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15 August 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 24 August 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 "Kate Batty-Smith", written over a white background. The signature is fluid and cursive.

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
G Rapley
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 5)

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 27 July 2017 (to follow).

5 **ITEMS DEFERRED** (Pages 6-7)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 8-11)

6 **APPLICATION NO DOV/17/00698 - THE LIMES BUSINESS CENTRE, 6 BROAD STREET, DEAL** (Pages 12-18)

Change of Use of second floor to dwelling

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

7 **APPLICATION NO DOV/16/01316 - LAND BETWEEN 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE** (Pages 19-42)

Outline planning permission for the erection of ten flats in two blocks (6 x 1-bed and 4 x 2-bed); and thirty-one dwellings (10 x 2-bed, 15 x 3-bed and 6 x 4-bed) plus associated access and parking (with appearance, landscaping and scale reserved), including 13 (30%) affordable housing units

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

8 **APPLICATION NO DOV/16/00985 - AYLESHAM VILLAGE EXPANSION, AYLESHAM (PHASES 1B2 AND 1B3)** (Pages 43-61)

Reserved matters application for the approval of details relating to access, layout, scale, appearance and landscaping for the erection of 162 dwellings and associated infrastructure and landscaping, pursuant to outline application DOV/07/01081, pursuant to Variation of Condition application DOV/15/00068 (pursuant to DOV/14/00338 and DOV/13/00120)

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

9 **APPLICATION NO DOV/16/01026 - LAND SOUTH-WEST AT HAMMILL BRICKWORKS, HAMMILL ROAD, WOODNESBOROUGH** (Pages 62-139)

Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of eighteen dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and five residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks,

attenuation features and earthworks

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

- 10 **APPLICATION NO DOV/17/00504 - OAK MEADOW, WALDERCHAIN FARM, LODGE LEES, DENTON** (Pages 140-149)

Outline application for the Change of Use of land and the erection of a detached agricultural worker's dwelling, including new access (existing access to be closed) (details of appearance, landscaping and layout reserved)

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

- 11 **APPLICATION NO DOV/16/01469 - LAND TO THE NORTH OF NEW DOVER ROAD, CAPEL-LE-FERNE** (Pages 150-176)

Outline application for up to 142 dwellings (comprising up to ninety-nine market dwellings – including thirty retirement dwellings and up to forty-three social rented dwellings), Use Class A1 shops, Use Class D1 medical facilities, country park, attenuation pond, primary school car park and access, associated infrastructure, and creation of access (appearance, landscaping, layout and scale of development to be reserved)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 12 **APPEALS AND INFORMAL HEARINGS**

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

- 13 **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 – 24 AUGUST 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/16/01026** **Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks – Land South-West at Hammill Brickworks, Hammill Road, Woodnesborough (Agenda Item 16 of 25 May 2017)**

This application is dealt with elsewhere on the agenda

2. **DOV/16/00530** **Erection of a detached dwelling – Site adjacent to 5 Friends Close, Deal (Agenda Item 12 of 23 March 2017)**
3. **DOV/16/01328** **Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (to include demolition of 14 Archers Court Road) – Land rear of Archers Court Road, Whitfield (Agenda Item 8 of 20 April 2017)**

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.



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

Application: DOV/17/00698

The Limes Business Centre

6 Broad Street

Deal

CT14 6ER

TR37735259



a) **DOV/17/00698 – Change of Use of 2nd floor to dwelling - The Limes Business Centre, 6 Broad Street, Deal**

Reason for report: Called in by Councillor B Gardner

b) **Summary of Recommendation**

Planning permission should be granted.

c) **Planning Policy and Guidance**

Dover District Council Core Strategy

- Policy CP1 states ‘the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services’.
- Policy DM1 states that ‘development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- Policy DM2 sets out ‘permission for changes of use or redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use’.
- Policy DM11 states ‘Development that would generate travel will not be permitted outside the urban boundaries and rural settlements unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made, well served by a range of means of transport’.
- Policy DM13 sets out ‘provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives’.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states ‘that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole’.
- Paragraph 17 sets out the core planning principles... Planning should....
- 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, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...”

Paragraph 23 sets out ‘planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of town centres over the plan period and amongst other things that should

- Recognise town centres as the heart of their communities and pursue policies to support their viability;
 - Recognise that residential development can play an important role in ensuring the viability of centres and set out policies to encourage residential development on appropriate sites; and
-
- Paragraph 61 “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”.
 - Paragraph 69 “Local planning authorities should achieve places that promote development which bring together those who work, love and play in the vicinity”
 - Paragraph 70 “ To ensure integrated approach to considering the location of housing, economic uses and community’s ability and services”.
 - Paragraph 129. “Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking into account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.
 - Paragraphs "132 – 134."Consideration has to be given to whether there is significant harm, less than substantial harm or neutral harm to heritage assets”.
 - Paragraph “196 Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise”.
 - Paragraph 197 “in decision making local planning authorities should apply the presumption in favour of sustainable development”.

Other Guidance/Relevant Matters

None relevant.

d) Relevant Planning History

DOV/17/00699 – Listed Building Consent for change of use from offices to residential - Permission not required.

DOV/97/01020 – Change of use of ground floor to retail, second floor to one bedroom flat and erection of a satellite dish – Granted.

e) **Consultee and Third Party Responses**

Councillor Gardener - Objects

The town centre is where offices should be and to help the town centre work and thrive as a shopping area, developers will be encouraged to build shops on ground floor with offices above. This way shops can be shops and solicitors accountants etc. can go upstairs into first floor offices.

Deal has only just lost a number of offices further along this road, Grovenor Mansions and so Dover District Council should be protecting the other offices in the town.

Dover District Councils Principle Heritage Officer – No objection

Informative should be added advising the need for the potential need for Listed Building Consent for any physical alterations to the building, including such works as insertion of mechanical ventilation or other flues, to facilitate the change of use.

Dover District Councils Senior Environmental Health Officer – No objection
No objection subject to condition regarding sound insulation.

Deal Town Council – No objection

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

- 1.1 The application site is located on the south west of Broad Street within the Middle Street conservation area. The location is not within primary or secondary shopping areas. To the east is a Chinese restaurant with accommodation over, to the west of The Limes is Barclays bank. The area is characterised by shop frontages at ground floor with offices and some residential accommodation over in a mixed use town centre.
- 1.2 The Limes is a grade II listed three storey property in a prominent location within Broad Street. The ground floor is currently being used as a beauty salon with the first and second floors having been used as offices.

Proposal

- 1.3 Planning permission is sought to change the use of a second floor office (B1) use with the loss of 91 square metres of office space and the creation of a two bedroom residential unit. No external or internal alterations are proposed.

2. Main Issues

- 2.1 The main issues for consideration of this application are:

- The principle of the change of use in this location;
- loss of employment land/housing needs
- Potential impact on heritage asset and within the street scene;
- The impact on residential amenity;

- Highways

3. Assessment

Principle of Development

3.1 The application site is located within Deal Town Centre and within the Settlement boundary and therefore falls to be assessed against Policies CP1 and DM1 of the Core Strategy. Policy CP1 identifies Deal as a District Centre being a secondary focus for development in the district; suitable for urban scale development. Whilst policy DM1 of the Core Strategy seeks to permit land within settlement boundaries, for these reasons the proposal is considered to comply with these policies.

3.2 In addition to this the National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality and of centres, whilst seeking to achieve sustainable development. Paragraph 7 of the NPPF states "There are three dimensions to sustainable development which are economic, social and environmental" In respect of the proposed development these can be divided as set out below:

Economic role - The proposed development would bring occupants into the town centre to live and as a direct result they would use the shops and facilities thus contributing to the local economy.

Social Role - The two bedroomed flat would provide a level of housing to meet the needs of present and future generations. Given the location within the town centre, it is easily accessible to local services and would support the community's need, social and cultural well-being.

Environmental - The proposed development would make good use of an existing brownfield site. Given the central location within Deal town centre and its close proximity to public transport, this will reduce the need for car journeys.

Paragraphs 69 and 70 of the National Planning Policy Framework refers to decisions which should aim to achieve places and should provide strong neighbourhood centres, which bring together those who work, place and live in an area and ensure an integrated approach to considering location of housing.

Overall the principle of development is acceptable. However, this is subject to material considerations set out below.

Loss of Employment Land/Housing Needs

3.3 The proposal is for a change of use from office space which would result in the loss of 91 square metres of employment space and therefore the proposal needs to be assessed against policy DM2 of the Core Strategy. Policy DM2 sets out that permission will only be permitted for a change of use or redevelopment of land and buildings currently or last in use for employment purposes of the building if no longer viable. The applicant has undertaken a marketing exercise since May 2017 and the property is still being marketed on the agent's website and therefore there is some evidence that a marketing exercise is still being carried out, albeit so far unsuccessful.

3.4 Paragraph 3.38 of the Core Strategy states 'It is important to understand the purpose of housing development in a particular area as this has a substantial bearing on the

approach towards appropriate housing design and house type issues'. Within Deal there is a need to reflect the character of the area', within the vicinity residential accommodation is not uncommon above shops and offices. In addition to this, the core strategy at paragraph 3.43 identifies the following broad split of demand for market housing (in rounded percentages) based upon the profile of projected newly forming households in the district 2 bed homes – 35%. The proposal would contribute to this needs by an additional one, two bedroom residential unit.

- 3.5 The property has been marketed for a reasonable length of time (5 months) with no uptake. Given the small amount of office space to be lost on the second floor and that the property is within the settlement boundaries, that it would provide a dwelling in a town centre location, it is considered on balance, in this instance for the reasons set out above to be acceptable in terms of the aims and objectives of policies CP1, DM1, DM2 of the Core Strategy and the National Planning Policy Framework.

Potential Impact on the Heritage Asset and within the Street Scene

- 3.6 The building is a grade II listed building within the Middle Street conservation area and falls to be considered as a heritage asset in respect of paragraphs 131 -134 of the National Planning Policy Framework in which the level of harm needs to be considered. The change of use does not propose any physical alterations. There would be no harm caused to the significance of the heritage asset. The proposal is considered to have a neutral impact. Furthermore the proposed change of use would ensure the conservation and safeguarding of a heritage asset, whilst putting it to a viable use consistent with its conservation of a heritage asset. In this case the change of use is likely to be its optimum viable use, as set out at paragraph 133 of the NPPF.
- 3.7 As discussed above the proposal would not result in any physical alterations and therefore the proposed development would not have an adverse impact on the character and appearance of the street scene and is therefore considered acceptable in this respect. There have been no offers on the property so far.

Impact on Residential Amenity

- 3.8 In such a location, there is always the potential for noise and disturbance from the comings and goings. However, this is a typical behaviour in a town centre location, and to be expected by prospective occupiers of the flat. Comments received from Dover District Councils environmental health officer state 'there is no standard governing the sound insulation properties of partitions between residential/commercial properties'. The requirement for a sound insulation scheme can be dealt with by condition.
- 3.9 All room sizes exceed the minimum standards identified in the councils flat conversion guidelines. The flat is a practical layout and would provide a good level of accommodation.

Highways

- 3.10 The town centre is well served by car parks and public transport. Since the site is within the town centre the proposed residential units are not required to have allocated parking spaces, in accordance with DM13.

Conclusion

3.11 At the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is accepted there will be a loss of some office space which is regrettable. However the proposal is within the settlement boundary and the ground floor shop would be retained. The residential use would be compatible with other uses in this location. It would meet the aims and objectives of the National Planning Policy Framework in respect of providing housing in a sustainable location, contributing towards a strong neighbourhood centre and safeguarding a heritage asset. The development proposed is considered overall to be sustainable and there are not any overriding reasons why planning permission should not be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions set out to include, in summary 1) standard time restrictions 2) carried out in accordance with the approved details 3) full details and particulars for a sounds insulation scheme between commercial and residential parts of the development.
- II the 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

K Evans



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Application: DOV/16/01316

Land between Nos 107-127

Capel Street

Capel-le-Ferne

CT18 7HB

TR24933924



- a) **DOV/16/01316 - Outline planning permission for the erection of 10 flats in 2 no. blocks (6 x 1 bed and 4 x 2 bed); and 31 dwellings (10 x 2 bed, 15 x 3 bed and 6 x 4 bed) plus associated access and parking (with appearance, landscaping and scale reserved), including 13 (30%) affordable housing units – Land between Nos 107-127 Capel Street, Capel-le-Ferne**

Reason for report - Number of contrary views (101)

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

LA26 - Land between 107 & 127 Capel Street
DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2012)

Paragraph 7 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states that development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted, examples including protected sites under the Birds and Habitats Directives, AONBs etc.

Paragraph 17 - Core planning principles which identify that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the home 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; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 32 - requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified that affordable housing is needed, set policies for meeting this need on site.

Paragraph 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.

Paragraph 61 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.

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 109 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 112 - Local planning authorities should take into account the economic

and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 115 - 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.

Paragraph 118 - When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

Paragraph 120 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

DDC Affordable Housing and Addendum SPD (2011)

Identifies the scale and need for affordable housing to inform that planning obligations sought to secure affordable housing in connection with residential schemes of 15 or more dwellings.

Kent Design Guide (2005)

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

Kent Downs AONB Management Plan (2014)

SD1 – Sustainable Development
LLC1 – Landform and Landscape Character

d) Relevant Planning History

There is an extensive planning history; the most recent and relevant are listed below:

DOV/01/00924 - Erection of stables and hay store - Granted

DOV/96/01006 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and access road – Refused - Appeal Dismissed

DOV/96/00222 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and access road - Refused

e) Consultee and Third Party Representations

Infrastructure and Delivery Officer – A contribution of £1,861.56 will be required towards the Sandwich and Pegwell Bay access mitigation strategy to address its increased use as required in the Local Plan.

The proposed development will be located close to the existing recreation ground and play area on Lancaster Avenue, which is owned and managed by the Parish Council. The distance between the development site and the play area is a little over 300m or around 450m along existing roads, which falls within the 600m accessibility standard set out in DM27 of the Land Allocations Document. Unfortunately there is no footpath along much of Capel Street. The evidence supporting our adopted open space standard for children's equipped play is presented in the 'Review of Play Area Provision 2012-2026'. It includes the following text on page 14:

- Developments that are located outside the catchment of existing play facilities may give rise to the need for new play facilities.
- In other cases it may be more appropriate to secure an off-site contribution via a planning agreement, to increase the capacity of existing provision.

Therefore, provided that access to the existing play area can be improved, it would not be necessary to provide equipped play on site. A suitably scaled contribution for play may be calculated as follows: according to the adopted open space standards the additional need for children's equipped play space is 0.006 ha. The average play area size in our district is 0.01 ha and the cost of creating a Local Area for Play and providing fifteen years of maintenance has been calculated as £42,520 which equates to a commuted sum of £32,330 presuming interest at 2%. So the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. If we also considered the additional need arising for outdoor sport facilities that might increase the level of contribution required, although the recreation ground does not provide formal pitch provision. It is stated that multifunction open space will be provided on site. The only other category to consider is the additional need for allotment or community gardens. It is for the Parish Council to respond on this matter.

DDC Ecologist - Holding objection as the ecological report is a Phase 1 preliminary survey which has identified a badger sett on the site and has also recommended a bat activity survey. Badgers and their setts are protected by the Protection of Badgers Act 1992. Therefore, a specific badger survey is required which can then inform the proposed development, in order to comply with ODPM Circular 06/2005 (para. 99). The bat activity survey was recommended on the basis of habitat and KMBRC records, plus a recent siting nearby and supports the need for a survey, in order to comply with ODPM Circular 06/2005 (para. 99). The above surveys need to be carried out prior to authorising development.

Following the submission of Badger and Bat Species Surveys the reports are competent and subject to the recommendations within them being taken forward as conditions, there is no ecological constraint to development.

DDC Environmental Health - No objection, subject to conditions relating to discovery of potential contamination of land, noise scheme and a construction management plan to be submitted for approval.

DDC Strategic Housing - The developer intends to make an on-site contribution to affordable housing which will comprise 9 units for affordable/social rent and 4 units intermediate units. Based on 41 units, the quantum of affordable housing to be provided accords with the Council's planning policy and the tenure mix. I can also confirm that the proposed mix of affordable unit types is satisfactory.

KCC Highways and Transportation – Concerns were raised in respect of various highway matters which need to be addressed, such as, minimum carriageway width, proposed pedestrian crossing point, conflict with on street parking, shared service requirements, location of off-street car parking and required visibility splays. In addition traffic levels and demand and trip generation of development need to be clarified. A safety audit is also required for all the highway alterations in Capel Street, including any amendments.

Following amendments to the site layout and the additional information KCC Highways have identified the following comments:

I now raise no objections in respect of highway matters. The site is allocated and the principle of development has been accepted. The proposals are likely to generate approximately 23 two-way vehicle movements in the morning and evening network peak hours. Whilst the existing level of traffic in Capel Street is generally of a low level, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. There are some existing accesses which prevent parking and therefore provide passing places/give way points but some of these are of insufficient length and make manoeuvring more difficult. Over time there may be a few places at the school taken by pupils in the new development, reducing the number of pupils being driven to the school from further afield and therefore the number of vehicle trips in Capel Street. However, the development is still likely to lead to an increase in vehicle movements overall, particularly in the combined morning peak hour/school drop-off period. As such the development proposals include improvement of passing places in the section of Capel Street near the school, to assist with the flow of traffic particularly during the morning peak period. These improvements take the form of parking restrictions in the following locations:

- i) Between (and encompassing) the accesses to numbers 82 and 84 Capel Street
- ii) Across the accesses to numbers 96 and 98 Capel Street, but extended sufficiently to provide sufficient room for a car to readily manoeuvre in/out of the passing place.

These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.

The site access arrangements include minor widening of Capel Street where necessary along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site access in Capel Street. Whilst this may remove a small amount of on-street parking, some additional unallocated parking is available within the new site and the reallocation of some school places to children living on the new development should help to reduce the demand for on-street parking at school drop-off and pick-up times.

A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to make the Order. The

TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

All the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s.278 agreement with the highway authority.

The proposed site layout and associated parking arrangements for the new dwellings are acceptable and are in accord with current guidance. Boundary hedges without gaps are to be retained along the Capel Street frontage to deter on-street parking by residents of those new dwellings fronting Capel Street. Adequate access and turning facilities are available for refuse and emergency vehicles. Construction traffic and timing/routing of the same, associated parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan. Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds, subject to outstanding matters to be dealt with by conditions to address the above and control highway safety considerations or through the s106 or s278 legal agreements.

KCC Flooding and Waste Management - No objection subject to no services in the permeable paved areas and standard conditions relating to a SuDS surface water drainage scheme and its management.

KCC- Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Primary and secondary education
- Community Learning, and
- Libraries

These contributions of £213,850.25 should be secured through a Section 106 Legal Agreement as part of any submission. In addition, 1 Wheelchair Adaptable Home should form part of the social housing proposals and the provision of Fibre Optic Broadband across the site should be considered at an early stage.

KCC Public Rights of Way Office - No comments to make.

Southern Water - No objection as they can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Notes a SuDs system is proposed and the need to protect groundwater in the Source Protection Zone.

Environment Agency - No objections subject to informatives in respect of pollution prevention and waste control. The site lies on a Principle Aquifer of Chalk geology, as well as in Source Protection Zone 3, therefore measures should be taken to ensure the protection of the groundwater quality below.

Southern Gas – Identify a gas mains on Capel Street and highlight minimum working distances from gas mains by mechanical excavations and the need to undertake work in accordance with safe digging practices.

Stagecoach South East - Walking distance between the proposed development and the nearest bus stops is 750m, which is considerably in excess of the recommended 400m maximum. Moreover, a substantial proportion of that distance is along a public

bridleway, with no lighting. We do not consider that the proposed site offers credible options for sustainable transport modes.

NHS South Kent Coast CCG – A healthcare contribution is requested against the above development in accordance with the recognised Dover District Council Planning Obligations and Contributions Guidance. The improvement to the primary care infrastructure is expected to result in a need to invest in local infrastructure in Folkestone were there are capacity issues. This investment will directly support improvements within primary care by way of increased capacity at sites. In respect of this application a developer's contributions is required of £35,784 plus support for our legal costs. In respect of phasing and patient numbers, 100% of the contribution is sought prior to 50% of the units being occupied.

Kent Downs AONB Unit - No objection, the site does not lie within the Kent Downs AONB, but the site is bounded by the AONB to the north and the setting of the AONB is of significance. In accordance with Policy LA26 buffer planting should be provided along the western boundary and this should be strictly controlled to reduce the impact on the AONB. To conserve and enhance the natural and scenic beauty of the Kent Downs, the scale and design of new development is critical. Building heights should be restricted to a maximum of two storeys, development above this height would be inappropriate and out of character in the locality. The need for lighting within the development should be carefully considered and only included if essential. If lighting is deemed necessary, this should be designed to minimise impact on the landscape through careful choice of light source and control of light spillage, in accordance with criterion viii of Policy LA26.

Kent Wildlife Trust - Holding objection as Phase 1 Survey indicates that there is likely to be protected species on site that warrant further survey and permission should not be granted for a scheme without the correct protected species survey information. This proposal would need to make a financial contribution to the Access Mitigation Strategy for Thanet Coast and Sandwich Bay SPA, in line with policy.

Following the submission of additional information and species surveys the mitigation recommendations are supported and these should all be implemented and controlled by appropriate conditions, along with the control of lighting. The holding objection is therefore removed.

Kent Police Crime Prevention – No objections subject to a standard condition for measures to minimise the risk to crime.

Capel-le-Ferne Parish Council - Objects to the application in its current form for the following reasons:

- The positioning of the 6 x 4 bed houses at the front of the site to be overbearing and not in keeping with the street scene in the immediate area. A mix of housing fronting Capel Street would be more appropriate.
- The Council also considers the proposed site layout leaves some properties with a lack of parking facilities and lack of overall sufficient car parking.
- Proposed height and massing of the proposed site layout to be of great concern. The housing mix does not reflect the street scene in terms of single storey buildings.
- A reduction in the density of build on the site would not only give it a more rural feel, but also allow the parking arrangements to be reconsidered.
- Increased traffic flow in Capel Street. Traffic congestion increases significantly in this area at the start and end of the school day.
- Potential for localised flooding in the area.

- Street lighting should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB
- Vehicular access would lead to a significant length of the hedgerow having to be removed.
- Protected Species- clarification before any planning permission is granted.

