version 20.
- 2.2 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council's organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.
- 2.3 The focus of the 2016 review was as follows:

- (a) Part 3 Responsibility for Functions.
- (b) Part 9 Appendix 1(Proper Officer Appointments)

3. **Approval of Amendments to the Constitution**

3.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Monitoring Officer to approve and changes requiring Council approval.

3.2 The detail of the changes are set out below:

- (a) **Part 3, Sections 1 and 2.** Changes to Sections 1 and 2 intend to make the Responsibility for Local Choice and Council Functions more transparent and easy to understand Delegations. Changes within Sections 6 mirror the changes in sections 1 and 2 and also to reflect changes in structures and responsibilities within the Council. The changes are intended to make the document more accessible, without significantly affecting distribution of functions between the Planning Committee and those delegated to the officers through the Scheme of Officer Delegation.

It should be noted that the Leader of the Council will be asked separately to approve any changes to the Scheme of Officer Delegations relating to the powers of the executive as the Council is not legally able to do this. Notwithstanding this, the Council is asked to approve the Scheme of Officer Delegations in its' entirety (including those delegations relating to executive functions). This is because the classification of functions between executive and non-executive functions is not entirely straightforward and we now know from decided legal cases that if a delegation is approved by the wrong body it is likely to be of no legal effect. If the entire Scheme of Officer Delegations is approved by both the Council and the executive Leader, the Council should be better placed to answer any legal challenge that the individual delegations have not been properly approved.

Part 9, Appendix 1. Proper Officer Appointments for Specified Statutory Purposes and for Specified Purposes. These changes relate to the amendment of the title of two proper officers and has been approved by the Monitoring Officer.

4. **Identification of Options**

- 4.1 Option 1 - To approve the 2016 Review of the Constitution as submitted.
- 4.2 Option 2 – To not approve the 2016 Review of the Constitution as submitted.
- 4.3 Option 3 – To amend the Constitution in some other way

5. **Evaluation of Options**

- 5.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.

5.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer be able to operate as a definitive reference for officers.

5.3 Option 3 is not recommended as it will not be possible for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option they would need to instruct the Director of Governance/Monitoring Officer as to their wishes and require him to report to future meetings of the Governance Committee and the Council.

6. **Resource Implications**

There are no resource implications arising from the Review of the Constitution.

7. **Appendices**

Appendix A – Draft Constitution of the Council (Version 20) - *Due to its size, this Appendix has been published as a supplement to the main Planning agenda*

8. **Background Papers**

Local Government Act 2000 and the regulations made under that Act.

Contact Officers: David Randall, Director of Governance and Monitoring Officer, ext. 2141
Harvey Rudd, Solicitor to the Council, ext. 2321
Rebecca Brough, Team Leader Democratic Support, ext. 2304

Planning Committee – 23 February 2017

Recommendations of the Governance Committee – 1 December 2016 (Minute No. 33)

RESOLVED: (a) That it be recommended to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council's Constitution (issue no. 20) subject to the following amendment:

Council Function, Delegation to Head of Regeneration and Development item 21 (h) to now read:

“(h) Powers to enter into planning obligations, to modify and discharge planning obligation and related powers.”

(b) That it be recommended to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

Review of the Constitution 2016

DELETE Delegation No. 45 as follows:

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/Exclusions Limitations/Notes |
|-------------------------|-------------------------------|--------------------------------------------------------|
| | | |

AMEND Delegation No. 46 as follows:

| Column 1 Legislation | Column 2 Brief Description | Column 3 Conditions/Exclusions Limitations/Notes |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------|
| 46 | Duties relating to applications for listed building consent. | |
| Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and The Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 | | |