Following amended plans the Parish Council maintain their objection with regard to the following:

- Traffic generation and adverse impact on highway safety
- Likely increase in traffic speeds
- Lack of space for drop off points around the school which will only be exaggerated by the proposals
- Proposed off-site parking bays are on private land and should not be included in the proposals
- Existing residents will be affected
- Existing plans should be reconsidered including removal of the hedge, widening the road and reducing the number of proposed dwellings
- Development will cause harm to the AONB

Third Party Representations - A total of 102 representations have been received with 101 objecting and one letter of support. The following is a summary of the objections received:

- Cumulative impact of development on village
- Traffic generation and lack of nearby road capacity
- Adverse and increased impact on highway safety
- Car parking falling below car parking standards
- Insufficient car parking resulting in on street car parking pressure
- Change character of village
- Pressure on local services
- Lack of facilities in village to accommodate proposal
- Overdevelopment of site
- Inappropriate ribbon development
- Creating sprawl not infilling
- Adverse impact on AONB
- 2.5 storey dwellings proposed inappropriate and should be limited to 2 storeys
- Proposal overbearing out of scale and character with the area
- Surrounding area mostly bungalows flats out of keeping
- Lack of 'soft edge' to development as proposed in LA23
- Adverse impact on wildlife on site
- Insufficient drainage
- Increased Flood Risk
- Light pollution
- Increase in air pollution
- increase in noise pollution
- Buffer zone inadequate
- Adverse impact on internet speed
- Lead to overlooking and loss of privacy
- No consultation of village
- Highway safety is already a serious issue in Capel Street which is regularly blocked and access restricted by parked cars, road safety will only get worse
- There is no footpath and the road can't be widened it is already unsafe for pedestrians including school children.
- Road is already unsafe and dangerous for everyone

- Overdevelopment of the site
- Proposed off-site parking bays are on private land
- Increased double yellow lines increases pressure elsewhere and are ignored and not enforced
- Widening of road will increase speeding
- Speed bumps are required
- Not the right site for development

The letter of support identified the need for new houses and affordable housing allowing people to stay in the village.

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

The Site

1.1 The site is located on the northern side of Capel Street and is extensively screened by hedgerow to all boundaries. To the west is the Kent Downs AONB with views of the site possible along Cauldham Lane where there are gaps in the hedgerow and from Green Lane which is a Public Right of Way between Capel Street and Cauldham Lane. Capel Street and the surrounding streets are predominantly residential with a mix of one and two storey detached and semi-detached housing of varying architectural styles.

1.2 The northern boundary adjoins a two storey semi-detached residential property and garden, to the south is a single storey detached dwelling on Capel Street and further rear gardens serving properties on Green Lane adjoining the southern boundary, opposite the site are a mixture of two storey properties. The site is currently undeveloped and used as horse paddock and occupies an area of 1.51 hectares. It is with Flood Zone 1 and Groundwater Source Protection Zone 3

1.3 The site lies within the settlement boundary with residential development to both the northern and southern boundaries. It is a designated housing allocation site under the Local Plan Land Allocations Policy LA26 subject to certain criteria and in effect infills this gap in the defined settlement.

The Proposal

1.4 The proposed development, which is in outline form includes details of the means of access and parking, appearance, landscaping and scale are reserved for future consideration, however indicative plans have been submitted in this regard. The proposal is for the erection of 41 dwellings including 31 houses and 10 flats and also includes 9 social rented units and 4 intermediate units which is a 30% provision of affordable housing. The breakdown by unit size is:

- 6 x 1 one bed flats
- 4 x 2 bed flats
- 10 x 2 bed houses
- 15 x 3 bed houses
- 6 x 4 bed houses

1.5 The indicative images submitted provide an indication of the expected form, scale and layout of the proposed development. The indicative site layout includes the layout of the roads which comprise a central access road with four smaller roads providing small courtyard areas. Two vehicular access points are proposed from Capel Street, the main access/junction into the site and a separate individual access to serve one of the proposed dwellings fronting Capel Street. Off-street

car parking is mostly accessed from the internal access road.

1.6 Along the Capel Street frontage will be the largest detached houses sited behind the retained boundary hedgerow and new footpath link. The dwellings are predominantly two storey except for the flat blocks which are proposed to be 2.5 storeys in height. The flats are to be sited fairly centrally within the site and the siting of the units has been staggered along the western sections of the site to reduce the visual impact. Substantial new tree planting and landscaping is proposed throughout the development and along the principle access roads. The boundary landscaping is to be retained and enhanced to all boundaries to provide a landscaped buffer especially along the western boundary.

1.7 The proposals include off-site highway works which involve the provision of a stretch of public footpath along the eastern side Capel Street and the provision of double yellow lines in front and near the site and at two further sections on Capel Street. The proposals also include the widening of Capel Street to 5.5m close to the site's access and a new footpath along the road boundary to the south of the means of access.

1.8 The following documents have been submitted in support of the application:

- Design & Access Statement
- Tree Report
- Transport Statement
- Stage 1 Road Safety Audit
- Site Waste Management Plan
- Drainage Plan
- Statement on Surface Water Drainage Works
- Phase 1 Ecological Survey
- Reptile, Bat and Badger Surveys

1.9 A number of amendments were submitted on 12th June 2017. The revised site layout plan resulted in some minor site layout changes within the site which sought more off-street parking, revisions to the shared surface areas and a more mixed layout to the size of the proposed units. Most of the revisions related to the provision of visibility splays, off-site highways works, revisions to the access from Capel Street and off-street car parking for Unit 01 on the north-east corner to allow the retention of a mature tree. The revised layout also allows for a small increase in the landscaped buffer zone on the northern boundary and western boundary. The amended site layout and additional information submitted was subject to re-consultation. In addition, Bat, Reptile and Badger Surveys were undertaken and reports recently submitted in support of the application.

2. Main Issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the AONB and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Ecology
- Drainage and Flooding

- Planning Contributions
- Other Material Considerations

Assessment

Principle of Development

- 2.2 The application site lies within the settlement confines of Capel-le-Ferne, a Local Centre as identified in Policy CP1 of the Core Strategy, where development suitable for the scale that reinforces its role as a provider of services to local communities is appropriate. It is a site allocated for housing development under Policy LA26 of the Land Allocations Local Plan. The proposal is therefore considered to be in accordance with Policy DM1 of the Core Strategy, as it is within the settlement boundaries and Policy CP1. The principle of residential development on the site is therefore established by the adopted local plan which allocates the site for housing.
- 2.3 The NPPF and in particular paragraphs 11 & 12 confirm that application must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development that is in accordance with the development plan should be approved without delay. On 1 March 2017 Cabinet agreed that the 2015/2016 Annual Monitoring Report be approved. This report includes the most recent housing supply figure of 6.02 years. This meets the Government requirement that local planning authorities should be able to demonstrate a 5 year supply of deliverable housing land. An appropriate 5 year land supply can be demonstrated and therefore the policies set out in the Core Strategy and Land Allocations Local Plan are to be given full weight in the decision making process.
- 2.4 The application sites agricultural land classification falls within 'Good to Moderate' agricultural land (Grade 3) and therefore is outside of the Best and Most Versatile (BMV) agricultural land. The site is relatively small in scale and the loss of this agricultural land, given its scale and quality, is not sufficient to require the demonstration that the development should take place on other feasible sites of lower quality. Furthermore this would have been taken into consideration in the Local Plan process when the site was allocated for housing development. As such, it is considered that the loss of unused agricultural land is not a significant material consideration in relation to this site.
- 2.5 Policy LA26 of the Land Allocation Local Plan provides for housing development of up to 40 dwellings, to include a mix of housing types and densities with substantial landscaped boundaries and a lower density development on the western section. It sets out 9 criteria which development of the site would need to comply with which are:
- I. The design and layout should incorporate frontage development with adequate parking arrangements;
 - II. The existing boundary hedgerows and vegetation to the west are retained;
 - III. A landscape buffer is provided along the western boundary to reduce the impact on the AONB;
 - IV. Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside;
 - V. Footway connections are provided within the site and new footway provision is facilitated on KCC highway land on the eastern side of Capel Street to provide pedestrian connectivity to the primary school and

- beyond;
- VI. A financial contribution is secured to mitigate the impact on the Thanet Coast and Sandwich Bay SPA;
- VII. Development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage and water supply infrastructure for maintenance and upsizing purposes;
- VIII. If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB; and
- IX. Vehicular access is achieved onto Capel Street which is designed to minimise the loss of the existing hedgerow.

2.6 As this is a criteria based policy it is important that any development proposal addresses all of the criteria set out above. In addition to these site specific criteria, the development must be acceptable in all other material aspects. The proposed development, although only in outline form at this stage, where any details are indicative appears to appropriately address all of these criteria, which shall be discussed in more detail in this report; it therefore accords with Policy LA26 and is an acceptable form of development on this site. The proposal therefore accords with relevant development plan policies, being a allocated housing site and is acceptable in principle.

Impact on the AONB and Visual and Rural Amenity

2.7 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location. Although not situated in the countryside, an assessment of the proposals impact on the character and appearance of the adjoining countryside is required.

2.8 Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:

- i, it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
- ii, it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.

2.9 The site is not situated within one of the defined landscape character areas but consideration of the impact on the existing landscape and its character is necessary to ensure the proposed development does not affect the character of the wider landscape.

2.10 The application site also adjoins the Kent Downs AONB on its western boundary and to the north. The proximity of the site immediately adjacent to the AONB and the scale and nature of the application proposal is such that development of the site could affect the AONB, by virtue of impact on its setting. The setting of the AONB and its importance is recognised in the Kent Downs AONB Management Plan and policies SD1 and LLC1 of the plan are the most relevant. The Plan advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. Paragraph 115 of the NPPF is also relevant in this regard and seeks to protect

the landscape and scenic beauty of the AONB. Consequently, the impact on the setting of the AONB, countryside and landscape adjacent to the site need to be considered.

- 2.11 Policy LA26 also has a number of requirements in respect of minimising the impact on the character and setting of the AONB, the surrounding countryside and landscape. This includes the retention of boundary hedgerows, a landscaped buffer along the western boundary and the sensitive consideration of the height, massing and street lighting of any proposals. These requirements are to ensure that the impact on the AONB and landscape character is minimised and protected by any development proposal. Consideration and an assessment of the requirements of the Kent Downs AONB Management Plan was taken into account in the allocation of this site with policies SD1 and LLC1 identifying the importance of enhancing and conserving the natural beauty, special characteristics and landscape character of the AONB. The policy allocation therefore seeks to address any impact through the setting of the relevant criteria and ensuring the mass and height of the proposed buildings is minimised and landscaping provides the appropriate screening.
- 2.12 The proposal incorporates substantial landscape buffers to the western, northern and southern boundaries of the site, especially along the western boundary where further enhancement through tree planting is proposed. Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape buffers would incorporate both tree and native planting appropriate to the landscape character and site. The proposed landscaped buffers at this stage more adequately address the need for landscape screening on site and accord with the requirements of Policy LA26 and any impact on the AONB. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage.
- 2.13 The massing of the development, as shown on the indicative site layout, has also been staggered along the western side of the site and particularly along the western boundary which further reduces the visual impact on the adjacent AONB, countryside and landscape. This breaks up the building line and massing of the overall development and accords with the need for the sensitive treatment of the massing identified in Policy LA26. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can result in an acceptable layout.
- 2.14 It is noted that most of the buildings are to be two storeys in height with some of the proposed buildings indicated as being two and a half storeys high. The two and a half storey element of the proposed development is the two flat blocks which are sited towards the centre of the site. The indicative plans suggest that the scale and mass would not be significantly greater than the two storey housing surrounding these blocks. However the AONB Unit has commented that buildings at 2.5 storeys in height would result in the development being more visible in the landscape and they consider it to be wholly inappropriate and out of character with the locality, where there is a predominance of single storey dwellings, albeit interspersed with two storey houses, and heights should be restricted to a maximum of two storeys. It is considered that due to the limited number of 2.5 storey buildings proposed and their location centrally within the overall site, provided they are of a suitable height and scale, which can be controlled by a condition to clarify the building heights, any impact on the AONB can be minimised to ensure that this element would not be materially greater on the AONB and surrounding countryside than if the proposed scale were to be exclusively two storey. There are also design solutions with regards to heights of

buildings and the need to create adequate floorspace for the accommodation proposed, such as accommodation being incorporated within the roof space and the use of dormers. This could also reduce the overall height and incorporate a different design detail to the overall scheme. Consequently it is necessary to require ground levels, sections through the land and buildings and details of the finished heights of the proposed buildings above ground as a condition, as well as an informative to advise of the concerns in respect of the height and the potential impact on the AONB, to address this aspect of the proposed buildings.

- 2.15 At street level the design and layout should incorporate frontage development with adequate parking and footpath arrangements and the retention of the existing boundary hedge. Along the Capel Street frontage, six detached market houses are proposed, these are set back from the boundary with Capel Street, allowing for much of the existing hedgerow to be retained along this boundary, although there will be some loss due to the proposed access and related visibility splays. In addition a public footpath link is proposed behind the hedge line to the north of the proposed access and along the frontage to the south of the access with hedge planting reinstated behind.
- 2.16 As such, it is considered that the relevant requirements of LA26 have been observed which state that “development should be sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside”. It should be borne in mind that the layout plans are indicative and careful consideration will need be given to the detailed layout submitted as part of any reserved matters proposals to ensure suitability of spatial layout arrangements. It is therefore considered that the scheme does not give rise to any adverse impacts on the visual amenity of the site and immediate surrounding area, nor does it fail to conserve and enhance the natural beauty and special character of the adjoining AONB. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy, paragraph 115 of the NPPF and the policies of the Kent Downs AONB Management Plan.

Affordable Housing and Dwelling Mix

- 2.17 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 13 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to being secured through condition, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. The basic details and tenure split of the proposed affordable units have been submitted at this stage, but would be considered further at the Reserved Matters stage subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing proportion for local people.
- 2.18 Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing to meet the prioritised needs of the district and should be split as set out below. Whilst these recommended proportions should inform the housing mix, they are not rigid, but any bias towards particular sized dwellings would require a clear justification, having regard for the identified need within Dover District, including the need identified within the Strategic Housing Market

Assessment (SHMA). At this outline stage indicative details of the dwellings have been provided and indicate the proposed housing mix:-

No. Beds	1	2	3	4
Required %	15%	35%	40%	10%
No. Proposed	6	14	15	6
Proposed %	15%	34%	36%	15%

2.19 In addition, Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 35.6 dwellings per hectare which is at the mid-point of the density level required under CP4.

2.20 In assessing appearance design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide and Building for Life 12 that all support good design. At the local level the mix and indicative design of the units is considered appropriate for this edge of village location, adjacent to the AONB and complies with the relevant policies identified.

Residential Amenity

2.21 The proposed development in outline form reserves the appearance, landscaping and scale of the development. However, the indicative site layout would provide the largest of the proposed dwellings fronting the site but set well back from Capel Street and adjoining boundaries, these would be closest to the existing properties along Capel Street. Indicative plans identify the proposed dwellings are at least 25 m from opposing habitable room windows (Plots 01-02 & 25-27) within the site and a minimum of 22m from existing dwellings situated outside of the site along Capel Street. Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook or overshadowing are anticipated on either existing or future occupiers of the existing and proposed dwellings respectively. Therefore the juxtaposition of the proposed units suggests that no adverse amenity issues.

2.22 The precise location of the proposed dwellings is unknown at this stage, however, the proposed access roads have been submitted in full and indicative plans submitted show the layout of dwellings at this stage. Consequently, the final layout, which will be the subject of an application for reserved matters, will be likely to closely align with the layout shown on the indicative plan. The plans however demonstrate that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any properties would

be directly harmed by the development but a detailed assessment would form part of any reserved matters application.

- 2.23 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development. It is considered that the living conditions of occupants of the dwellings could be acceptable.
- 2.24 With regard to potential noise, Environmental Health have confirmed that subject to a condition to secure internal noise levels, in accordance with recommended guidelines. The residential amenities of future occupiers would be acceptable in this regard.

Highway Impacts

- 2.25 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. 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.
- 2.26 Policy DM12 requires that developments that would involve the construction of a new 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. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.27 Full details of the means of access are submitted under this application and include a single 4.8m wide access road to serve the site from Capel Street. This will be in the form of a shared surface with pedestrians and would lead to small clusters of buildings within courtyards. Although only an indicative layout, 75 car parking spaces are proposed throughout the development. The proposed works also include the widening of the southern section of Capel Street to 5.5m, the provision of a public footpath along the site frontage, (behind the hedge line to the north and along the edge of the highway to the south of the proposed access), a new footpath on the eastern side of Capel Street to link up with the existing public footpath network and the provision of double yellow lines in front of the southern section of the site and extending south up to the boundary of No. 114 Capel Street.
- 2.28 KCC Highways initially raised concerns in respect of the proposal as they required various matters to be considered further and addressed, such as the minimum carriageway width, proposed pedestrian crossing point, resolution of conflicts with on-street parking, location of off-street car parking, the shared surface specifications and required visibility splays. In addition, a safety audit was also required for all the proposed highway alterations in Capel Street. In response to these concerns an amended site layout plan and a road safety audit

were submitted. The amendments include the provision of some minor highway layout changes within the application site and proposed works to the adopted highway on Capel Street. This includes the footpath adjacent to the highway to the south of the proposed junction on Capel Street and the addition of double yellow lines on Capel Street, including two sections further along Capel Street to enable suitable passing places.

- 2.29 The proposed development is likely to generate approximately 26 two-way vehicle movements in the morning and evening peak hours; however, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. Although some passing places are available these are short in length and make manoeuvring difficult. Therefore, the development proposals include the improvement of sections of Capel Street to assist with the flow of traffic. These improvements take the form of additional parking restrictions between (and encompassing) the accesses to numbers 82 and 84 Capel Street and across the accesses to numbers 96 and 98 Capel Street, but extended to provide sufficient room for a car to manoeuvre in/out of the passing place. These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.
- 2.30 The site access arrangements include minor widening of Capel Street along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site access. Whilst this may remove a small amount of on-street parking, some additional unallocated parking is available within the new site.
- 2.31 KCC Highways have advised the acceptability of these highway proposals and that a Traffic Regulation Order (TRO) would be required for the proposed parking restrictions on Capel Street. TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which applies in this case and could be secured through either a planning condition or s106 agreement. In addition, all the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s278 agreement with the highway authority.
- 2.32 The proposed site layout and associated parking arrangements for the new dwellings are therefore acceptable and are in accordance with current guidance, including parking standards. KCC Highways has confirmed that the off-site passing bays and road works proposed will be on the public highway and not on private land. Hedges are to be retained/planted along the Capel Street frontage to deter on-street parking by residents of the new dwellings fronting Capel Street. Adequate access and turning facilities are also available for refuse and emergency vehicles. If the application were to be granted conditions could be attached to ensure that the effects of the development would be sufficiently mitigated so as not to cause undue harm to the local highway network. In addition, a condition can require full details to be submitted for the off-site highway works, comprising the provision of footpaths and the TRO's required. A Construction Management Plan would deal with other matters such as associated parking/turning areas and wheel washing facilities.
- 2.33 Significant concerns have been raised by third parties that the development would significantly and detrimentally increase and impact on traffic and the local

highway which is identified as already struggling to cope with existing levels of traffic locally. A strong level of concern is also raised over the narrowness of Capel Street which causes significant local concern. It is however considered that with appropriate conditions and controls in place these concerns would to a sufficient degree, be addressed. On balance it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 32 of the NPPF as well as local standards and policies.

Ecology

- 2.34 In accordance with the Habitats Directive 1992 (to ensure the precautionary principle is applied) and the Wildlife and Countryside Act 1981, it is necessary to ensure the application has no adverse impact on a European Site. The Land Allocations Local Plan establishes that residential development across the district will cause in combination effects on the Thanet Coast and Sandwich Bay SPA. However, the LALP also addresses these cumulative impacts by setting out a mitigation strategy to manage potential impacts, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed in principle to a contribution. The contribution required would be £1,968.82 and a s106 legal agreement could secure this contribution. Consequently, it is not considered that the development would cause a significant effect on the SAC or SPA.
- 2.35 In furtherance to the impacts on the off-site Thanet Coast and Sandwich Bay, Ramsar, SAC and SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 109 and 118 of the NPPF. In addition, regard must be had for Natural England's Standing Advice and the views of Kent Wildlife Trust. The application was originally supported by a Phase 1 Ecological Survey which considers both the flora and fauna of the site.
- 2.36 The site is grassland and grazed horse pasture of low ecological significance. The mixed hedgerow around the boundaries of the site provide botanical interest at a local level and should be retained where possible. The hedge lines provide nesting and foraging areas for birds, reptiles and bats and there is also an active badger sett on site.
- 2.37 The Council's Ecologist and Kent Wildlife Trust raised holding objections to the scheme as the original Phase 1 Preliminary Survey identified a badger sett on the site and also recommended a bat activity survey. Badgers and their setts are protected by the Protection of Badgers Act 1992. Therefore, a specific badger survey is required which can then inform the proposed development, in order to comply with ODPM Circular 06/2005 (para. 99). The bat activity survey was recommended on the basis of habitat and KMBRC records and recent sighting in gardens further supports the need for such a survey, in order to comply with ODPM Circular 06/2005 (para. 99). The surveys need to be carried out prior to authorising development.
- 2.38 Consequently, Bat, Badger and Reptile Species Surveys have been undertaken and submitted in support of the application. These identify the potential for low reptile populations on site, the use of the site by two types of bats for foraging and commuting and the active use of the site by badgers. There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and

enhanced and such measures can be controlled by suitable conditions. The Councils Ecologist and Kent Wildlife Trust have both confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and controlled by conditions there is no ecological constraint to development.

- 2.39 In addition, the site has potential for hedgehog and, as such, precautionary safeguards for these species and improvements to their habitats have been recommended. In respect of birds using the site, these may be nesting on site and safeguards can be put in place that include construction work outside of the bird breeding season and under ecological supervision. Such safeguards have been recommended and these could be conditioned.
- 2.40 In respect of existing trees on the site these have been surveyed and a Tree Report submitted. The majority of tree cover is associated with the line of the mixed hedgerows to all boundaries. A small proportion of low category trees and some hedgerow is proposed to be removed to facilitate access to the site and the new public footpath along Capel Street. However, it is proposed to plant a significant level of trees across the site and reinstate gaps in hedgerows with appropriate species. Therefore, although there will be a loss of some hedgerow along the eastern boundary this is not significant to the wider area and replacement planting will ensure the impact on the street scene will be minimised and would therefore be acceptable. To minimise the impact on the trees and hedges to be retained, the necessary protection measures required can be controlled by conditions.
- 2.41 The proposed layout therefore allows the existing hedgerows to be retained and additional planting to allow deeper landscaped areas where new trees can be planted. The hedgerow to the front is largely retained which is facilitated by having a footpath running behind it from the access towards the north-eastern corner of the site. On the western site boundary the enhanced hedgerow depth and the new trees will provide a landscape buffer between the site and the AONB to the west. New planting will consist of a mix of blackthorn, holly, elder, dog rose, etc., giving a traditional English rural hedgerow mix all of which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the conservation and enhancement of biodiversity and are considered to comply with the aims and objectives identified through the NPPF and the Kent Downs AONB Management Plan.

Drainage and Flooding

- 2.42 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.43 A Statement on Surface Water Drainage has been submitted in support of the application which confirms that infiltration drainage is suitable on this site. It is proposed to deal with all surface water and run-off by infiltration into the subsoil below so that there will be no increase in run-off from the site as a result of the proposed development. This will be in the form of soakaways, porous paving, gullies and an oversized pipe under the roadway to deal with an increased run-off

during storm events.

- 2.44 This method of surface water disposal is considered acceptable for this site with the Environment Agency raising no objection but advising that the site lies on Principle Aquifer of Chalk geology, as well as in Groundwater Source Protection Zone 3. Therefore measures should be taken to ensure the protection of the groundwater quality in respect of pollution prevention and waste. KCC Flood and Water Management are the Lead Local Flood Authority and have also raised no objection subject to conditions relating to further appropriate details in respect of surface water drainage and management of any approved scheme. The proposed drainage measures for this outline proposal are therefore considered acceptable at this stage, subject to conditions and further details at a Reserved Matters stage.
- 2.45 Southern Water supplies water and foul waste at this location. They have no objection as they can provide foul sewage disposal capacity for the proposed development. They advise that they would require a formal application for a connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard.

Planning Contributions

- 2.46 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.47 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would be normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.48 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demands which would be generated by the development. As there is access to an existing play area it would not be necessary to provide equipped play on site. However, a suitably scaled contribution for an additional play space has been calculated according to the cost of creating a new Local Area for Play and providing fifteen years of maintenance at £42,520 which equates to a commuted sum of £32,330 including interest at 2%. Therefore the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. This would need to be secured through a s106 and with the payment of this contribution the proposal would accord with Policy DM27 of the Core Strategy.
- 2.49 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is insufficient primary and secondary school provision to meet the needs of the development. The proposal would give rise to up to 9 additional school pupils and the need can only be met through the addition and expansion of school places at White Cliffs Primary School in Dover.

(It should be noted that Capel primary school is unable to expand due to highway constraints and by increasing capacity in Dover, this will enable redistribution of pupils and create spaces at Chapel for local children to attend close to home). A contribution of £136,638 has been requested from this development to meet the need identified. KCC have also requested a contribution of £75,513.60 towards the Phase 1 expansion of Dover Grammar School for Girls, due to exceeding the capacity of pupil spaces generated by the development. In addition a contribution of £1,652 towards book stock at Hawkinge library would ensure that the needs generated by this development would be met. It is considered that the requested contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

2.50 NHS CCG have also advised that the GP surgeries in Folkestone would need to be expanded for the additional increase in patient numbers. The proposed development would be likely to generate a proportionate contribution from the development of £35,784.

2.51 The applicant has agreed the Heads of Terms in relation to the contributions necessary to make the development acceptable in planning terms. The Heads of Terms are:

- Primary Education towards White Cliffs Primary School Green Park Primary School expansion of £ 136,638
- Secondary Education- towards Phase 1 expansion of Dover Grammar School for Girls of £75,513.60
- Library - contribution towards book stock at Hawkinge library of £1,968.65
- NHS South East Coast CCG – contribution towards increase in capacity in Folkestone of £35,784
- A total of £1,861.56 is required as a contribution towards the Thanet Coastal Management Strategy
- An off-site public open space contribution of 60% towards a new play space facility of £19,400.
- Payment of all associated legal costs.

2.52 In addition, a s278 Agreement under the Highways Act with KCC Highways and Transportation in respect of access arrangements and highway improvements outside of the application site will be required.

2.53 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

2.54 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination, a condition would be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved.

2.55 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design.

- 2.56 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. External lighting will need to be included in the condition listing requirements for the reserved matters stage due to its importance in this sensitive location as a result of the adjoining AONB and bat protection measures.
- 2.57 Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would be subject to outline conditions at this stage.

Conclusion

- 2.58 It is clear that development of this site within the settlement boundaries and on land allocated as suitable for residential development under Policy LA26 is acceptable in principle and is in accordance with Policies DM1 and CP1 of the Core Strategy and the NPPF.
- 2.59 The site is of a layout and scale which provides a buffer zone on the western boundary adjoining the AONB and seeks to maximise the retention of hedgerow along its boundary with Capel Street by setting back the proposed houses and providing footways in front of them although the proposed access and related visibility splays will result in some loss along this boundary.
- 2.60 The proposal is of a relatively low density but within the quantum of housing suggested by LA26 (and other development plan policies) which also seeks to retain a significant amount of natural screening is suitable in the context of the site location and its setting. Concerns have been expressed in relation to the proposed 2.5 storey flat blocks. However considering the limitations of this aspect, its location in the centre of the site and the negligible difference in scale between this and the surrounding two storey housing proposed it is unlikely to give rise to any adverse impact on the adjoining landscape character or the AONB. As has been discussed above, suitability of heights of buildings would be given careful consideration at the reserved matters stage, and an advisory informative can clarify the LPAs position in this regard. This would ensure the impact on the AONB is minimised and the special character protected in line with the AONB Management Plan. The indicative scheme proposes a generally acceptable dwelling mix overall and as such the scheme accords with the broad principle of Policy CP4 of the Core Strategy.
- 2.61 The developer has agreed in principle to the provision of 30% affordable housing and has agreed in principle to the payment of the relevant contributions towards local infrastructure contributions, the TCMS SPA and off site open space provision.
- 2.62 Initial objections from KCC Highways have been overcome following further information and amended plans submitted for a revised site layout which included a Road Safety Audit. KCC Highways consider the revised proposals to be acceptable subject to necessary conditions and legal agreements relating to off-site highway works. In addition access and car parking arrangement are considered to be acceptable and in accordance with planning policies. This therefore accords with paragraph 32 of the NPPF.
- 2.63 In terms of protected species, appropriate surveys have been submitted with identify the specific requirements of each species and offer suitable mitigation strategies which all need to be controlled by conditions. The ecological aspects have therefore been adequately resolved.

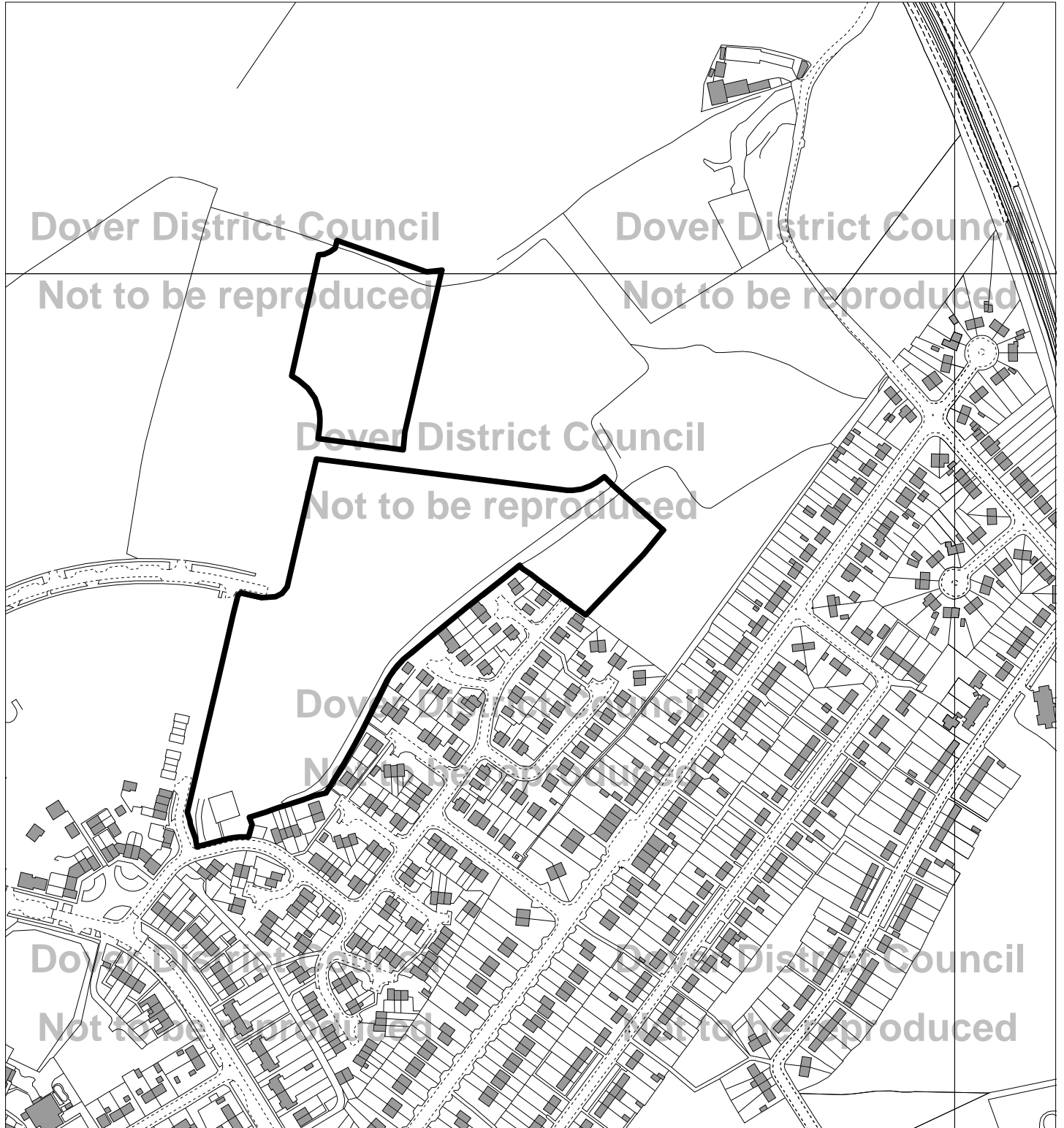
- 2.64 Matters such as drainage details, site security, materials and details of lighting would be a matter for the reserved matters application and as such are not matters for scrutiny for this outline planning application. Details can be secured by condition.
- 2.65 The proposed development, although only in outline form, appropriately addresses all of the criteria identified in Policy LA26 of the Land Allocations Local Plan and accords with the principles of this policy and is therefore an acceptable form of development for this housing allocation site. The proposal therefore accords with relevant development plan policies and the NPPF and is acceptable in principle. Consequently it is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

g) **Recommendation**

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
- (1) Outline time limits (2) Submission of details of foul and surface water drainage for approval (3) Reserved matters to include layout, elevations, floor plans, sections through the application site, adjoining land and buildings, details of building heights, floor levels and thresholds, samples of materials, bin storage, street scenes, external lighting, cycle parking and details of SuDS and maintenance thereof (4) Approved plans (5) Construction Management Plan (6) Highway conditions (7) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (8) Landscaping Details and maintenance of buffer zones (9) Protection of Trees and Hedges (10) Reporting of unexpected land contamination (11) Details of surface Water drainage (12) Ecological mitigation and enhancements (13) Acoustic mitigation measures (13) Off-site highway works
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach



Not to scale

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Application: DOV/16/00985

Phase 1B2 and 1B3

Aylesham Village Expansion

Aylesham

CT3 3BW

TR23525274



- a) **DOV/16/00985 – Reserved matters application for the approval of details relating to access, layout, scale, appearance and landscaping for the erection of 162 dwellings and associated infrastructure and landscaping, pursuant to outline application DOV/07/01081, pursuant to Variation of Condition application DOV/15/00068 (pursuant to DOV/14/00338 and DOV/13/00120) - Aylesham Village Expansion, Aylesham (Phases 1B2 and 1B3)**

Reason for report: Number of contrary views. The application has also been called in to planning committee by Cllr Keen.

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- 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 to less than 30dph.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 - Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- 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.
- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

Dover District Local Plan 2002 (Saved Policies)

- AY1 – Land is allocated for up to 1000 dwellings, petrol filling station, formal playing fields and associated children’s play, employment land, a primary school and food retail.
- AY2 – An outline proposal for the strategic expansion of Aylesham should cover the whole development area and be accompanied by and based on a master plan.
- AY3 – Proposals for residential development in the development area will be permitted provided: the overall net density shall be at a minimum of 30 dwellings per hectare; at least 15 percent of all dwellings are for affordable housing; provision is made for children's play; and the development has variety in design, is energy efficient and avoids standard estate layouts.
- AY7 – Proposals for the Development Area will not be permitted unless: structural landscaping is provided on the eastern boundary with the railway line together with planting to strengthen the ancient hedge line which forms the northern boundary; at least 3.7 hectares of formal playing fields is provided in the development area; a landscape phasing programme is agreed with the Council; and the long term management of all open space and structural landscaping is secured.
- AY8 – Land is allocated to meet additional primary school provision.
- AY10 – Proposals will not be permitted unless they include provision for a spinal footpath and cycle network, extending where practicable into the existing settlement.

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 in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- 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.
- The NPPF has 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 residents; recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment and reducing pollution; and actively manage patterns of growth to make the

fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- 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".
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, geological conservation interests and soils. Local planning authorities should aim to conserve and enhance biodiversity.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

The site has an extensive planning history relating to the various phases of the Aylesham Village Expansion, including numerous amendments to previous consents. The following applications are those which are considered to be materially relevant to the current application:

DOV/07/01081 – A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off-site highway works: and

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works, including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village - Granted

DOV/13/00120 – Variation of conditions including 1, 3, 5, 14, 15, 22, 24, 32, 34, 38, 45, 51, 52, 56, 68, 76 and 77 of planning permission DOV/07/01081 (Section 73 application) and modification to legal agreements – Granted

DOV/14/00338 – Variation of Conditions 88, 110 and 112 of planning permission DOV/13/00120 (application under Section 73) - Granted

DOV/14/01206 – Variation of Conditions including 16, 48 and 85 of planning permission DOV/14/00338 (Section 73 application) - Granted

DOV/15/00952 – Variation of Condition 14 of planning permission DOV/14/01206 to introduce a new form of layout for junction 21 (application under Section 73) (amended description/further details) – Withdrawn

DOV/16/00180 - Reserved matters application pursuant to outline application DOV/07/01081 pursuant to Variation of Condition application DOV/14/01206 (pursuant to DOV/14/00338 and DOV/13/00120) for approval of 277 dwellings, access, landscaping, scale and appearance - Granted

DOV/16/01177 - Reserved matters application pursuant to outline application DOV/07/01081 pursuant to Variation of Condition application DOV/15/00068 (pursuant to DOV/14/01206, DOV/14/00338 and DOV/13/00120) for details of access, appearance, landscaping, layout and scale of Strategic Infrastructure Phases 1B.1, 1B.2 and 1B.3 (comprising highways, cycleway and footways and the formation of public open space) - Current

e) **Consultee and Third Party Responses**

Principal Ecologist – No comments to make

Kent Police Crime Prevention Officer –

It is appreciated that the applicant have pointed out the KDI and the protocol they have also mentioned prevention of crime however they have confused the issue with Secured By Design (SBD) under the old codes for sustainable homes system for parts 1 and 2 .

A number of changes in Secured By Design (SBD) have taken place to meet and exceed the standards of Approved Document “Q” (ADQ) which came into force as a building regulation on the 01st of October 2015, this included Homes 2016 which has been written and published as a guide and was introduced on the SBD website on the 01st of June 2016 as an alternative option to the architect, developer and builder to enable them obtain Gold Silver or Bronze award for SBD, which replaces the old codes for sustainable homes and the former SBD sections 1,2 and 3.

They have stated in section 4.11 that they have no SBD requirement, however if they purchased certified products i.e. PAS 24 2012/2016 windows and doors they would also automatically discharge the building regulation and qualify automatically for the Secured By Design (SBD) Silver Award, and we would encourage them to do so as a minimum security standard.

Kent Police would welcome the opportunity to work with the applicant and take them through this new SBD process.

Environment Agency – No objection, but have requested that they be consulted on foul drainage and piling conditions.

KCC Lead Local Flood Authority –

Initial response received 15th September 2017

Do not wish to comment on the application. Notwithstanding this, the applicant should consider how soakaways will be accommodated within the proposed layout.

Subsequent response received 26th June 2017

The utilisation of soakaways may have implications for the site layout, given the need for appropriate setbacks and access arrangements. It would be timely and appropriate if the applicant could demonstrate the assumed locations for drainage infrastructure, particularly any soakaways, to ensure that layout does accommodate the structures in appropriate areas.

Natural England –

Initial response received 2nd September 2016

No objection

Subsequent response received 16th June 2017

No objection

Sport England –

Initial response received 30th August 2016

The application falls below the thresholds for Sport England's involvement and, as such, no comments are made.

Subsequent response received 14th June 2017

No objection

Southern Water –

Initial response received 1st February 2017

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located within 15 metres to the boundary of a proposed pumping station site.

Subsequent response received 27th June 2017

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located within 15 metres to the boundary of a proposed pumping station site.

Southern Gas Networks – There are low/medium/intermediate pressure gas mains near the site. The development should avoid damage to these services.

Affinity Water – The site is located within the Groundwater Source Protection Zone of Broome Pumping Station. As such, the development should be carried out to the relevant British Standards and Best Management Practices to reduce groundwater pollution risk.

DDC Strategic Housing Manager - The planning statement submitted with the application recognises the requirement for 20% of all new dwellings provided to be affordable and sets out the number of affordable homes that will be delivered by Persimmon Homes South East within its 3 development phases. Overall PHSE intends to develop 385 new homes of which 77 will be provided as affordable homes thereby complying with the overall affordable housing target for the Aylesham village expansion.

Aylesham Parish Council – Object

Initial response received 4th October 2016

The planning application shows the removal of the Right of Way from its current position and diverting the route through the development losing its permeability.

The loss of the hedgerow within the Garden village is a loss of our natural environment, contravening the National Planning Policy Framework.

Looking at the plan I can see that this would have an adverse effect on the existing properties losing their privacy due to the close proximity of the new builds.

No through road to the existing village from this phase as shown in fig 22 of the SPG preventing vehicle, walking and cycling access, the design goes against the SPG Masterplan shown in fig 23 detailing pedestrian and cycling movements giving links to existing direct routes to all areas, no access to the existing village.

The plan shows bulked parking spaces which can be seen from the front of properties which clearly has a visual impact, there should be car barns to compliment the rest of the new properties and the car spaces need to be carefully looked at with it being a garden village not just lots of tarmac.

The proposed development is over bearing and has a visual impact on the neighbouring properties.

Subsequent response received 8th February 2017

Visual impact of the development.

The parish council's following objections with regard to the visual impact of the development are underpinned by the promise in the original master plan which emphasises a focus on the quality of the site in relation to the visuals of the design. Due to the original structure of Aylesham, the parish council still object to this part of the development because of its visual impact. Further concerns surround the open view of vehicles in open parking as opposed to concealing vehicles within and around houses. This follows from the previous objection raised in 2016.

The parish council also object to the choice of tree planting in respect to the original promise of desired avenues and idyllic public scenery.

The parish council hold some objection with respect to the chosen cycle routes and storage facilities for the newly built properties.

Further objections lay with the proximity of houses in the proposed development. Some houses (ref. houses 157, 162) .The visual ramifications are prevalent with regards to side windows on some properties being blocked, despite the parish council's understanding that these are newly built properties of which buyers should beware.

Re-rooting footpaths and "Right of Way"

The major objections from the parish council stem from the newly proposed diversions on public rights of way in the development. It is the parish council's understanding that, with reference to the Highway Act 1980, only under the interests of the public may a development warrant a diversion path from the original of which the parish council believe the current diversion is not within the interests of the public due to restrictions on village access and community disunity issues. Additionally, the parish council object to the current diversion as, it must terminate where the original path terminates. Similarly, in accordance to the Planning Inspectorate, it cannot take up an original right of way, as the new development does. While the Planning Inspectorate states that new diversions may "inpart" follow an existing path under Section 118, the current development has in places closed routes and followed an existing path in excess. Further objections exist around highway access. There is a maxim "once a highway always a highway", in the case of *Harvey v Truro RDC*.

The parish council object to the development's plan to restrict vehicle access to current highways as it is unlawful to remove the right to use the highway. A final concern stands with the route of the proposed path being longer than the original.

Re-rooting / Loss of vegetation on the southern boundary of the site

While the parish council understand the current hedgerow near Brookside will be kept in accordance to our previous objections, we understand that, alongside the new development, it requires maintenance and is the landowner's responsibility to facilitate this. The parish council therefore propose that Dover District Council maintain this for interests of surrounding residents.

Connectivity to the village

The parish council object to the development's chosen use of cycle routes and links to the village. Furthermore, the council holds concerns over the width and length of some roads with regards to emergency services. The restrictions on these roads also stands illegitimate in the parish council's view for no public consultation had been convened. The parish council also believes that an extension would alleviate traffic and remove the strain to local enterprise that the current development will cause by restricting access to local shops.

The parish council also hold objections to the development's failure to recognise the impact of the volume of traffic with concern to the roads it proposes. Given the absence of pedestrian crossings around the Dorman Avenue North area and the increased traffic from new inhabitants, the parish council proposes greater measures for infrastructure to cope with the volume of traffic.

A final objection is the decision to enforce 6ft fences with regards to crime. It is the parish council's belief that lower fences would enhance community cohesion and weaken the ability of burglars or other criminals to use the neighbourhood as a hiding spot.

Further response received 3rd August 2017

Following a Parish Council Planning Committee Meeting which took place on 27th July 2017 Aylesham Parish Council have a request for a holding objection in relation to the above planning application made by the Persimmons Development.

- The Developers have infringed a public right of way without consultation with the Parish Council and local residents at EE288, and it has been developed over.
- One of our Parish Councillors, Barbara Morgan, has already submitted a complaint about this to the Highways Authority and the reference she was provided with is 323490.
- Also that at EE461 that the right of way be preserved in the development.
- Please can you also include a condition on the planning application that the Developers ensure that motorcyclists are restricted from having access to the beginning, middle and end of the development area.

In the interim, we as a Parish Council would request that Persimmon be contacted and requested to refrain from taking any further steps to develop at this site at this time.

Shepherdwell with Coldred Parish Council –

Initial response received 22nd September 2016

Note the application, but have passed no comments

Further comment received 22nd June 2017

No objection

Eythorne Parish Council – No objection

Denton with Wootton Parish Council –

Initial response received 8th September 2016

Concerns are raised regarding the increased traffic movements onto the nearby A2 and the inability of the slip road and local roads to cope with increased traffic.

Subsequent response received 26th January 2017

The main issues are the increased traffic and safety issues in the area. A project of this size will lead to increased congestion at the Barham flyover junction and increased traffic on the B2046 to Wingham. The 'slip road' at the flyover has also been identified as not being fit for purpose for the increased amount of traffic and should be lengthened to improve safety for those vehicles joining the A2.

There will also be an increased traffic flow on the A260 road through Denton which Kent Highway Services has already identified as having major traffic issues.

Nonington Parish Council – Concerns are raised about the traffic increase through the village and the increase in tailbacks whilst trying to access the A2 via Adisham Rd due to the Aylesham expansion project. During the morning rush hour the traffic now tailbacks from the roundabout well passed the Nonington turn off.

Barham Parish Council – Object. The development will lead to major issues of increased traffic onto the A2 and the inability of the slip road and local roads to cope with the increased traffic. There will be an increase in traffic at the Barham flyover junction and increased traffic on the B2046 to Wingham. The slip road onto the London bound A2 should have been improved. The access to Folkestone Road should also be improved.

KCC Highways and Transportation –

Initial response received 18th January 2017

Phase 1B2

1. The Masterplan extract in the Design and Access Statement shows pedestrian links to Buttermere Gardens and Thirlmere Gardens to the south east, as well as connections to and retention of the existing Public Right of Way along the boundary. However, these pedestrian links are not shown in the proposed layout and should therefore be included. I also advise consultation with our PROW Team on the proposals.

2. The Masterplan extract also shows tertiary road links to the northern end of Coniston Drive and to the land parcel to the east of plots 254-258, which again are not shown in the proposed layout. Whilst vehicular links are not essential there should at least be shared pedestrian/cycle links provided..

3. The plan does not reflect the extension to the adjacent Central Boulevard submitted under application number 16/ and the subsequent amendments to those proposals, which have a bearing on the layout and parking for phase 1B2 and should therefore be incorporated.

4. The necessary visibility splays at the junctions of roads with the Central Boulevard and Aylesham Street should be shown.

5. Vehicle swept paths for an 11.3 metre refuse vehicle have not been submitted.

6. Although dimension of streets are referred to in the Design and Access Statement, it is not clear where they apply on the layout and this should therefore be clarified.

7. The remote location of parking from the front doors of dwellings and/or tandem parking arrangements are likely to generate unacceptable on-street parking on the highway outside plots 141-143, 211-221, 238-240 and 250-253. Existing and proposed lay-by parking along the roads fronting these plots therefore needs to be reconsidered accordingly.

8. The remote location of parking from the front doors of dwellings is likely to create unacceptable on-street parking too close to the junction with the highway outside plots 147, 179, 233 and 237. Parking arrangements for these plots therefore need to be reconsidered.

Whilst the streets within the site are to remain private and these are not issues likely to affect the highway, you may wish to consider the following in relation to those private streets:

- Details of visibility splays /forward visibility envelopes have not been shown.
- There are no 1 metre margins in front of some banks of 90 degree parking (to provide visibility for drivers exiting).
- There are some 3, 4 and 5 bedroom plots with tandem parking arrangements rather than independently accessible parking spaces.

Phase 1B3

9. The plan does not reflect the extension to the adjacent Central Boulevard and SUDS Street submitted under application number 16/01177 and the subsequent amendments to those proposals, which have a bearing on the layout and parking for phase 1B3 and should therefore be incorporated.

10. Although dimension of streets are referred to in the Design and Access Statement, it is not clear where they apply on the layout and this should therefore be clarified.

11. Vehicle swept paths for an 11.3 metre refuse vehicle have not been submitted.

Whilst the street within the site is to remain private and these are not issues likely to affect the highway, you may wish to consider the following in relation to the private street:

- Details of visibility splays /forward visibility envelopes have not been shown.
- There are some 3, 4 and 5 bedroom plots with tandem parking arrangements rather than independently accessible parking spaces.
- It would appear that a connection would be desirable between the street and the footpath around the village edge to the north.

Subsequent response received 16th June 2017

Phase 1B2

1. The plans appear to now show a vehicular connection to Coniston Drive, which is acceptable. However, the proposed street connecting to Coniston Drive appears to be a shared surface and whilst all the proposed streets are to remain private, they should make suitable connections to the existing highway. The existing footways in Coniston Drive should therefore be extended 1.8 metres beyond the connection point into the shared surface and dropped kerbs provided, to allow suitable pedestrian access to /from the new street. There should also be a ramp at the entrance to the shared surface, to encourage lower speed and help identify to drivers that they are entering a shared surface.

2. The remote location of parking from the front doors and/or tandem parking arrangements are likely to lead to unacceptable on-street parking on the highway outside plots 141-143, 147, 179, 233 and 237.

Whilst the streets within the site are to remain private and these are not issues likely to affect the highway, you may wish to consider the following in relation to those private streets:

- Details of visibility splays/forward visibility envelopes have not been shown.
- There are some 3, 4 and 5 bedroom plots with tandem parking arrangements rather than independently accessible parking spaces.

Phase 1B3

Amended plans do not appear to have been submitted for the above. Whilst the street within the site is to remain private and these are not issues likely to affect the highway, you may wish to consider the following in relation to the private street:

1. Details of visibility splays /forward visibility envelopes have not been shown.
2. There are some 3, 4 and 5 bedroom plots with tandem parking arrangements rather than independently accessible parking spaces.
3. It would appear that a connection would be desirable between the street and the footpath around the village edge to the north.

KCC Public Rights of Way – No comments received

KCC Archaeology – No comments received

Public Representations – Twenty two letters of objection have been received, raising the following concerns:

- Loss of hedgerows
- Loss of a Public Right of Way
- The public right of way is well used by walkers, runners, dirt bikers and other members of the public`
- Harm to wildlife and their habitats
- The removal of vegetation would include pollution
- Loss of privacy
- The proximity of new houses to existing houses would be detrimental to security
- Parking areas would be more aesthetically pleasing if they were car barns
- Lack of permeability being the development and the existing village to the south
- The development would harm the character and appearance of the area
- The existing cul-de-sacs should remain cul-de-sacs
- Loss of countryside views

- f) 1. **The Site and the Proposal**
- 1.1 The application site is located to the north of the village of Aylesham within the permitted village extension. The land, with the exception of the land around the Public Right of Way EE416 (PRoW) to the southern boundary of the site, has already been cleared and fenced off as part of the extensive works that are underway across the whole site.
- 1.2 A number of the early phases of the development have now been constructed, and are occupied; however, a significant portion of the outline planning permission is still to be implemented.

- 1.3 This reserved matters application seeks consent for 162 dwellings split across two parcels of land. Parcel 1B2, which is the larger of the two parcels and would provide 136 dwellings, is located to the south of the site and directly adjacent to the existing village. Phase 1B3, which would provide 26 dwellings, is located further to the north. The development would include the provision of 27 affordable dwellings.

2 **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the local highway network
- The impact on living conditions
- Ecology
- Contamination

Assessment

Principle

- 2.2 The site lies within the designated Aylesham Expansion area. The site benefits from outline planning permission for the erection of up to 1210 dwellings, together with associated development. This outline permission remains extant. Subject to meeting the conditions set out by the outline permission and being acceptable in all other material respects, the principle of the development is acceptable.

Housing Mix and Affordable Housing

- 2.3 The development would provide 162 houses, split across two parcels of land. The parcels of land would provide the following housing mixes.

Dwelling Type	Parcel 1B2	Parcel 1B3	Totals
One Bed	0 (0%)	0 (%)	0 (%)
Two Bed	25 (18%)	0 (0%)	25 (15%)
Three Bed	76 (56%)	4 (15%)	80 (49%)
Four Bed	28 (21%)	15 (58%)	43 (27%)
Five Bed	7 (5%)	7 (27%)	14 (9%)
Totals	136	26	162

- 2.4 This housing mix is considered to provide a good range of housing types, with a preference for larger, family housing. Correspondingly, the affordable housing also seeks to provide a range of housing sizes, including twelve two-bed, thirteen three bed and two four bed dwellings. The scale of the houses proposed responds to the broad mix envisaged within the Aylesham Masterplan SPG and it is therefore considered that the housing mix proposed is appropriate.
- 2.5 The development would provide 27 affordable houses spread over three areas, within the larger Parcel 1B2. These areas would provide eight, eight and eleven units respectively. It is considered that the distribution of affordable housing through the site ensures that an appropriate balance is struck between integrating these dwellings into the scheme, aiding social cohesion, and grouping dwellings to ensure they can be efficiently managed. The design of the buildings would not differ from that of the market housing with the same house types being

used. As such, the affordable housing areas would be indistinguishable from the market housing.

- 2.6 Condition 67 of the approved outline permission requires that the development provide 20% of the total number of dwellings as affordable dwellings. The 27 affordable dwellings to be provided in this application equates to a 16.7% provision. Whilst this falls below the 20% required, the applicant overprovided affordable housing within earlier phases of the development. Consequently, the 27 affordable dwellings proposed within this application, together with the affordable houses provided within earlier phases, would equate to an overall provision of 20% across the site.

Character and Appearance

- 2.7 The layout of the development takes the form of strong street fronting development along the northern and western edges of the site where the buildings will front onto the main boulevards of the Aylesham, whilst loose perimeter blocks are proposed towards the centre and south of the site. Predominantly, each block of houses faces outwards onto roads. The perimeter blocks address a variety of boulevards, roads and shared surfaces, whilst the blocks themselves vary in size, shape and orientation. The effect of the variation throughout the layout of the scheme is to provide a series of 'places' as one navigates the development, whilst providing a legible layout and avoiding long unrelieved streets. Whilst the majority of the layout functions well in this regard, there are some areas which have been less successful, such as where dwellings front onto areas of car parking or where there are expanses of car parking adjacent to roads. Whilst these features detract from the character of the development, it is considered that they are unavoidable as a result of the irregular shape of the site and the Masterplan and Design Code requirements from strong street fronting development, and a lack of vehicular accesses, onto the main boulevards. The applicant has explored opportunities to reduce the impact of these negative features and has broken up expanses of car parking with landscaping wherever possible which has undoubtedly improved the scheme. Whilst some detracting aspects of the scheme remain, it is not considered that these result in an unacceptably poor quality scheme. Overall, the layout of the scheme reflects the layout envisaged by the Masterplan and Design Code.
- 2.8 The scheme comprises a mixture of terraced, detached and semi-detached dwellings, together with some, limited, flatted accommodation, although detached and terraced houses are predominant. The Masterplan identifies different character areas and attributes suggested densities and building types to these areas.
- 2.9 The types of dwellings and the densities proposed generally relate well to the identified areas within the Masterplan, with the areas attributed as 'High' and 'Medium' density containing the majority of the terraces and flats and the lower density areas containing predominantly detached and semi-detached properties. Whilst there are some detached dwellings in the high density area and some terraced dwellings in the low density area, contrary to the recommendations of the Masterplan, such instances are rare and have been designed sensitively, so that they do not cause visual harm. Furthermore, it is considered that the introduction of a small number of detached dwellings in higher density areas has allowed the development to address corners more successfully. Overall, it is considered that the density and building types therefore respond well to the Masterplan.

- 2.10 The proposed houses are a mixture of two and two and a half storeys in height. In addition the two flat blocks are three storeys in height. The two and two and a half storey buildings which predominant respond positively to the typical height of development within the Aylesham Expansion and the dwellings to the south of the site in the existing village. The two three storey blocks of flats are located on important corners along the main boulevard through the wider development, forming visual landmarks, as required by the Design Code. The height of these buildings is therefore justified.
- 2.11 The designs of the buildings have a strong theme, providing unity to the overall character of the scheme and responding to the design of the previous approved phases of development. However, whilst sharing similar characteristics, the design of the dwellings include 12 different building types, which would themselves differ across the site, adding variety throughout the development. The housing types are traditionally designed and proportioned, responding positively to the simple yet attractive traditional vernacular of Aylesham and the earlier phases of development. The materials used in the construction of the dwellings is also varied with buildings constructed of a mixture of red brick, yellow brick, white render and white weatherboarding, each with contrasting detailing, under roofs finished in either red or dark grey double Roman tiles. Together with the variety of building designs, the variety of materials used will add interest to the development and allow each of the two parcels to sit comfortably with the earlier phases and Aylesham more generally.
- 2.12 The development incorporates areas to the fronts of buildings which allow opportunities for soft landscaping, with houses set back from the road. Within these areas, between the front elevations of buildings and the highway, a mixture of hedges, lawns and shrubs are proposed. Whilst the depth of the landscaped areas varies across the scheme, it is considered that as a whole these areas will soften the appearance of the development. The scheme also includes the provision of a generous number of trees, which will be of a reasonable size when planted, affording soft visual relief from the outset.
- 2.13 Concern had been raised regarding the scale and prominence of areas of car parking, which have the potential to appear dominant and unattractive. Subsequently, these areas have been amended; subdividing stretches of parking and providing intermittent trees to provide visual breaks. The revised landscaping plans also now include a variety of native species, including trees, hedges and scrubs.
- 2.14 The amended scheme also retains the vast majority of the PRoW (EE416) which runs adjacent to the southern boundary of the site. This footpath would be set within a landscaped buffer, which would retain important trees and provide new soft landscaping to improve its setting.

Impact on Residential Amenity

- 2.15 Sub-phase 1B2 would be separated from existing properties, which lie to its south, by the retained PRoW and the landscaping buffer around it. Separation distances between the proposed properties adjacent to the southern boundary of the site and existing properties on Derwent Way, Coniston Drive, Buttermere Gardens, Thirlmere Gardens, Coleridge Gardens and Tennyson Gardens typically vary between 14 and 22m. Whilst there are some proposed dwellings located slightly closer than this, they are positioned to the side of, or at an angle to, existing properties so as to ensure that no unacceptable loss of light or sense of enclosure is caused. The majority of properties within the development prevent overlooking towards existing dwellings by avoiding windows in their south facing

elevations. However, where windows are proposed within south facing elevations, overlooking is avoided by positioning dwellings such that they are a reasonable distance from existing neighbours or by orientating dwellings to face roads rather than houses. This phase would also be well separated from other phases of development which have already been granted within the Aylesham Expansion area and, therefore, would not lead to any loss of amenity to those properties.

- 2.16 Sub-phase 1B3 would be set well away from existing properties in Aylesham and from earlier phases within the Aylesham development. As such, this aspect of the development would cause no harm to the living conditions of neighboring properties.
- 2.17 The development has been designed to provide a strong frontage to the 'Central Boulevard which runs from roughly north east from Derwent Way along the northern boundary of Phase 1B2 and the southern boundary of phase 1B3. Within the core of each phase the houses would generally form loose perimeter blocks, although in some instances these blocks fragment where the shape of the site narrows, as discussed above. This layout allows the majority of properties within the site to be well separated from each other, avoiding unacceptable living conditions for future occupiers. Where tighter relationships exist, the orientation of houses is such that overlooking is reduced to acceptable levels. All habitable rooms within the buildings would be of a reasonable size, whilst each house would be provided with a well sized private garden. For these reasons, it is considered that the proposed dwellings would benefit from an acceptable standard of accommodation. All habitable rooms would be located in excess of 15m from the pumping stations, as required by Southern Water, ensuring that future occupants would not be unacceptably affected by vibration, noise or odour.
- 2.18 Concern has been raised by third parties that the development would result in the loss of views of the countryside. The loss of views is not a material planning consideration and does not, therefore, carry any weight.

Impact on the Highway

- 2.19 The development proposes a range of road types, including streets with footpaths, shared surfaces and mews'. This range of road types produces a hierarchical character to the development which improves its legibility and defines routes which pass through each parcel and those which provide localised access to properties. The application has been amended to propose a vehicular access to Coniston Drive. With this connection, it is considered that the site provides a reasonable level of vehicular permeability and connectivity between the development and the existing community. Vehicle speeds through each of the two parcels would be naturally reduced due to the geometry of the road layout, bends and narrowing's in the road and table junctions. Tracking plans have been submitted which demonstrate that large vehicles, including refuse lorries, would be able to navigate the site safely.
- 2.20 The application has been supported by parking plans which demonstrate the number and location of both private and visitor car parking spaces. Within the first parcel, 1B2, the vast majority of dwellings would be provided with two private car parking spaces, albeit the two flat blocks which contain two bedroom units, would be provided with one space per flat. In addition 25 visitor spaces would be provided across this phase. The Masterplan and Design Code direct that the low and medium density areas should provide approximately 2 car parking spaces per dwelling, whilst the high density areas, which include the areas fronting the

main boulevard (where the flat blocks are located), should provide one car parking space per dwelling. Consequently, the car parking provision shown would be slightly above, but broadly consistent with, that envisaged. Concern has been raised by KCC Highways and Transportation that some of the car parking spaces are too remote from the dwellings they serve, which may increase the likelihood of inappropriate parking on the public highway. Whilst such relationships are not ideal, most spaces are located closely adjacent to the properties they serve and, at worst, are around 15-20m from properties. Consequently, it is not considered that such relationships would lead to a severe adverse impact on the highway. Within the second parcel, 1B3, each property would be provided with two car parking spaces, whilst an additional five visitor spaces would be provided. This level of provision would meet the needs generated by the development, according with the requirements of the Masterplan and the Design Code. In some instances, spaces would be provided in tandem, reducing their usability. However, as these spaces are not prevalent it is not considered that harm would be caused to the highway network. In reaching the conclusions regarding the proximity of spaces to dwellings and instances of tandem parking, particular regard has been had for the previous approval under application number DOV/16/1177 for the strategic infrastructure (roads and open space) around the development which included details of the central boulevard. That permission included the provision of around 30 car parking spaces around the perimeter of the application site within laybys, which would substantially reduce the likelihood of inappropriate parking.

- 2.21 A range of forms of car parking are included within the development, including laybys to the sides of roads and accesses, private driveways to the fronts and sides of buildings and parking courts to the rear of properties. This approach replicates the approach which has been used in the earlier phases of development and is consistent with the Masterplan, which advocates a mixture of courtyard parking and on plot parking. Overall it is considered that the development provides an appropriate number and form of car parking spaces to meet the needs of the development without harming the local highway network.
- 2.22 A high standard of pedestrian permeability through the site is achieved with regular footpaths being provided between properties within Phase 1B2, in accordance with the requirements of the Masterplan and Design Code. Within Phase 1B3 footpaths are provided to either side of the road through the phase, which extend through the open space to the north before joining the strategic footpath network which runs around the perimeter of the village expansion area. Concerns have been raised by local residents and Aylesham Parish Council that the development would result in the loss of a PRoW which runs along the southern boundary of the phase 1B2. The application has been amended to retain the vast majority of the PRoW along its current alignment within a soft landscaped corridor. Whilst, towards the east of the 1B2, there is a slight realignment of the footpath before it joins the central boulevard (which is on the existing alignment of the PRoW), it is not considered that this small change to the existing route detracts from its amenity value, whilst retaining a high level of pedestrian permeability. Furthermore, the submitted plans show the PRoW to be hard surfaced. It is considered that, as the proposed development would be likely to significantly increase the use of this PRoW, it would be reasonable to include a condition requiring details of the improvements to the path. For these reasons, it is considered that pedestrian movement has been prioritized by the application.
- 2.23 Concern had been raised that the lack of vehicular access to the site from Coniston Drive would inhibit integration between residents of the new development and the existing village and would mean that response times for the emergency services would be unnecessarily lengthened. The amended drawings

now show that vehicular access will be provided to and from the site from Coniston Drive, as previously discussed.

- 2.24 The Parish Council, in their most recent representation, has raised concerns regarding the infringement of a second PRoW, the EE288. This PRoW lies outside of the application site and would not be affected by this application.
- 2.25 The Parish Council have also requested that a condition be attached to any grant of permission to require the developer to provide measures to restrict motor cycles from using the retained PRoW. This relates to an existing problem which would not be caused or exacerbated by the current application. As such, it is not considered that such a condition would not be reasonably necessary to make the development acceptable in planning terms and, as such, would not comply with the tests for attaching conditions.

Ecology

- 2.26 The two parcels of land were last used for agricultural purposes and almost wholly comprise land of negligible ecological value. However, to the southern boundary of Phase 1B2 is an existing PRoW which is itself bounded by vegetation, including several lengths of hedgerow and trees. Concerns have been raised by third parties that the loss of these hedges and trees would result in a loss of habitat and harm to wildlife. Having considered the original Ecological Report submitted with the outline application, together with considering the vegetation on site having regard for Natural England's Standing Advice, it is not considered likely that the vegetation supports protected species. Notwithstanding this, following the amendment of the application to retain this PRoW, it is noted that the majority of this vegetation is to be retained and incorporated into the development.
- 2.27 The outline permission included a series of conditions which require the submission of bat and reptile surveys prior to the commencement of development and requiring that care is taken to avoid harm to birds, particularly during the breeding bird season. These conditions will remain in force and appropriately safeguard and mitigate habitats and species.
- 2.28 Previous applications for earlier phases of development have commented upon the potential for new fences across within development to prevent the movement of hedgehogs across the site. Such a consideration is equally relevant in respect of this application and, accordingly, it would be appropriate to include a condition on any grant of permission requiring details to be submitted and agreed of the boundary treatments proposed. These boundaries shall either be provided by hedges or fences which incorporate gaps, allowing native species such as Hedgehogs to pass under.
- 2.29 The development would not cause harm to ecology in any other respect.
- 2.30 The submitted landscaping plan would provide a wide variety of species, including native and fruiting species, which would provide greater botanic diversity than the former agricultural use of the land.

Archaeology

- 2.31 The application has not been supported by an archaeological statement. However, Condition 87 of the approved outline permission addresses archaeology, requiring that a detailed archaeological investigation be carried out

prior to the commencement of the development. This condition will need to be separately discharged in advance of development taking place.

Contamination

- 2.32 Likewise, whilst a contamination assessment has not been submitted, condition 114 of the outline permission requires that a preliminary risk assessment and site investigation scheme is submitted prior to the commencement of the development of each phase. Based on the conclusions of this investigation, an appraisal and remediation strategy, together with a verification report to demonstrate that the remediation has been carried out must be submitted. The contaminated land assessments carried out previously indicate that this site has a low likelihood of contamination. This condition will need to be discharged in advance of development taking place.

Drainage

- 2.33 The drainage for the site follows the same principles which have been employed on the earlier phases of the development of Aylesham. The applicants have submitted a drainage strategy which confirms that surface water drainage will be dealt with by way of a mixture of drains, gulleys, borehole soakaways and attenuation tanks. Condition 100 attached to the outline permission requires that full details, including calculations, an implementation timetable and a management and maintenance plan, be submitted and approved prior to development taking place. Whilst the details which have been submitted are not sufficient to discharge this condition, which will remain in force, the details do demonstrate that the proposed layout can be accommodated on the site.
- 2.34 Foul drainage will also be accommodated in the same manner as earlier phases, with the on-site infrastructure being constructed to adoptable standards and linking to the existing off-site infrastructure. Southern Water has raised no concerns regarding the capacity of the network, whilst no objections have been raised in relation to existing or future capacity. Condition 102, which was attached to the outline permission and requires that works for the disposal of sewerage are provided prior to occupation, remains in force.

Overall Conclusions

- 2.35 The submitted application complies with the outline planning permission, whilst the detail of the scheme responds to the requirements contained within the Aylesham Masterplan SPG and the subsequently approved Design Code. Furthermore, it is considered that the development would provide an acceptable quality built environment and standard of residential amenity, both to existing and future residents. Whilst understandable concerns have been raised regarding the realignment of a section of PRow towards the west of the site, the vast majority of the PRow will be retained within a landscaped buffer and it is not considered that the modest realignment proposed would detract from the amenity provided by the footpaths. Later phases of the development will also need to have regard for the continuation of the PRow, however this is not a matter for the current application. The development would retain a good level of permeability, prioritising pedestrian movement. The scheme is acceptable in all other material respects, subject to the approval of details which have been secured by condition. It is therefore recommended that this application be granted.

g) **Recommendation**

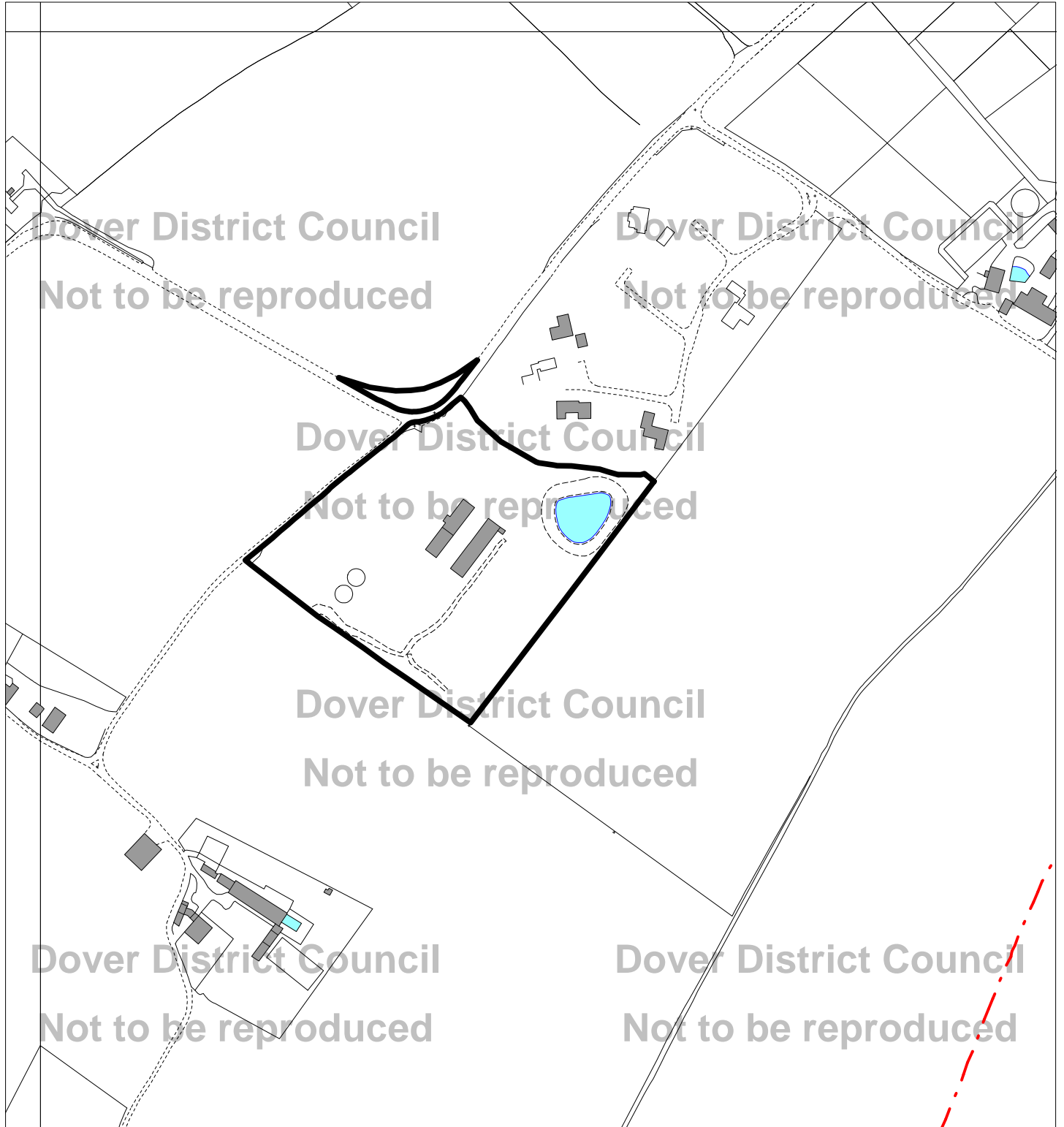
- I Reserved Matters BE GRANTED subject to conditions to include:-

(1) The development shall be carried out in accordance with the approved plans, (2) details of boundary treatments to allow the movement of native species, (3) details of hard and soft landscaping to and around PRow EE416 and details of public access to be provided in perpetuity between PRow and Central Boulevard.

- 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

Luke Blaskett



Not to scale

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

Application: DOV/16/01206

Land SW at Hammill Brickworks

Hammill Road

Woodnesborough

CT13 0FF

TR29265565



- a) **DOV/16/01026 – Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks – Land South-West at Hammill Brickworks, Hammill Road, Woodnesborough**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Addendum to Committee Report of 25th May 2017**

Introduction

- 1.1 This application was presented to planning committee on 25th May 2017 when it was recommended that planning permission be refused for the following reason:

“The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of eighteen dwellings, by virtue of their location, form and scale, would result in an intrusive form of development, adversely affecting the character and appearance of the countryside. As such, these dwellings represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1, and DM15 and the National Planning Policy Framework paragraphs 17, 29, 55, 56, 58, 61 and 64”.

- 1.2 At the meeting, members resolved to defer determination of the application to allow for: (i) Further assessment of the Viability Assessment; and (ii) To understand whether there will be any additional public benefits arising from the developer’s revised financial offer. A copy of the May Committee Report, which addresses all the relevant material considerations, is attached at Appendix 1.

- 1.3 There have been no new or updated consultation responses or representations by third parties since the application was last presented to planning committee.

Further Assessment of Viability

- 1.4 The first reason for the deferral of this application related to the need for a further assessment of viability. Since the May planning committee officers have been in discussion with the applicants, who have submitted an updated viability appraisal which concludes that the development could provide financial contributions of £575,750 whilst producing a Gross Development Value of 17.21% and a profit on cost of £2,089,667. This updated appraisal has been subjected to independent expert review which, in this instance has been carried out by Savills on behalf of the Council. A copy of the Savills report (which also contains the applicants updated viability appraisal) is attached at Appendix 2.

- 1.5 The application as submitted included a viability assessment which sought to demonstrate that contributions of more than £320,000 would render the development unviable. The Council's viability consultant disagreed with this conclusion and, having reassessed the scheme, advised that the development could support the on-site provision of three affordable dwellings (two provided as affordable rent and one as shared ownership) or contributions of £450,000, whilst retaining an industry standard profit of 20% (a level which is usually required in order to gain bank finance). This viability assessment was based upon the applicant converting the engine sheds themselves and selling the 18 plots to other developers or self-builders to construct the dwellings.
- 1.6 The updated appraisal differs significantly from the appraisals previously submitted, in that the calculations have now been based upon the applicant building out the development in its entirety, as opposed to selling serviced plots to be developed by third parties. The overall size of the new dwellings (plots 1 to 18) has also increased by around 3,000sqft in total; albeit the size of the units in the converted engine sheds remain unaltered. As a result of these changes the total revenue from the development has increased markedly, with the properties being valued at between £485,000 and £695,000; however, this is balanced by an increase in costs associated with the construction of the 18 dwellings. The Council's viability consultant has concluded that the predicted sales values, construction costs and other costs are reasonable and realistic, broadly being derived from industry standard figures. The viability assessment concludes that the development would produce a profit on Gross Development Value of 17.21%. Whilst this is below the industry standard profit of 20%, which is usually required in order to achieve bank finance, it is not considered that this level of profitability would significantly prejudice the delivery of the development, particularly as some of the costs associated with the development have already been borne by the developer. It is also noted that this level of profitability is higher than that predicted for the previous scheme.
- 1.7 For the aforementioned reasons, it is concluded that the development could support a development contribution of £575,750 without unacceptably compromising its viability and providing competitive returns.

Public Benefits Arising

- 1.8 The second reason for deferral of this application was to allow for a better understanding as to whether there will be any additional public benefits arising from the developer's revised financial offer.
- 1.9 It is very difficult to accurately equate the financial contribution to the number of affordable units which can be provided off-site, as build costs, land costs and the availability of funding vary significantly. However, the Council's current programme for the delivery of affordable housing equates to an average cost of £140,000 per dwelling. This figure is considered to provide a reasonable basis for estimating the approximate cost of providing affordable housing within the district. On this basis, a contribution of £575,750 would provide approximately 4.1 affordable dwellings, whilst the previously proposed figure of £450,000 would have provided approximately 3.2 affordable dwellings.

Other Matters

- 1.10 Whilst the erection of 18 dwellings has been submitted in outline, the viability assessment, in assessing build costs and sales values, has increased the envisaged size of the dwellings from 1,800sqft. (167sqm.) to 1,961sqft. (182sqm.). Members had previously been advised that the development would be of a high density and, in the opinion of officers would create a prominent and harmful feature in the landscape. The increase in the scale of buildings would exacerbate this harm.

Conclusions

- 1.11 The additional information which has been submitted has demonstrated that the development could provide a contribution of £575,750. The only contribution which has been sought relates to the provision of affordable housing. It is very difficult to predict how many affordable houses could be provided for this sum, as it would be dependent upon a number of variables. However, based on current costs, the number of affordable dwellings which could be provided would be approximately 4.1, whilst the previous contribution could have provided approximately 3.2 affordable dwellings. This provision would remain below the level of 30% affordable housing (6.9 dwellings) which is sought by Policy DM5 of the Core Strategy. Whilst the ability to provide an increased contribution for off-site affordable dwelling is positive, this does not overcome the recommended reason for refusal and adds little weight in favour of the development. The development would also no longer provide self-build/custom build plots, with the applicant now proposing to deliver the development themselves. Consequently, the weight previously attributed to the provision of self-build/custom build no longer applies. No further evidence has been provided to demonstrate that there would be any other additional public benefits beyond those identified in the May committee report.
- 1.12 As set out within the previous report to planning committee, the development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan, which requires “unusual and compelling” justification.
- 1.13 Whilst the NPPF has been considered holistically to reach this conclusion, in particular, it is considered that the development is contrary to NPPF paragraphs 29, which seeks to facilitate sustainable modes of transport, and 55, which seeks to direct housing in rural areas to locations at settlements and restricts isolated residential development in the countryside.
- 1.14 In the absence of any significant additional public benefits coming forward, the planning balance has not materially changed since the previous committee. Consequently, there are no sound reasons to depart from the development plan and the NPPF and, as such, it remains the case that the application is recommended for refusal.

d) **Recommendation**

- I PERMISSION BE REFUSED for the following reason:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of eighteen dwellings, by virtue of their location, form and scale, would result in an intrusive form of development, adversely affecting the character and appearance of the countryside. As such, these dwellings represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1, and DM15 and the National Planning Policy Framework paragraphs 17, 29, 55, 56, 58, 61 and 64.

Case Officer

Luke Blaskett

APPENDIX 1 – Committee Report of 25 May 2017

- a) **DOV/16/01026 – Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks – Land South West at Hammill Brickworks, Hammill Road, Woodnesborough**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM3 – Permission for commercial development in the rural area, will be granted, provided it is at a rural service centre or local centre and is consistent with the scale and setting of the settlement, or it is at a village provided it would not generate significant travel demand and is consistent with the scale and setting of the settlement. In all cases the development should be within the settlement confines, unless no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale

for the use proposed, contribute to the local character and be acceptable in all other respects.

- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.
- DM17 – Within Groundwater Source Protection Zones 1 and 2, certain development which has the potential to cause contamination will not be permitted unless adequate safeguards against possible contamination are provided.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking

and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.

- 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 three of the NPPF seeks to support a prosperous rural economy.
- 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”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires the that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/12/00460 – A) Full application for change of use and conversion of two engine sheds to six live/work units and B) Outline application for the erection of nineteen dwellings, 2352m² of B1(c) accommodation, construction of vehicular access, associated car parking and landscaping (existing buildings/structures to be demolished) – Granted

DOV/14/00642 – Reserved matters application for phase 4 (residential phase) pursuant to outline permission DOV/12/00460 at Hammill Brickworks, Sandwich Road, Woodnesborough - Granted

DOV/15/00153 - Reserved matters application for the layout, scale and appearance of the B1 (C) accommodation buildings pursuant to Condition 33 of planning permission DOV/12/00460 – Granted

DOV/15/00599 - Reserved matters application for A) Full application for change of use and conversion of two engine sheds to six live/work units and B) Outline application for the erection of nineteen dwellings, 2352m² of B1(c) accommodation, construction of vehicular access, associated car parking and landscaping (existing buildings/structures to be demolished) for the layout, scale and appearance of the B1 (C) accommodation buildings (pursuant to Condition 33 of approved outline permission DOV/12/00460) – Granted

DOV/15/00771 – Change of use and conversion of two engine sheds to ten residential dwellings - Granted

e) **Consultee and Third Party Responses**

Crime Prevention Officer: The applicant has considered crime prevention and has applied the seven attributes of Crime Prevention Through Environmental Design in their Design and Access Statement however to date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design if appropriate.

Natural England: No objection. The application site is in close proximity to European designated sites and therefore has the potential to affect their interest features. Whilst the proposals are not necessary for the management of the European sites, subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment. SSSI's do not represent a constraint to development. Regard should be had for local sites of biodiversity, geodiversity, landscape character and local or national biodiversity priority habitats and species. Regard must also be had for protected species, having regard for Natural England's Standing Advice. Biodiversity enhancements should be secured where possible.

The Coal Authority: The site falls within the defined Development Low Risk Area and, as such, there is no requirement to consult The Coal Authority. The Coal Authorities standing advice should be provided as an informative, should permission be granted.

KCC Highways and Transportation:

Initial response, received 26th September 2017

The location of the site is such that the vast majority of journeys are likely to be made by car and the trip rates identified in the Transport Statement (TS) reflect this. I concur that the additional trips over and above the previously approved scheme are unlikely to have a severe impact on the highway network, with only 2 or 3 additional trips in the network peak hours.

The dimensions of the access road, footway, turning head and parking spaces serving the converted engine sheds should be provided. The plans are confusing as drawing number 4098/1001 Rev. E in the TS shows a 7.15 metre wide road with a 2

metre wide footway on the south side, whereas the Proposed Strategic Layout shown on drawing number 16348/300 appears to show a narrower road with footways both sides. I would suggest that the road width could be reduced to 4.8 metres (after a suitable distance away from Hammill Road to allow for a rigid HGV turning) and a 1.8 metre wide footway provided on the south side only. The extent of road, footway and parking included in the full application for the engine sheds should also be clarified and should include the footpath connection to the approved phase 1 residential site.

The total amount of car parking shown for the engine shed conversions is acceptable; however the proposed separate allocation of parking to the office and residential uses should be clarified, with 11 spaces required for the 5 no. residential units in accordance with Policy DM13.

Subsequent response received 19th December 2017

I refer to the additional information submitted for the above and confirm I now have no objections in respect of highway matters. The location of the site is such that the vast majority of journeys are likely to be made by car and the trip rates identified in the Transport Statement (TS) reflect this. I concur that the additional trips over and above the previously approved scheme are unlikely to have a severe impact on the highway network, with only 2 or 3 additional trips in the network peak hours. The access arrangements shown are acceptable and include improvements to existing visibility. The parking arrangements for the 5 dwellings and office use covered by the full application are also now acceptable. The following should be secured by condition:

(i) Outline Application

- Use of a bound surface for the first 5 metres of private accesses from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of vehicle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on the submitted plans prior to the use of the site commencing.
- Completion of a paved footpath link between the site and the adjacent residential site to the west prior to first occupation.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Construction Management Plan to include the following:
 - (a) Routing of vehicles
 - (b) Timing of HGV movements
 - (c) Parking and turning facilities for site personnel and delivery vehicles
 - (d) Wheel washing facilities

(ii) Full Application

- Use of a bound surface for the first 5 metres of private accesses from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on the submitted plans prior to the use of the site commencing.
- Completion of a paved footpath link between the site and the adjacent residential site to the west prior to first occupation.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Construction Management Plan to include the following:
 - (a) Routing of vehicles
 - (b) Timing of HGV movements
 - (c) Parking and turning facilities for site personnel and delivery vehicles
 - (d) Wheel washing facilities

An informative has also been recommended

KCC PROW – Do not wish to comment on the application.

Principal Infrastructure Delivery Officer –

The S106 agreement for Hammill Phase II should secure long term maintenance of the play area required by the S106 agreement and condition 55 associated with Hammill Phase I. It appears that the play area will be easily accessible on foot from Phase II. A single management company should be responsible across the entire site for maintenance of the open space because this will help to ensure long term security of the provision. If this can be achieved then there is no need for new play provision within Phase II. I agree with you that the level of amenity open space provision within the site is acceptable, but we should require more detailed proposals to be approved prior to occupation of any unit, in particular the amenity space in Phase II should contain features such as benches and bins.

Regarding an appropriate SPA contribution for Phase II, on the basis of the housing mix in Phase I we should assume that all of the units for which outline permission is sought (15) will be 4+ bedrooms. The conversions will consist of 4 x 3 bed and 1 x 4 bed. Therefore an appropriate level of contribution is £1,373.52.

Environmental Health –

Initial response received 21st September 2016

The information submitted by the applicant regarding contamination adequately justifies that no further investigation or remedial works are justified on the Phase 2 area. Recommendations are provided regarding the historic septic tank and deep water well, and details of the remediation of these, if located, will be submitted as an Addendum Report following groundworks.

Subsequent response received 11th May 2017

Looking at my comments (September 2016) to the Ecologia letter report submitted in support of the site, I agree that condition 1 recommended by the EA would most certainly be surplus to requirements. Just to recap, my comments were as follows:

‘I have reviewed the Ecologia letter report and appendices. I feel adequate justification has been provided by Ecologia to warrant no further investigative or general remedial works being required on the phase 2 area, resulting from the proposed change of use to a more sensitive use. Residential SSRUCs were used in the original verification of phase 2 rather than commercial, as a conservative approach, and although the sample grid sizes were larger than recommended for residential, I do not consider this to be an issue.’

There was however the following potential outstanding issue:

‘Recommendations are provided regarding the historic septic tank and deep water well, and details of the remediation of these will, if located, will be submitted as an Addendum Report following groundworks.’

I therefore think it would be useful, for completeness, to include condition 2 in order that a post groundworks validation letter report is submitted, to confirm the status of these outstanding issues. You may wish to include somewhere in the condition what is specifically being referred to, for ease of reference, for example, submission of a validation letter report on the remediation of the historic septic tank and deep water well, as recommended in the Ecologia letter report reference 10.493.13 dated 26/7/16.

Environment Agency - No objection. However, a series of six conditions have been recommended, should permission be granted, to avoid harm to the aquifer and the environment. Informatives have also been recommended.

Southern Water - The Environment Agency should be consulted regarding the use of a private wastewater treatment works. Surface water drainage will be via Sustainable Urban Drainage Systems. The LPA should consider the acceptability of these details, including future maintenance.

DDC Head of Inward Investment – Planning Committee will be aware that Economic Regeneration remains the Council’s top priority and that significant progress is being made on the delivery of a range of regeneration projects across the Dover district.

The vision for this Council is to ensure we create the environment to attract investment to the district that will stimulate growth and enterprise thereby creating much-needed jobs and delivering the overall ambitions and priorities in the Council’s Adopted Core Strategy, alongside the Council’s key Corporate Objectives.

Historical experiences around the development of the then Pfizer Pharmaceutical Complex at Sandwich and McLaren Motor Racing at Lydden were instrumental in founding the need to grow the scale, range and quality of accommodation across the district. While progress has been made on housing developments in a number of locations across the district, it is evident that the district continues to face challenges with delivery and supply of housing. Through work being undertaken on an East Kent basis by Lichfield’s, refreshing the East Kent Growth Framework, it is evident that analysis of the Local Authority Annual Monitoring Reports indicate that Ashford, Canterbury and Thanet have consistently outperformed Shepway and Dover. The

trend has been for housing completions falling consistently short of anticipated trajectory, with the exception of the last reported year.

The draft report also indicates that “Housing stock has a key role to play in influencing housing market choices, particularly for those people moving into East Kent...” As an example, by comparison to Ashford at 33%, Canterbury at 31% and Shepway at 27% Dover has only 22% of detached housing stock (according to the ONS 2011 Census).

With this backdrop, the Council has been actively promoting the district through the ‘Enterprise Coast Brand – Dover, Deal, Sandwich’ as a great place to live, work and play. Our inward investment website www.investindover.co.uk continues to develop as platform for potential investors, and local businesses, to find out more about key locations, financial incentives, and news and information for business. This is complemented by a Twitter feed (@InvestInDover) that has over 900 followers. Along with this, working in partnership, the Council has exhibited at the MIPIM UK exhibition at London Olympia for the past 3-years. This has provided an excellent showcase for the district at the most prominent investment and property exhibition in the UK.

It is evident that as a number of significant, unprecedented economic challenges have been addressed over the past few years, as a combination of factors such as the changes at the Pfizer site and the deficit reduction programme have taken hold, we cannot afford to be complacent and miss opportunities to sustain forward growth. While good progress has been made at the former Pfizer site, Discovery Park, the district will face further challenges through the changes to public sector finance. Consequently, the need to provide for future high end housing and jobs across the district remains of paramount importance in growing the future economy.

In the case of Hammill, Planning Committee will no doubt recall the recent site history which has led to the current development on site and which has been recognised in a number of different ways. The site has received strong market recognition and has resulted in a unique self-build development bringing a scale and quality of development to the district which is not repeated elsewhere. It is also understood that a significant number of occupants of the 19 units previously permitted are new to Dover district, which endorses the point that the housing offer has influenced market choice while also freeing-up other units across the district as occupants have upgraded. In addition to this, the scheme is a finalist after being shortlisted from hundreds of entrants in the ‘Development Of The Year’ category at the prestigious Property Week Resi Awards.

<http://www.resiawards.com/resiawards2017/2017-shortlist>

The current application seeks to extend the offer at Hammill. I understand that Kent Highways and Transportation has confirmed that the proposal is unlikely to have a severe impact on the highway network over and above the approved scheme. It is recognised that the location of the site will result in the majority of journeys being made by car. That is, of course, likely to be the case in many other localities across the district as car ownership will be closely aligned to the scale and quality of development. It is further understood that there is positive support from the adjacent Parishes where facilities will be supported by the development.

The first phase has a Section 106 pot of £320,000, the second phase adds a further £450,000, the vast majority of this £770,000 sum is to be used for the construction of affordable housing in sustainable locations.

From an Inward Investment perspective, there is a clear desire to demonstrate that Dover and East Kent is 'open for business' and able to secure private sector investment in the current challenging economic climate.

I would, therefore, strongly support the application and recommend that consent should be granted in such a way that allows it to facilitate early and maximum delivery of the various components thereby ensuring the benefits are captured at the earliest time.

Eastry Parish Council - Eastry Parish Council has no objections to this application; however the Council feels that an additional contribution to the local community should be made to take into account the additional strain on local services. As the proposed site is uncontaminated they would expect a contribution of a similar level to that made with the original application.

Woodnesborough Parish Council - The Council has no objections in principle, however they would expect an additional contribution to the local community, as this site is uncontaminated it would expect a similar level of contribution as had been made with the original application.

Sandwich Town Council - Positively support the application.

Eythorne Parish Council - No objections.

Public Representations - Fifteen letters of support have been received, raising the following points:

- Provision of much needed housing land
- Provision of employment
- The development will provide a lasting legacy for the town
- The first phase of Hammill Park has been successful, being well designed and delivered quickly
- The renovation of the engine sheds (a part of the districts history) is welcomed
- The development will benefit Woodnesborough aesthetically and economically
- Provision of self-build plots
- Creation of green space

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

1.1 The application site is located outside of the settlement confines within the Countryside. The surrounding area is predominantly in agricultural use, with farmsteads and small groups of buildings dotted across the landscape. The nearest defined settlement, Eastry, is located 1.4km to the south east, whilst Woodnesborough is located around 1.6m to the north east and Staple around 2.1km to the west. The site lies within Groundwater Protection Zone 1

1.2 The site extends to approximately 2.7ha and forms the southern part of a larger site (of around 5.8ha) which formed Hammill Brickworks. Following the commencement of development which related to the larger site (which will be explained below), the current application site has been decontaminated and cleared. All that remains are two 'Engine Sheds' which date from the early C20th. The Dover Heritage Strategy describes the site as follows:

Woodnesborough (aka Hammill) Colliery was started in 1910 by another of Arthur Burr's syndicates. It was mothballed in 1914 and was relatively

complete when sold to Pearson & Dorman Long in 1923. They sold the colliery on to the Hammill Brick Company who developed the site as brickworks. Examination of the historic maps of the site indicates that an important collection of four of the original colliery buildings survive on the site

None of the buildings on the site are listed; however, the two Engine Sheds have previously been considered to be non-designated heritage assets. Production at the brickworks ceased in around 2009.

- 1.3 The sounding countryside is relatively flat, rising very gradually roughly from north to south. The site is also relatively flat, albeit there is a bank adjacent to the northern parcel of the Hammill Brickworks site and a balancing pond associated with the development of the wider site has been constructed to the north eastern corner of the site.
- 1.4 Following the closure of the brickworks, the wider site has been the subject of numerous planning applications, relating to the provision of dwellings and business uses. The original outline permission (DOV/12/00460) split the site, with the northern half of the site providing 19 dwellings and the southern half (the current application site) providing 8 buildings (including the two converted engine sheds) for use as 2352sqm of B1 use. The second application (DOV/14/00642) related solely to the provision of 19 dwellings on the northern half of the site and did not relate to the current application site. Application DOV/15/00153 granted permission for the erection of three buildings to the south of the current application site, which would have provided 10 B1 office units totalling approximately 1200sqm. Application DOV/15/00599 sought to provide a similar type and amount of accommodation, albeit in different arrangement, together with a surface water attenuation pond. The most recent application, DOV/15/00771, related to the conversion of the engine sheds within the current application site to 10 dwellings. All of these applications were granted. In addition to these directly relevant applications, application for reserved matters approval and discharge of conditions relating to the originally permitted 19 dwellings have been received and determined; however, it is not considered that these applications are directly relevant to the determination of the current application.
- 1.5 The current application seeks permission to erect a further 18 dwellings within the application site (this part of the application being submitted in outline), convert one engine shed into 5 dwellings and convert the second engine shed to offices (with details of these conversions being submitted in full). The proposed dwellings would occupy the land which had previously been granted planning permission for business uses. An area of open space would be provided to the western corner of the site which would provide a receptor site for reptiles.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network
- Contributions and viability

Assessment

Principle

New Dwellings

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. At the time that the application was submitted, the Council was unable to demonstrate a five year housing land supply; however, regard must be had for the material circumstances at the time that a decision is made. As such, the Councils housing policies are up-to-date and carry full weight.
- 2.4 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with an up to date plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which “would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given”. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

Conversion of Engine Shed to Dwellings

- 2.5 The conversion of one of the existing engine sheds to five dwellings necessitates consideration of Policy DM4 of the Core Strategy. Under this policy, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings to residential uses only where they are located within the settlement confines. The site is a significant distance from the nearest settlement and is not within or adjacent to settlement confines. This element of the application is not, therefore compliant with Policy DM4 and is not supported by any other development plan policy. However, permission was granted just over one year ago (DOV/15/00771) for the conversion of both engine sheds to residential, providing ten dwellings. This permission was granted on the basis that the Council were, at that time, unable to demonstrate a five year housing land supply and, consequently, the change of use of these sheds were on balance considered to be sustainable. Whilst the balance has, subsequently, shifted, it is considered that this permission presents a realistic fall-back position. In addition, the re-use of redundant or disused buildings in the rural area, subject to providing an enhancement of their setting, and providing an optimum viable use of a heritage asset, are circumstances where the NPPF (paragraph 55) supports residential development in the countryside. Having regard for these material considerations, it is concluded that the conversion of one engine shed to five dwellings is an acceptable departure

from the development plan. This principle of this aspect of the application is, on balance, therefore accepted.

Conversion of Engine Shed to Offices

- 2.6 Policy DM3 of the Core Strategy supports new commercial development in the rural area, provided it is within settlement confines. Outside settlement confines, new commercial development will only be permitted under this policy where it can be demonstrated that no suitable alternative site exists or where the use functionally requires the proposed location. As confirmed above, the site is not within or adjacent to any defined settlement, whilst no compelling evidence has been submitted to demonstrate that no suitable alternative sites exist. The application has not, therefore, demonstrated that the commercial element of the application complies with Policy DM3.
- 2.7 Policy DM4 of the Core Strategy allows the re-use or conversion of structurally sound, permanent buildings for commercial uses, even outside of settlement boundaries, provided the building to be converted is of a suitable character and scale for the proposed use, the development contributes to the local character and the scheme is acceptable in all other planning respects. The engine shed to be converted has been assessed as being structurally sound and capable of conversion, whilst the S106 agreement attached to the implemented permission (DOV/12/00460) required that the engine sheds be renovated to avoid structural deterioration prior to the occupation of the 15th dwelling of the permitted phase of development. Subject to other material considerations, which will be discussed later in this report, the principle of converting an engine shed to offices is acceptable. It should also be noted that permission DOV/12/00460, which is extant, allows for the conversion of both engine sheds to commercial use. This permission provides a fall-back position, although the applicant's submissions suggest that the conversion of both units is unviable which, consequently, diminishes the likelihood of this conversion taking place under that permission.

Character, Appearance and Heritage

- 2.8 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.9 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to two listed buildings, Denne Court Farm and Hammill Farm, both Grade II Listed. Furthermore, the engine sheds on the site are considered to be non-designated heritage assets, having historic and social value. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.10 The topography of the area is relatively flat, although much of the site itself is set above the level of road. The boundaries of the site contain patches of vegetation. The site is relatively secluded within the broader landscape, due to the topography and vegetation of the area, the prevalence of hedges to the sides of roads and the screening provided by the now partially complete Phase 1 of the site. The site would, however, be highly visible from Hammill Road, particularly around the entrance to the site. Whilst the site would be visually exposed from the south, the closest public viewpoint would be around 500m away. In assessing the visual impact of the development, regard must be had for the development which has been approved, which could include the retention of the two existing engine sheds and the erection of an additional six large commercial buildings. The applicant has submitted evidence to demonstrate that there is little demand for such units, which are therefore unviable. Consequently, it is not considered that the previous commercial permissions represent realistic fall-back positions and, therefore, carry little weight. However, having regard for the general seclusion of the site and the lack of views of the site in the wider landscape, whilst the development would result in a suburbanisation of the countryside it is not considered that the development would cause substantial harm to any important views.
- 2.11 The listed buildings, Hammill Farm and Denne Court Farm are located approximately 200m to the south west and 375m to the east respectively. The development would be seen in the context of the approved development. It is considered that the separation distances to these heritage assets are significant, whilst the impact caused by the proposed dwellings would likely be less than the impact caused by the six commercial buildings which have been approved. Consequently, it is not considered that the settings of these designated heritage assets would be harmed. It is not considered that any other listed buildings, or their settings, would be harmed.
- 2.12 Whilst the layout of the development is reserved at this outline stage, the access road has been submitted in full. Consequently, whilst the precise location of dwellings is currently unknown, the location of housing will be informed by the road layout. As such, the final layout will closely resemble that of the indicative plan. This layout creates two long and one short cul-de-sacs, arranged around the retained and converted engine sheds. This layout aligns with the layout of the consented development at Phase 1 and is therefore not considered to be inappropriate, although this layout would perpetuate a suburban form of development in a rural location.
- 2.13 Whilst scale is reserved at this stage, the submitted Design and Access Statement suggests that each dwelling would have ridge heights of around 8.2m above ground level. Such a height would allow for houses of between 2 and 2.5 storeys. This scale of development would be similar to the scale of the existing engine sheds, the approved development in Phase 1 and other buildings in the vicinity. However, as has been said above, the site is highly visible from certain surrounding locations. Due to the rise of the land from the north east to south west, it is likely that the development of this site would result in greater prominence in the landscape than the adjacent site (or the approved commercial developments). In this regard the proposals are unacceptable and would result in a level of intrusiveness that be alien within this rural area.
- 2.14 The detailed design and materials to be used are also reserved at this stage. The Design and Access Statement provides examples of the type of dwelling which could be accommodated on the site and materials which could be used;

however, as the applicant has also confirmed an intention to sell serviced plots, it is likely that the detailed design of properties will vary from the examples suggested (which has happened on Phase 1). Notwithstanding this, given that Phase 1 provides a strong context for the development of this site, it is considered that the variety of house types in Phase 1 provides latitude for the detailed design of houses in Phase 2. Consequently, it is considered that, subject to acceptable reserved matters details being submitted, the detailed design of the scheme would not give rise to unacceptable visual harm.

- 2.15 The site provides opportunities for the provision of landscaping across the site. To the east of the site would be an attenuation pond with a landscape buffer around its peripheries; Phases 1 and 2 would be separated by a generous strip of landscaping; and the retained reptile receptor site to the west would provide areas of meadow grassland and structural landscaping. The density of the development would also allow for the provision of generously sized plots and landscaped areas around the access road. Together, whilst landscaping is reserved at this stage, it is considered that the development could provide scope for reasonable landscaping to be provided to reduce the visual impact of the development as a whole.
- 2.16 Overall, the new dwellings to be constructed, which have been submitted with appearance, landscaping, layout and scale reserved at this stage, would increase the sprawl of the Phase 1 development, causing harm to the character of the countryside. It is considered that this impact adds weight to the concern already expressed regarding the principle of constructing eighteen dwellings in this rural location.
- 2.17 One of the engine sheds would be converted to five dwellings, whilst the second would be converted to two offices. This part of the application has been submitted in full.
- 2.18 The conversion to dwellings would rely upon splitting the building vertically to create a terrace of two storey properties. The interior of the building is not protected, as it is not listed, but provides few if any features of interest. Externally, the conversion would require the insertion of windows and doors; however, it is considered that this has been done sensitively, with the ground floor windows and doors utilising or replicating the existing bow topped window and door detailing. Where first floor windows have been inserted, they have been kept as small as possible and located above ground floor openings to adhere to the rhythm of the fenestration.
- 2.19 The conversion to offices would rely on splitting the building vertically, roughly in half, and erecting a mezzanine. This conversion would require few significant alterations to the building but, where required, these respect the existing character of the building.
- 2.20 The design of the conversions closely matches the design of the approved conversions for commercial, under application DOV/12/00460, and residential, under DOV/15/00771. It is considered that the conversions retain the industrial character and appearance of these buildings, whilst providing them with new uses which will ensure their future maintenance. This part of the scheme is therefore supported.
- 2.21 There have been numerous finds within the vicinity of the site, particularly within the fields to the north. The site is also located between two listed buildings. Given this context, it is considered that there is a reasonable

likelihood that non-designated heritage assets of archaeological interest may be present at the site. Whilst archaeological work has taken place within Phase 1, such work has not been completed on the application site, as confirmed in a letter submitted by the applicant from SWAT Archaeology. In accordance with the previous permissions for the site, it is considered that the proportionate response would be to attach a condition to any grant of permission requiring an archaeological watching brief to be undertaken.

Impact on Residential Amenity

- 2.22 The engine sheds are well separated from the approved development within Phase 1 and would not be extended or enlarged. As such, the conversion of these building has no potential to cause overlooking, loss of light, or a sense of enclosure.
- 2.23 The access road would be well separated from the nearest properties within Phase 1, whilst the vehicle movements along this road would be comparable with those of the approved development. As such, it is not considered that any unacceptable noise or disturbance would be caused.
- 2.24 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed access roads have been submitted in full and will inform the final location and layout of these dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, will be likely to closely align with the layout shown on the indicative plan. This plan demonstrates that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between properties and reasonable a standard of accommodation can be achieved.
- 2.25 Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any properties would be harmed by the development.
- 2.26 Each of the dwellings to be provided within the converted engine shed would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable. Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, with this element submitted in outline, the size of the site and the density of the development are more than sufficient to demonstrate that the 18 dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development.

Impact on the Local Highway Network

- 2.27 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.28 The proposal would use the same access point which was granted under previous applications, most recently under application number DOV/15/00771, whilst the development would generate a similar, albeit slightly higher, number

of vehicular journeys. This access is located on the outside of a 90 degree bend where Sandwich Road meets Hammill Road. Due to the bend in the road, vehicle speeds are expected to be approximately 25mph, which is comparable to the speeds recorded by the applicant of 23.5mph. Based on the expected speeds, the proposed junction requires visibility of 33m in either direction. The proposed access, subject to regrading works to verges which are within the applicant's ownership (and can be secured by condition) would achieve visibility splays of 33m by 2.4m by 56m. As such, it is considered that the visibility from this access is acceptable, in accordance with the findings of previous permissions.

- 2.29 Vehicle tracking plans have been submitted to demonstrate how vehicles (up to and including a HGV) are able to access the site, manoeuvre around the interior and exit the site in a forward gear. The access to the site from Hammill Road would be 7.15m in width, allowing vehicles to enter and exit the site concurrently.
- 2.30 Details of car parking have only been provided at this outline stage for the commercial and residential engine shed conversions. The office units would be provided with fifteen car parking spaces, one of which would be suitable for a disabled driver. The five residential units would also be provided with fifteen spaces, two of which would be suitable for a disabled driver.
- 2.31 There are no parking standards for non-residential uses within the development plan; however, some guidance is provided within KCC's SPG4: Kent Vehicle Parking Standards, albeit this dates from 2006. This guidance suggests a maximum provision of 1 space per 20sqm of office space. Given the size of the units, this would equate to a maximum provision of around 23 spaces. Whilst the development would provide eight spaces below this amount, it is not considered that the overall provision is unreasonable, particularly as the guidance is expressed as a maximum provision. Within this rural location Table 1.1 of the Core Strategy advises that four three bed roomed and one four bed roomed dwellings should be provided with a minimum of two car parking spaces each, with an additional two communal spaces provided for visitors; although, it must be noted that this table is for guidance only, whilst Policy DM13 states that parking provision should be a design led process. The proposed dwellings would have slightly in excess of the minimum requirements suggested by Table 1.1. This parking area could provide additional visitor parking to visitors of the wider development if required. Overall, it is considered that the level of car parking is appropriate.
- 2.32 The car parking to be provided to the new build dwellings is not known at this outline stage. However, the indicative details demonstrate that two spaces could be provided to each dwelling (excluding the garages which have also been indicatively shown). As such, it is considered that, subject to acceptable details being submitted at reserved matters stage, the application has demonstrated that provision in accordance with core strategy can be achieved.
- 2.33 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom for residential development and around 3 spaces in total for the commercial development. The application does not confirm what level of cycle parking will be provided, although the Planning Statement does confirm that such provision will be policy compliant. It is considered that the site contains ample space for the provision of cycle parking facilities, with each dwelling

having, or capable of having, a private garden and open space available around the commercial buildings. Consequently, it is considered that it would be reasonable to attach a condition to any grant of permission to require details of the provision of secure, covered cycle parking spaces.

Ecology

- 2.34 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.35 It is considered that the methodology and findings of the ecological report are acceptable. This report concludes that whilst the habitats on the site are of low to moderate ecological value, these habitats support roosting bats and reptiles. Accordingly, mitigation measures have been proposed including the provision of bat boxes and the provision of a reptile rector area to the west of the site, which will be maintained to provide a suitable habitat. Ecological enhancements have also been proposed. The mitigation and enhancements proposed align with those which were considered to be acceptable under the previous applications for the site. Consequently, subject to being secured by condition, it is not considered that the development would cause any harm to habitats or species.
- 2.36 The site is over the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. The Land Allocations Local Plan sets out a mitigation strategy to avoid potential impacts brought about by cumulative development within the district, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £1,373.52. Consequently, subject to being secured by legal agreement, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

Contamination

- 2.37 The site has an industrial history and, as such, the potential contamination of the site must be considered. The remediation of contamination formed part of the justification for the first grant of permission at the site (DOV/12/00460). The site has now been decontaminated to a level which would make the site suitable for the end uses (the validation reports for which were submitted in June 2015). The decontamination which took place was carried out to residential standards, as opposed to lower commercial standards. The remediation of the land included the excavation and decommissioning of tanks and the remediation of areas of 'hot-spot' contamination. Consequently, the site is now considered by the applicant to be at low risk of contamination.
- 2.38 Environmental Health have considered the applicants submissions and have concluded that they provide adequate justification to warrant no further investigative or general remedial works on the application site. The submitted reports recommend that historic septic tank and deep water well, if located during development, are remediated. The details for, and confirmation of, such should be submitted and approved within an Addendum Report following groundworks.

- 2.39 The Environment Agency have requested a raft of conditions relating to contamination. The conditions relating to previously unidentified contamination, oversight of demolition and foundation work, details of foundation design, recommendations regarding the historic septic tank and deep water well and details of surface water drainage are reasonable and necessary for the prevention of pollution and environmental harm. However, as confirmed by Environmental Health, the conditions requiring a broader risk assessment, site investigation, remediation strategy and verification plan are not considered to be reasonable or necessary, as these details have previously been provided to, and approved by, the Council for the site (and to a standard suitable for residential occupation) pursuant to the previous application.
- 2.40 The site lies within Groundwater Source Protection Zone (GWPZ) 1, where potential sources of contamination to groundwater would have the most significant impact. Within this zone, certain types of development will not normally be permitted, including septic tanks, activities which involve the disposal of liquid waste to land and sustainable urban drainage systems, unless adequate safeguards against possible contamination are provided. The site would be served by the same package treatment plant which currently serves Phase 1 of the Hammill site. This plant has been sized to accommodate both the approved development and the development which is the subject of this application. The treated water is then piped to land within the applicant's ownership but is within GWPZ2 where the treated water will be discharged. The existing system benefits from a licence granted by the Environment Agency for this discharge, although a new licence will need to be sought by the applicants separately to increase the discharge.
- 2.41 The environmental benefits of the development at the Hammill Brickworks site were an important factor in the approval of that application and it is appropriate to consider whether the current scheme would provide similar benefits. The south western portion of the Hammill Brickworks site was identified as having significant concentrations of contamination present, whilst fuel storage areas were also of concern. The decontamination of the site has already taken place and it is unlikely that further decontamination will take place. The development would not, therefore, produce significant benefits, in terms of remediation of contamination, compared to the benefits provided by the development of Phase 1.

Drainage

- 2.42 The details of surface water drainage and foul drainage replicate the details which have been approved as part of Phase 1. Surface water would be channelled to a large surface water attenuation pond located to the west of the site. Permeable paving will also be utilised. There are no public sewers in the vicinity of the site and, as such, to facilitate Phase 1, the applicant constructed a private sewerage treatment plant which, once treated, pumps the water outside of Source Protection Zone 1 to discharge to ground. The current application would also utilise this system, which has been designed to cope with the both Phase 1 and 2. Notwithstanding that the system is appropriately designed to accommodate the development, the applicant will need to obtain a separate licence from the Environment Agency to increase the rate of discharge to ground from 25cum/day to 31.65cum/day.

Contributions

- 2.43 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.44 The applicants have submitted a financial viability assessment which seeks to demonstrate that the development is unable to provide all of the contributions which have been requested. This assessment, attached at Appendix 1, concludes that contributions of more than £320,000 would render the development unviable.
- 2.45 In these circumstances the Council will expect 'open book' negotiations and that specialist independent advice in assessing the economic viability of development will be sought. In this instance the Council has instructed the Savills to carry out the assessment on behalf of the Council. A copy of Savills viability report is provided at Appendix 2.
- 2.46 The council's viability consultant initially disagreed with the conclusions of the applicant's viability appraisal, concluding that the development could support a significantly greater contribution. However, this conclusion was based on incomplete evidence regarding the costs of the development (in particular the abnormal costs which would be borne to provide sewerage to the site). Having reassessed the scheme on the basis of the additional information and justification which was provided by the applicant, the Council's viability consultant reassessed the scheme, concluding that the development could support the on-site provision of three affordable dwellings (two provided as affordable rent and one as shared ownership) or contributions of £450,000, whilst retaining an industry standard profit of 20% (a level which is usually required in order to gain bank finance). The provision of three affordable units is unlikely to attract registered providers of affordable housing, who typically seek groups of at least 8-10 affordable units. As such, it is unlikely that the on-site provision would be deliverable and, consequently, it is considered that a contribution for off-site provision should instead be sought. The applicant has confirmed that they would accept a contribution of £450,000 being provided, which will be secured by legal agreement.
- 2.47 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demand which would be generated by the development. In this instance, the Principal Infrastructure and Delivery Officer has advised that the development would increase demand for use of the children's play area which was approved as part of the Phase 1 development. It appears that the play area will be easily accessible on foot from Phase 2. The Council's Principle Infrastructure and Delivery Officer has advised that, in order to ensure that the development meets this demand, the application should secure the long term maintenance of this play area. In particular, the S106 agreement for Hammill Phase 2 should secure long term maintenance of the play area; with a single management company responsible for the entire site which will help to ensure long term security of the provision. Subject to this being secured, there is no need for new play provision within Phase 2. Whilst the quantity of Open Space proposed is considered to be acceptable, its quality should be secured through a condition requiring full details to be submitted.

Other Material Considerations

- 2.48 The principle of the change of use of one of the engine sheds to offices and dwellings is considered to be acceptable; however, the principle of erecting of 18 new dwellings is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.49 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides any “unusual and compelling justification” to depart from the development plan. 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". 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. As confirmed above, the Council can demonstrate a five year housing land supply and it is in this context that the NPPF must be read.
- 2.50 Of particular relevance is paragraph 55 of the NPPF. This paragraph states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is therefore first necessary to consider whether this site is isolated, in relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas).
- 2.51 The nearest defined settlement, Eastry, is located 1.4km to the south east. The route to Eastry (2km by road) does not include footpaths or street lighting along the vast majority of its length. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Eastry by means other than a car. The submitted Transport Statement confirms that the vast majority of journeys are likely to be made by car. Furthermore, the nearest bus stop providing regular services to neighbouring settlements is in Eastry. Reference has been made in the applicant's submissions to the No.542 bus, which passes the site and the closest bus stop for which is around 700m away. This route provides just one service per week in each direction. The next nearest settlement, Woodnesborough, is located around 1.6km to the north east, whilst Staple is located around 2.1km to the west and, for the reasons set out above, the development is also poorly connected to these settlements. Consequently, the site is isolated from facilities and services. Whilst the site would be co-located with the existing development at Hammill, the development and its vicinity provide no day-to-day facilities and services.
- 2.52 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:

- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.

The first criterion is not relevant to the determination of the current application. The second and third criteria, whilst not relevant to the new build dwellings, are relevant to the conversion of the existing engine shed to five dwellings, providing support for this element of the proposal. However, for the reasons set out in paragraph 2.5 of this report, the principle of this aspect of the application has been accepted.

2.53 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion, whilst, as this element of the application is submitted in outline, it would be very difficult to demonstrate that the requirements of this criterion have been met, with appearance, landscaping, layout and scale being reserved. The applicant has confirmed that some sustainable features will be incorporated into the build (which will be discussed in more detail later in this section). However, these features are well established technologies, the sum of which falls significantly below the threshold of 'truly outstanding or innovative' envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the new build element of the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting permission for a new isolated home in the countryside. Whilst the four exceptional circumstances identified by paragraph 55 have not been met, the wording of paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive.

2.54 The applicant has stated that the site could provide plots self-build/custom build' houses, as some of the plots within the consented phase were constructed by their eventual occupants. The Self-build and Custom Housebuilding Act 2015 (at Section 2) requires that district councils must have regard to self-build registers that relate to that councils area when carrying out its planning functions. In furtherance, the PPG advises that "self-build registers that relate to their area may be a material consideration in decision-taking". The Council's self-build register went online at the start of April 2016 and includes 54 individuals and 2 associations. At present, the Council have no

policy for the supply of self-build plots and no land has been allocated for such a purpose, although the Council will be addressing this matter in its Local Plan review. Given the lack of self-build plots and the demand for plots, weight must be given in favour of the provision of such plots. However, it is not considered that this is of sufficient weight to demonstrate an unusual and compelling case for approval, particularly given the concerns raised regarding the location of this site.

- 2.55 The applicant has presented a case that the provision of high value housing will provide additional benefits to the local economy which are not realised by 'standard' housing types. In particular, it has been proposed that the first phase of the Hammill site has allowed large, executive houses to be built which will help to encourage high earners, and thus businesses, to the area. Such a model would be replicated in this phase, supporting the nearby Discovery Park and other sites. The benefits of providing such housing types have been acknowledged by the Councils Head of Inward Investment, who has written in support of the application, commenting that the lack of such housing has been cited by potential investors as a reason for not locating in the District whilst the provision of this type of housing offer has attracted new residents to the district. The Head of Inward Investment has also drawn attention to the wider Corporate Objectives and the overall ambitions and priorities of the Core Strategy. The Core Strategy sets out 14 objectives which, broadly, align with the relevant priorities in the Councils Corporate Plan 2016-2020. These objectives include fostering population growth and delivering additional housing to broaden the range and improve the quality and market perception of the District. However, the objectives also includes a need to improve ease of travel to, from and within the District and concentrate development where it can best align with facilities and reduce the need for travel. It is considered that these matters have been addressed within this report. Whilst it is agreed that encouraging inward investment should carry weight, having regard to Chapter 1 of the NPPF, the scale of such benefits are intangible and could not be secured. Notwithstanding the strong support from the Head of Inward Investment, the planning weight provided by these economic benefits is, accordingly, considered by officers to be limited. The comments of the Councils Head of Inward Investment are reproduced in Section (e) of this report.
- 2.56 The site is considered to be previously developed land and has been included on the Councils Brownfield Register. The preference is that previously developed or brownfield land is developed before non-previously developed land. These factors add some weight in favour of the development.
- 2.57 The applicant has confirmed that the development would include the provision of charging points for electric vehicles, which would increase the likelihood of occupants owning such vehicles. Whilst this does not overcome the isolation of the site and the need to travel for facilities and services, the potential to increase the use of such vehicles would reduce the carbon footprint of such journeys. The application also proposes the provision of ground or air heat source pumps. The provision of such technology would allow the dwellings to exceed current building regulations requirements, also reducing the carbon footprint of the development, albeit the scale of this benefit is unknown as details of the systems to be installed has not been provided. Subject to being secured by condition should permission be granted, these factors provide some, albeit limited, weight in favour of the development.

- 2.58 The application would provide a new use for engine sheds, which are considered to be non-designated heritage assets. Although securing the use and future maintenance of heritage assets will aid in the conservation of the assets, it is noted that the reuse of the buildings, for either commercial (DOV/12/00460) or residential (DOV/15/00771), has already been permitted, albeit the applicants have submitted that these schemes are unviable. The site has already been decontaminated to a level appropriate for residential use. As such, the development would be unlikely to provide significant further decontamination.
- 2.59 The applicant has advised that the development would create around 139 direct and 97 indirect jobs during the construction phase of the development, whilst the commercial floor space, if delivered, would create 60 jobs. Notwithstanding the previous permissions for the site which would have provided significantly greater levels of long term employment, the applicant has provided evidence which demonstrates that extensive marketing of the approved units has taken place, but little interest has been shown. Whilst this raises some doubt as to whether the unit currently proposed will be attractive to the market, it is more likely to draw interest due to the reduced scale of office space proposed. The applicants have also opined that the development would provide an economic output of £1.5 million per year. The employment and economic output which would be generated by the development, whilst highly variable and uncertain until an end user is found, adds some weight in favour of the development.
- 2.60 The applicant has also advised that the development would deliver a New Homes Bonus which would total £126,000 over a four year period whilst the development, once built, would provide between £35,000 and £45,000 of additional council tax payments. The LPA must have regard for local financial considerations, as far as they are material to the application. In this case, the New Homes Bonus and council tax receipts would not make the development acceptable in planning terms and, as such, are not material considerations in the determination of this application. In reaching this conclusion, it is noted that the Planning Practice Guide states that “it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body”. Therefore this is not a material consideration and cannot be attributed weight. The development would provide a contribution of £450,000 towards off-site affordable housing which, whilst equivalent to less than the 30% which is sought by Policy DM5, is a material consideration.
- 2.61 The development would increase the local population and, accordingly, spending power. The applicant has submitted that, based on a summary report by Barton Willmore, this would equate to a spend of £400,000 per household per year (spent on convenience, comparison and leisure). This figure seems extraordinarily high, whilst no evidence has been provided in the report to justify this figure. The development would increase spending power and provide potential additional custom for local businesses, albeit it is highly questionable that the expenditure would be of the order suggested.
- 2.62 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy, and commercial floor space, which would provide longer term employment. However, it is not

considered that the residential development of the site represents development in the right place to support sustainable growth.

- 2.63 With regards to the social role, the development would provide additional dwellings, co-located with offices, which would, to a moderate degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing, albeit the site does not fall within the definition of a windfall site. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply of 6.02 years. The development would also be located in a relatively remote location, which would provide a limited ability to access sustainable modes of transport and limited support for local facilities and services. The application, a substantial portion of which is submitted in outline, has not demonstrated that the development would secure a high quality built environment, whilst it is considered that the scheme would adversely affect the character of the countryside.
- 2.64 Turning to the environmental role, the development would cause significant suburbanisation of this part of the countryside. Whilst this is balanced against the previous permissions for the site which would have produced a relatively high density commercial development the likelihood of those permissions being implemented is low. The development would mitigate the potential impacts on protected species (reptiles and bats) and, subject to conditions, would provide for modest ecological enhancements. The development would re-use a previously developed site and would provide some features (heat pumps and charging points for electric vehicles) which would reduce energy consumption. However, the location of the site would necessitate journeys to access day-to-day facilities and services.
- 2.65 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan, which requires “unusual and compelling” justification.
- 2.66 Whilst the NPPF has been considered holistically to reach this conclusion, in particular, it is considered that the development is contrary to NPPF paragraphs 29, which seeks to facilitate sustainable modes of transport, and 55, which seeks to direct housing in rural areas to locations at settlements and restricts isolated residential development in the countryside.

Overall Conclusions

- 2.67 The principle of converting the existing engine sheds to offices and five dwellings is considered to be acceptable, being supported by Policy DM4 of the Core Strategy, extant permissions and the NPPF. However, the principle of constructing eighteen dwellings in this isolated, countryside location is contrary to the development plan (in particular policies CP1 and DM1), does not benefit from any extant planning permissions and is not supported by the NPPF. It is not considered that other material considerations direct that planning permission be granted. Furthermore the development would introduce further suburbanisation into the countryside.
- 2.68 Whilst the development is acceptable in other material respects and would provide some benefits, it is not considered that these benefits are sufficient to outweigh the in principle objection to the erection of new dwellings, which is

contrary to Core Strategy Policies CP1, and DM1. It is therefore recommended that this application is refused permission.

g)

Recommendation

I PERMISSION BE REFUSED for the following reason:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of eighteen dwellings, by virtue of their location, form and scale, would result in an intrusive form of development, adversely affecting the character and appearance of the countryside. As such, these dwellings represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1, and DM15 and the National Planning Policy Framework paragraphs 17, 29, 55, 56, 58, 61 and 64.

Case Officer

Luke Blaskett



Former Hammill Brickworks, Hammill Road, Woodnesborough,
Kent - Viability Report

Prepared for: Quinn Estates Ltd

Date: 09th September 2016

Prepared by: Tim Mitford-Slade MLE MRICS

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Former Hammill Brickworks, Hammill Road, Woodnesborough, Kent

1. Executive Summary

- 1.1 I have been instructed by Quinn Estates Limited to carry out an independent financial appraisal of the proposed development of the former Hammill Brickworks near Woodnesborough in Kent ("the Property"). This report is required to assess the viability implications of the currently consented scheme(s) and the proposed scheme, in respect of affordable housing and other Section 106 costs. Full details relating to the Property and proposed development can be found in the Design & Access Statement and Planning Statement.
- 1.2 This Viability Report accompanies and supports an application for **Hybrid application for development at The Former Hammill Brickworks. Application for outline permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping. Full application for the re-use of the two engine sheds for office accommodation (524.1m2 GIA) and 5 dwellings, associated parking, services, infrastructure, substation, landscaping, ground works, attenuation features and earthworks.**
- 1.3 The application scheme ("**Proposed Scheme**") is to vary an already consented scheme of 10 residential units and 2,352 sq.m (25,317 sq.ft) of B1(c) accommodation as granted under references DOV/12/00460 and DOV/15/00771 ("**Amended Original Consented Scheme**") and an earlier original consented hybrid scheme with six live/work units ("**Original Consented Live/Work Scheme**"), both of which were ultimately unviable. The new application proposal seeks to redevelop the Property to provide 5 residential dwellings and two office units within the existing engine sheds together with 18 self-build residential plots.
- 1.4 This Viability Report seeks to establish whether or not the Proposed Scheme can tolerate a full package of policy compliant contributions in respect of affordable housing and Section 106 costs. If not, the quantum of Section 106 costs and affordable housing which can be tolerated whilst maintaining an acceptable level of viability is considered.
- 1.5 I have given due regard to the National Planning Policy Framework ("NPPF"), The Royal Institution of Chartered Surveyors Guidance Note 1st Edition *Financial Viability in Planning* and the "Harman" report being *Viability Testing Local Plans* produced by the Local Government Association, The Home Builders Federation and the NHBC chaired by Sir. John Harman June 2012. The guidance contained in these documents has assisted in formulating the opinions set out in this report.

Former Hammill Brickworks, Woodnesborough, Kent

- 1.6 Having undertaken detailed analysis of the Original Consented Live/Work Scheme and Amended Original Consented Scheme I have reached the conclusion that the schemes deliver a 1.59% and 6.39% profit margin/developers' return on Gross Development Value ("GDV") with a fixed land value of £1,111,250 representing the purchase price of the Property in 2014/5, whilst still allowing for agreed S106 costs of £320,000. These margins are unviable and fall significantly below the 20% margin on GDV required for such a complex mixed scheme.
- 1.7 I have then undertaken detailed analysis of the Proposed Scheme and I have reached the conclusion that this delivers a 16.36% profit margin on GDV with a fixed land value of £1,111,250 representing the purchase price of the Property in 2014/5, whilst still allowing for agreed S106 costs of £320,000. This is considered to be unviable in market terms but nevertheless deliverable by the developer as it represents a significant improvement on margin over the consented schemes, albeit one that is below the technical threshold of 20%.
- 1.8 However, having analysed the tolerance in respect of other costs it is confirmed that the scheme cannot deliver any additional Section 106 costs or affordable housing over and above that already allowed for in the consented schemes whilst maintaining an acceptable level of viability in planning terms.

2. Background

- 2.1 The Property comprises part of a former brickworks site of approximately 3.44 hectares (8.5 acres) located on Hammill/Sandwich Road within close proximity to the villages of Woodnesborough and Eastry and about 10 miles east of Canterbury in Kent. The brickworks ceased production in 2006 and finally closed down in 2008.
- 2.2 The site is part built upon and comprises to the north, 19 self-built residential plots which have been remediated, serviced and sold away together with an area of remediated and serviced land ready for commercial development. The remainder of the site to the south comprises two engine sheds surrounded by undeveloped previously industrial land. Access into the north of the site is off Hammill Road with a separate access to the south of the site directly off Sandwich Road. Full details relating to the Property can be found in the Design & Access Statement and Planning Statement.
- 2.3 The National Planning Policy Framework refers to ensuring viability and delivery of development at Sec. 173-177 and states "to ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

3. Basis of Appraisals

- 3.1 The appraisals and figures provided herein do not strictly speaking fall within the scope of the RICS (Royal Institution of Chartered Surveyors) "Red Book" and is not a formal valuation in that context. However, the principles of good practice have been followed and detailed justification for the indicative

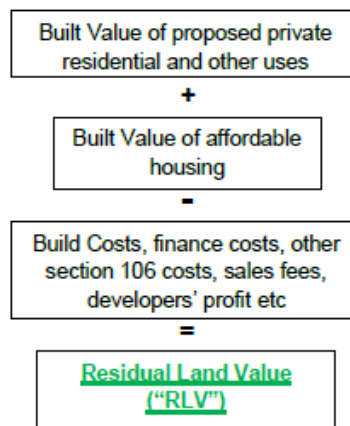
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values and/or component valuation appraisals are provided. More to the point, the appraisals are in direct line with the RICS Guidance on Financial Viability in Planning.

- 3.2 The report is provided purely to assist planning discussions with Dover District Council.
- 3.3 The viability report is provided on a confidential basis and we therefore request that the report should not be disclosed to any third parties (other than Dover District Council and their advisers) under the Freedom of Information Act 2000 (Section 41 and 43/2) or under the Environmental Information Regulation. The report is not to be placed in the public domain. In addition, we do not offer Dover District Council, their advisers and/or any third parties a professional duty of care.
- 3.4 In appraising the proposed development we have taken note of and utilised guidance on Council policy as set out in:
- a. Dover District Council Local Plan 2002
 - b. Dover District Council Affordable Housing SPD 2007
 - c. Dover District Council Core Strategy 2010
 - d. Addendum to the Affordable Housing SPD 2011
 - e. KCC Guide to Development Contributions and the Provision of Community Infrastructure
 - f. The National Planning Policy Framework ("NPPF")

4. Viability and Planning

- 4.1 Scheme viability is normally assessed using residual valuation methodology.
- 4.2 A summary of the residual process is:



RLV is then compared to a **Viability Benchmark Sum ("VBS")**. If RLV is lower and/or not sufficiently higher than the VBS – project is not technically viable.

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4.3 If the RLV driven by a proposed scheme is reduced to significantly below an appropriate VBS, it follows that it is commercially unviable to pursue such a scheme, and the scheme is unlikely to proceed.

4.4 The RLV approach (as summarised above) can be inverted so that it becomes a 'residual profit appraisal' based upon the insertion of a specific land cost/value (equivalent to the VBS) at the top. By doing this, the focus is moved onto the level of profit driven by a scheme. This is a purely presentational alternative.

5. VBS (or Land Cost/Value Input, also referred to as Site Viability Benchmark Sum)

5.1 The Royal Institution of Chartered Surveyors ("RICS") published their long awaited Guidance Note on this subject in 2012 (Financial Viability in Planning – RICS Guidance Note – GN 94/2012 August 2012).

5.2 The RICS have consulted more extensively than any other body on this subject to date and I believe that their latest guidance now represents the best possible consolidated guidance on this subject. However, due regard has also been given to the Harman guidance already referred to. The fundamental difference between the two is the approach to the VBS. Harman believes the dominant driver should be Existing Use Value ("EUV") (whereupon I believe they mean Current Use Value, or "CUV" which, based upon RICS guidance, excludes all hope value for a higher value through alternative uses). On the other hand, RICS states that the dominant driver should be Market Value (assuming that any hope value accounted for has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan).

5.3 A few local authorities and their advisors are still trying to disregard premiums applicable to EUVs or CUVs (i.e. EUV/CUV only - which was the basis being incorrectly enforced for several years) but the reference to 'competitive returns' in the new National Planning Policy Framework and planning precedent has now extinguished this stance.

5.4 There has been concern about how one can identify and logically justify what premium should be added to an EUV or CUV and what exactly EUV means. It is not as straight-forward as one might initially think.

5.5 There has also been some concern about Market Value potentially being influenced by land transaction comparables and/or bids for land that are excessive (thus triggering an inappropriate benchmark). However, I believe that any implied suggestion that developers deliberately (or might deliberately) over-pay for land in order to avoid having to deliver S.106 affordable housing contributions is misguided. Land buyers and developers seek to secure land for as little money as possible. They do not seek to overpay and are aware of the associated planning and financial risks should they do so. My view is that, if professional valuers disregard inappropriate land transaction comparables (e.g. where over-payments appear to have occurred accidentally or for some other legitimate but odd reason) and other inappropriate influences in deriving Market Value, both of which they should, Market Value is on-balance the more justifiable, logical, reasonable and realistic approach – albeit not perfect.

5.6 I believe that the premium over EUV or CUV to identify an appropriate VBS is in fact the same as the percentage difference between EUV or CUV and Market Value. In other words, both approaches should lead to the same number. However, Market Value is the logical side to approach this conundrum from.

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- 5.7 As such, I have followed the latest RICS Guidance herein as well as recent Planning Inspectorate decisions including that by Clive Hughes BA (Hons) MA DMS MRTPI in Land at The Manor, Shinfield, Reading under Reference APP/X0360/A/12/2179141.
- 5.8 Of particular note, the RICS guidance says:
- a) Site Value either as an input into a scheme specific appraisal or as a benchmark is defined in the guidance note as follows, "Site Value should equate to the Market Value subject to the following assumption that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan."
 - b) An accepted method of valuation of development sites and land is set out in RICS Valuation Information Paper (VIP) 12. This paper is shortly to be re-written as a Global Guidance Note.
 - c) Reviewing alternative uses is very much part of the process of assessing the Market Value of land and it is not unusual to consider a range of scenarios for certain properties. Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the Market Value.
 - d) The nature of the applicant should normally be disregarded as should benefits or dis-benefits that are unique to the applicant.
 - e) The guidance provides this definition in the context of undertaking appraisals of financial viability for the purposes of town planning decisions: *An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project.*
 - f) With regard to indicative outline of what to include in a viability assessment it is up to the practitioner to submit what they believe is reasonable and appropriate in the particular circumstances and for the local authority or their advisors to agree whether this is sufficient for them to undertake an objective review.
 - g) For a development to be financially viable, any uplift from current use value to residual land value that arises when planning permission is granted must be able to meet the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project (the National Planning Policy Framework refers to this as 'competitive returns' in paragraph 173 on page 41). The return to the landowner will be in the form of a land value in excess of current use value but it would be inappropriate to assume an uplift based upon set percentages, given the heterogeneity of individual development sites. The land value will be based upon market value which will be risk-adjusted, so it will normally be less than current market prices for development land for which planning permission has been secured and planning obligation requirements are known.
 - h) Sale prices of comparable development sites may provide an indication of the land value that a landowner might expect but it is important to note that, depending on the planning status of the land, the market price will include risk-adjusted expectations of the nature of the permission and associated planning obligations. If these market prices are used in the negotiations of planning

Former Hammill Brickworks, Woodnesborough, Kent

obligations, then account should be taken of any expectation of planning obligations that is embedded in the market price (or valuation in the absence of a price). In many cases, relevant and up to date comparable evidence may not be available or the heterogeneity of development sites requires an approach not based on direct comparison. The importance, however, of comparable evidence cannot be over-emphasised, even if the supporting evidence is very limited, as evidenced in Court and Land Tribunal decisions.

- i) The assessment of Market Value with assumptions is not straightforward but must, by definition, be at a level which makes a landowner willing to sell, as recognised by the NPPF. Appropriate comparable evidence, even where this is limited, is important in establishing Site Value for a scheme specific as well as area wide assessments.
- j) Viability assessments will usually be dated when an application is submitted (or when a CIL charging schedule or Local Plan is published in draft). Exceptions to this may be pre-application submissions and appeals. Viability assessments may occasionally need to be updated due to market movements or if schemes are amended during the planning process.
- k) Site purchase price may or may not be material in arriving at a Site Value for the assessment of financial viability. In some circumstances the use of actual purchase price should be treated as a special case.
- l) It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition set out in the guidance.
- m) Often in the case of development and site assembly, various interests need to be acquired or negotiated in order to be able to implement a project. These may include: buying in leases of existing occupiers or paying compensation; negotiating rights of light claims and payments; party wall agreements, over sailing rights, ransom strips/rights, agreeing arrangements with utility companies; temporary/facilitating works, etc. These are all relevant development costs that should be taken into account in viability assessments. For example, it is appropriate to include rights of light payments as it is a real cost to the developer in terms of compensation for loss of rights of light to neighbouring properties. This is often not reflected in Site Value given the different views on how a site can be developed.
- n) It is important that viability assessments be supported by adequate comparable evidence. For this reason it is important that the appraisal is undertaken by a suitably qualified practitioner who has experience of the type, scale and complexity of the development being reviewed or in connection with appraisals supporting the formulation of core strategies in local development frameworks. This ensures that appropriate assumptions are adopted and judgement formulated in respect of inputs such as values, yields, rents, sales periods, costs, profit levels and finance rates to be assumed in the appraisal. This should be carried out by an independent practitioner and ideally a suitably qualified surveyor.
- o) The RICS Valuation Standards 9th Edition (“Red Book”) gives a definition of Market Value as follows:

Former Hammill Brickworks, Woodnesborough, Kent

- “The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s-length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion”.
- The Red Book also deals with the situation where the price offered by prospective buyers generally in the market would reflect an expectation of a change in the circumstances of the property in the future. This element is often referred to as ‘hope value’ and should be reflected in Market Value. The Red Book provides two examples of where the hope of additional value being created or obtained in the future may impact on the Market Value:
 - the prospect of development where there is no current permission for that development; and
 - the prospect of synergistic value arising from merger with another property or interests within the same property at a future date.
- The guidance seeks to provide further clarification in respect of the first of these by stating that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.
- The second bullet point above is particularly relevant where sites have been assembled for a particular development.
- It should be noted that hope value is not defined in either the Valuation Standards. That is because it is not a basis of value but more a convenient way of expressing the certainty of a valuation where value reflects development for which permission is not guaranteed to be given but if it was, it would produce a value above current use.
- To date, in the absence of any guidance, a variety of practices have evolved which benchmark land value. One of these, used by a limited number of practitioners, has been to adopt Current Use Value (“CUV”) plus a margin or a variant of this (Existing Use Value (“EUV”) plus a premium). The EUV / CUV basis is discussed below. The margin is an arbitrary figure often ranging from 10% to 40% above CUV but higher percentages have been used particularly in respect of green-field and rural land development.
- In formulating this guidance, well understood valuation definitions have been examined as contained within the Red Book. In arriving at the definition of Site Value (being Market Value with an assumption), the Working Party / Consultant Team of this guidance have had regard to other definitions such as EUV and Alternative Use Value (“AUV”) in order to clarify the distinction necessary in a financial viability in a planning context. Existing Use Value is defined as follows:
 - “The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s-length transaction after properly marketing and where the parties had each acted knowledgeably, prudently and without compulsion assuming that the buyer is granted vacant possession of all parts of the property required by the business and disregarding potential alternative uses and any other

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characteristics of the property that would cause Market Value to differ from that needed to replace the remaining service potential at least cost.”

- It is clear the above definition is inappropriate when considered in a financial viability in planning context. EUV is used only for inclusion in financial statements prepared in accordance with UK accounting standards and as such, hypothetical in a market context. Property does not transact on an EUV (or CUV) basis.
- It follows that most practitioners have recognised and agreed that CUV does not reflect the workings of the market as land does not sell for its CUV, but rather at a price reflecting its potential for development. Whilst the use of CUV plus a margin does in effect recognise hope value by applying a percentage increase over CUV it is a very unsatisfactory methodology when compared to the Market Value approach set out in the Guidance and above. This is because it assumes land would be released for a fixed percentage above CUV that is arbitrary inconsistently applied and above all does not reflect the market.
- Accordingly, the guidance adopts the well understood definition of Market Value as the appropriate basis to assess Site Value, subject to an assumption. This is consistent with the NPPF, which acknowledges that “willing sellers” of land should receive “competitive returns”. Competitive returns can only be achieved in a market context (i.e. Market Value) not one which is hypothetically based with an arbitrary mark-up applied, as in the case of EUV (or CUV) plus.
- So far as alternative use value is concerned, the Valuation Standards state where it is clear that a purchaser in the market would acquire the property for an alternative use of the land because that alternative use can be readily identified as generating a higher value than the current use, and is both commercially and legally feasible, the value for this alternative use would be the Market Value and should be reported as such. In other words, hope value is also reflected and the answer is still Market Value.

6. The Site

- 6.1 Extensive details relating to the Property can be found in the Design & Access Statement and Planning Statement which accompany the planning application. In essence, however, the Property comprises of a former brickworks with 19 serviced and sold self-build plots and consent for a mixed use scheme comprising 10 residential units (previously 6 live/work units) and 2,352 sq.m (25,317 sq.ft) of B1(c) accommodation. Given the current commercial market conditions this consent is not deliverable in its current composition and does not represent a viable development scheme.
- 6.2 We are of the opinion that there would be insufficient demand for the Property in its current consented use. While demand for industrial and office space in Kent is strengthening, potential occupiers of commercial floor space are seeking very high quality, fully furnished and readily available units which can be occupied immediately, located close to motorways and major routes and with access to full services, including broadband and parking. This is leading to an increase in speculative development. A developer will look for a well serviced site to develop close to good transport links. The Property is in a rural location with poor transport links and limited surrounding services.

Former Hammill Brickworks, Woodnesborough, Kent

- 6.3 In order to demonstrate this we have run day one appraisals for the Original Consented Live/Work Scheme and Amended Original Consented Scheme, copies of which are attached at **Appendix B**. These show a margin on GDV of 1.57% and 6.39% respectively. In our appraisals we have phased the development in to two phases to show the actual cost and revenue for the remediation of the site for the current consented schemes as supplied to us by Quinn Estates Ltd. Phase 1 includes known costs, revenue and timescale for the remediation and servicing of the north of the site and the subsequent sales of the 19 self-build residential plots. Phase 2 then inputs the next undeveloped phase of the scheme for the 10 residential units and 25,317 sq.ft of commercial accommodation using pro-rata costs from known Phase 1 costs. A speculative developer would look for at least a 20% margin for their risk for such a commercially weighted scheme, rendering the site in its current consented nature entirely undeliverable.
- 6.4 We have then run a day one appraisal for the existing 19 self-build residential plots and the Proposed Scheme to provide 5 residential dwellings and two office units within the existing engine sheds together with 18 self-build residential plots, which looks to replace the consented 10 residential units and 25,317 sq.ft of commercial accommodation. The appraisal (attached at **Appendix B**) shows a margin of 16.36% of GDV. In our appraisal we have phased the development as above substituting the proposed scheme into Phase 2. As previously mentioned a developer/speculator would look for at least a 20% margin for their risk, rendering the proposed scheme only marginally viable and deliverable for the simple reason that the developer is already imbedded into the site, albeit technically well below the threshold required by the market.
- 6.5 Therefore a viable, residential led, planning permission is sought to inject life back into this extensive rural brownfield site whilst retaining a feasible commercial element and with significant added benefits as detailed in the conclusion of the Design & Access Statement. Such revision to the consented schemes is required as the site is no longer viable as a commercially weighted scheme given its rural location and lack of market appetite.
- 6.6 Given the Government's recent Planning Bill the provision of self-build residential plots within the scheme further lends itself to being policy compliant and supporting the regeneration of a previously developed brownfield site.

7. Market Value of Existing Site (Viability Benchmark)

- 7.1 The Property was acquired as two assets being the former brickworks site and Onion Beds, a property intrinsically linked to the brickworks. The purchase prices were £1,111,250 and £430,000 respectively.
- 7.2 The conclusion of the extensive marketing exposure was that the Property was sold after a prolonged marketing period in an open market, arm's length transaction for a sum of £1,541,250 on an entirely unconditional basis. However, Onion Beds has subsequently been sold on, with part of the land retained for service infrastructure. As such, only the purchase of the brickworks site is taken into account in assessing the benchmark. Given the nature of the transaction it is considered entirely appropriate that the figure of £1,111,250 is adopted as the Market Value for the Property, thus establishing the Viability Benchmark. Market Value is defined by the RICS as, "The estimated amount for which an asset or liability should exchange on the Valuation Date between a willing buyer and a willing seller in an arm's

length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”

8. Alternative Use Value (AUV) (Development Scheme)

- 8.1 In looking at the market solution for the site detailed we make reference to our conclusions in Section 6 of the report, whereby we demonstrate that the current consented schemes are unviable and undeliverable and that the new Proposed Scheme provides a viable and deliverable option for the developer whilst also providing the agreed £320,000 of S106 contributions.

9. Development Value Appraisal

- 9.1 As mentioned in Section 6 I have undertaken a detailed analysis of the current consented schemes and the Proposed Scheme in order to assess their viability whilst providing the agreed level of S106 costs. In order to do this it is necessary to run development appraisals using the Argus Software Package, a widely used and recognised appraisal tool.

- 9.2 Having established the Viability Benchmark Sum I have then run the appraisals which are attached in Appendix B, which seeks to establish the profit margin generated by Original Consented Live/Work Scheme, Amended Original Consented Scheme and Proposed Scheme. The appraisals are summarised as follows:

Original Consented Live/Work Scheme and Amended Original Consented Scheme:

Revenue (Gross Development Value) – we have been provided with known sales evidence for the 19 individual self-build plots, which equates to a total of £4,047,000 to which I add the commercial units and the commercial plots.

Construction Costs – constructions costs have been analysed against not only the Building Cost Information Service (BCIS) but also known costs as provided by Quinn Estates Ltd to date and adjusted pro-rata.

Other Construction Costs – all other construction costs have been provided by Quinn Estates Ltd and take into account significant demolition, asbestos removal, road and site works and other costs associated with remediation, site strip and servicing.

Fees and Finance – acquisition costs include not only stamp duty land tax, agent's fees and legal fees but also an allowance for town planning costs, professional fees and sales and marketing costs incurred to date. A finance rate of 7% has been adopted over a total construction period of 36 months and a sales period of 42 months with cash activity over a 55 month period. Finance rate includes all bank charges and arrangement fees and is in line with the better rates for development finance in the marketplace to date.

Former Hammill Brickworks, Woodnesborough, Kent

- 9.3 With a fixed land value of £1,111,250 being the viability benchmark sum, the Original Consented Live/Work Scheme generates a profit on GDV of 1.57% and the Amended Original Consented Scheme a margin of 6.39%. As can be seen from the attached appraisals, this is entirely unviable.

Proposed Scheme:

Revenue (Gross Development Value) – we have been provided with known sales evidence for the 19 individual self-build plots, which equates to a total of £4,047,000 to which I have added £1,860,000 for the 5 residential units within the engine sheds equating to an average of £250 psf. Finally I have added the 5 commercial office units and £3,560,000 for the 18 self-build residential plots representing an average of £198,000 per plot in line with the known sales of the previous 19 plots and the current uncertain market conditions.

Construction Costs – constructions costs have been analysed against not only the Building Cost Information Service (BCIS) but also known costs as provided by Quinn Estates Ltd and prorated accordingly.

Other Construction Costs – all other construction costs have been provided by Quinn Estates Ltd and take into account significant demolition, asbestos removal, road and site works and other costs associated with remediation, site strip and servicing.

Fees and Finance – acquisition costs include not only stamp duty land tax, agent's fees and legal fees but also an allowance for town planning costs, professional fees and sales and marketing costs incurred to date. A finance rate of 7% has been adopted.

- 9.1 With a fixed land value of £1,111,250 being the viability benchmark sum, the Proposed Scheme generates a profit on GDV of 16.36%. As can be seen from the attached appraisal, the profit is only acceptable to the developer due to their commitment to the scheme and the fact that this represents a significant improvement on margin over the consented scheme, albeit technically well below the threshold of 20%.

In Summary:

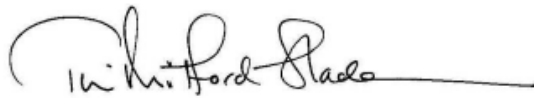
Original Consented Live/Work Scheme	1.57%
Amended Original Consented Scheme	6.39%
Proposed Scheme	16.36%

10. Analysis and Commentary

- 10.1 Having run the appraisals and included £320,000 for Section 106 costs within each scheme we conclude that the current consented schemes are unviable in their current form and requires revision to the Proposed Scheme in order to deliver a viable margin reflecting the risk profile of the proposed development.
- 10.2 Furthermore the Government has recently confirmed the doubling of self and custom build sites to 20,000 by 2020 within the new planning bill further strengthening the policy compliant nature of the Proposed Scheme.

11. Conclusion

- 11.1 The conclusion that I have reached is that the Original Consented Live/Work Scheme and Amended Original Consented Scheme are both unviable in their current form and requires revision to the Proposed Scheme in order to deliver an acceptable proposal for the developer at 16.36%, with the agreed S106 costs of £320,000. Any additional costs or affordable housing requirements over and above this will push the viability below an acceptable level within the realms of the NPPF.



.....
Tim Mitford-Slade MRICS
Partner Development & Valuation
Strutt & Parker LLP

09th September 2016

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Development Appraisal

Hammill Brickworks

Original Consented Live/Work Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks
Original Consented Live/Work Scheme

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
Resi Plot 5	1	1,800	97.22	175,000	175,000
Resi Plot 6	1	1,800	97.22	175,000	175,000
Resi Plot 7	1	1,800	116.67	210,000	210,000
Resi Plot 8	1	1,800	122.92	221,250	221,250
Resi Plot 9	1	1,800	136.11	245,000	245,000
Resi Plot 10	1	1,800	122.92	221,250	221,250
Resi Plot 11	1	1,800	125.00	225,000	225,000
Resi Plot 12	1	1,800	131.94	237,500	237,500
Resi Plot 13	1	1,800	150.00	270,000	270,000
Resi Plot 14	1	1,800	133.33	240,000	240,000
Resi Plot 15	1	1,800	97.22	175,000	175,000
Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed Live Work	6	12,464	194.16	403,333	2,420,000
Commercial Plot Type A	16	16,816	28.54	30,000	480,000
Commercial Offices Type B	8	8,408	160.00	168,160	1,345,280
Totals	49	71,888			8,292,280

NET REALISATION

8,292,280

OUTLAY**ACQUISITION COSTS**

Fixed Price - Hammill & Onion Beds		1,111,250	
Stamp Duty	5.00%	55,563	
Legal and Surveyors Costs		16,949	
Planning Costs		180,591	
Viability Costs		4,950	
			1,369,303

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost
Engine Shed Live Work	12,464 ft ²	99.00 pf ²	1,233,936
Commercial Offices Type B	8,408 ft ²	110.00 pf ²	924,880
Totals	71,888 ft²		2,158,816

Contingency	5.00%	107,941	
Demolition		269,847	
Site Works		40,783	
Statutory/LA		320,000	
			738,571

Other Construction

Asbestos & Site Remediation		380,653	
Ecology		103,824	
Services & Infrastructure		389,531	
Landscaping and groundworks		1,317,019	
Archaeology		17,879	
Site and access roads		131,742	
Additional site assembly		298,812	
			2,639,460

PROFESSIONAL FEES

All Prof Fees	9.00%	407,013	
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ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY****Hammill Brickworks
Original Consented Live/Work Scheme**

		407,013
MARKETING & LETTING		
Marketing	126,910	126,910
DISPOSAL FEES		
Sales Agent Fee	116,805	
Sales Legal Fee	58,403	175,208
FINANCE		
Debit Rate 7.000% Credit Rate 0.500% (Nominal)		
Land	289,331	
Construction	170,122	
Other	87,745	
Total Finance Cost		547,197
TOTAL COSTS		8,162,478
PROFIT		129,802
Performance Measures		
Profit on Cost%	1.59%	
Profit on GDV%	1.57%	
Profit on NDV%	1.57%	
IRR	7.96%	
Profit Erosion (finance rate 7.000%)	0 yrs 3 mths	

Hammill Brickworks
Original Consented Live/Work Scheme

Project Timescale Summary	
Project Start Date	Jun 2013
Project End Date	Dec 2017
Project Duration (Inc Exit Period)	55 months

Phase Phase 1



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Development Appraisal

Hammill Brickworks

Amended Original Consented Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks
Amended Original Consented Scheme

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
Resi Plot 5	1	1,800	97.22	175,000	175,000
Resi Plot 6	1	1,800	97.22	175,000	175,000
Resi Plot 7	1	1,800	116.67	210,000	210,000
Resi Plot 8	1	1,800	122.92	221,250	221,250
Resi Plot 9	1	1,800	136.11	245,000	245,000
Resi Plot 10	1	1,800	122.92	221,250	221,250
Resi Plot 11	1	1,800	125.00	225,000	225,000
Resi Plot 12	1	1,800	131.94	237,500	237,500
Resi Plot 13	1	1,800	150.00	270,000	270,000
Resi Plot 14	1	1,800	133.33	240,000	240,000
Resi Plot 15	1	1,800	97.22	175,000	175,000
Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed Residential	10	14,557	238.03	346,500	3,465,000
Commercial Plot Type A	16	16,816	28.54	30,000	480,000
Commercial Offices Type B	8	8,408	160.00	168,160	1,345,280
Totals	53	73,981			9,337,280

NET REALISATION

9,337,280

OUTLAY**ACQUISITION COSTS**

Fixed Price - Hammill & Onion Beds			1,111,250	
Stamp Duty	5.00%		55,563	
Legal and Surveyors Costs			16,949	
Planning Costs			207,680	
Viability Costs			9,900	
				1,401,342

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost	
Engine Shed Residential	14,557 ft ²	120.00 pf ²	1,746,840	
Commercial Offices Type B	8,408 ft ²	110.00 pf ²	924,880	
Totals	73,981 ft²		2,671,720	2,671,720
Contingency		5.00%	133,586	
Demolition			269,847	
Site Works			40,783	
Statutory/LA			320,685	
				764,901
Other Construction				
Asbestos & Site Remediation			380,653	
Ecology			103,824	
Services & Infrastructure			389,531	
Landscaping and groundworks			1,317,019	
Archaeology			17,879	
Site and access roads			131,742	
Additional site assembly			298,812	
				2,639,460

PROFESSIONAL FEES

All Prof Fees	9.00%	453,174	
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ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks

Amended Original Consented Scheme

			453,174
MARKETING & LETTING			
Marketing		133,256	133,256
DISPOSAL FEES			
Sales Agent Fee	1.50%	140,059	
Sales Agent Fee		66,240	
			206,299
FINANCE			
Debit Rate 7.000% Credit Rate 0.500% (Nominal)			
Land		263,787	
Construction		156,712	
Other		49,627	
Total Finance Cost			470,127
TOTAL COSTS			8,740,279
PROFIT			597,001
Performance Measures			
Profit on Cost%		6.83%	
Profit on GDV%		6.39%	
Profit on NDV%		6.39%	
IRR		12.77%	
Profit Erosion (finance rate 7.000%)		0 yrs 11 mths	

Hammill Brickworks
Amended Original Consented Scheme

Project Timescale Summary	
Project Start Date	Jun 2013
Project End Date	Dec 2017
Project Duration (Inc Exit Period)	55 months

Phase Phase 1



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Development Appraisal

Hammill Brickworks

Proposed Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**Hammill Brickworks
Proposed Scheme

Summary Appraisal for Merged Phases 1 2

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
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Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed One	1	2,157	231.80	500,000	500,000
Engine Shed Two	1	1,380	239.13	330,000	330,000
Engine Shed Three	1	1,442	242.72	350,000	350,000
Engine Shed Four	1	1,382	238.78	330,000	330,000
Engine Shed Five	1	1,434	244.07	350,000	350,000
Commercial Offices	2	5,641	160.00	451,280	902,560
Ph 2 - Resi Plot 1	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 2	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 3	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 4	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 5	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 6	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 7	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 8	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 9	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 10	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 11	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 12	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 13	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 14	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 15	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 16	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 17	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 18	1	1,800	105.56	190,000	190,000
Totals	44	80,036			10,369,560

NET REALISATION

10,369,560

OUTLAY**ACQUISITION COSTS**

Fixed Price			1,111,250
Stamp Duty	5.00%	55,563	
Legal and Surveyors Costs		16,949	
Planning Costs		229,921	
Viability Costs		11,900	
			1,425,583

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost
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File: \\StruttAndParker.Local\Canterbury1\New Circle\Data\Hammill Proposed 120916.wcfx
ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY****Hammill Brickworks****Proposed Scheme**

Engine Shed One	2,157 ft ²	120.00 pft ²	258,840	
Engine Shed Two	1,380 ft ²	120.00 pft ²	165,600	
Engine Shed Three	1,442 ft ²	120.00 pft ²	173,040	
Engine Shed Four	1,382 ft ²	120.00 pft ²	165,840	
Engine Shed Five	1,434 ft ²	120.00 pft ²	172,080	
Commercial Offices	<u>5,841 ft²</u>	110.00 pft ²	<u>620,510</u>	
Totals	115,717 ft²		1,555,910	
Contingency		5.00%	77,795	
Demolition			269,847	
Site Works			40,783	
Statutory/LA			320,000	2,264,336

Other Construction

Asbestos & Site Remediation			380,653	
Ecology			116,574	
Services & Infrastructure			365,876	
Landscaping and groundworks			1,942,019	
Archaeology			17,879	
Site and access roads			210,480	
Additional site assembly			298,812	3,332,293

PROFESSIONAL FEES

All Prof Fees		9.00%	415,107	415,107
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MARKETING & LETTING

Marketing			158,256	158,256
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DISPOSAL FEES

Sales Agent Fee		1.50%	94,838	
Sales Legal Fee		0.75%	47,419	
				142,258

FINANCE

Debit Rate 7.000% Credit Rate 0.500% (Nominal)				
Total Finance Cost				935,094

TOTAL COSTS**8,672,925****PROFIT****1,696,635****Performance Measures**

Profit on Cost%	19.56%
Profit on GDV%	16.36%
Profit on NDV%	16.36%

IRR	15.03%
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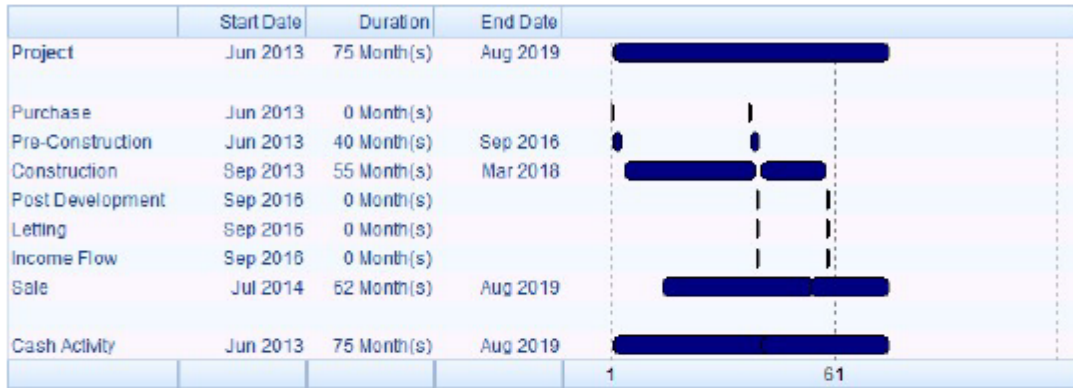
Profit Erosion (finance rate 7.000%)	2 yrs 7 mths
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Hammill Brickworks
Proposed Scheme

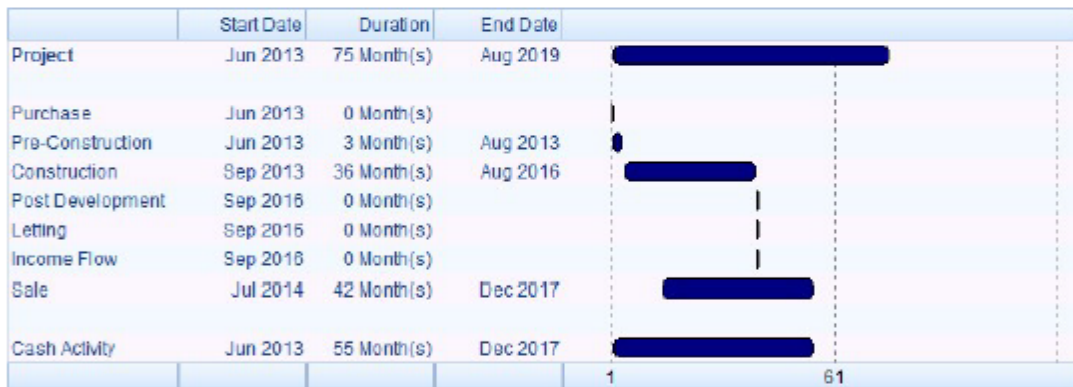
Project Timescale Summary

Project Start Date	Jun 2013
Project End Date	Aug 2019
Project Duration (Inc Exit Period)	75 months

All Phases

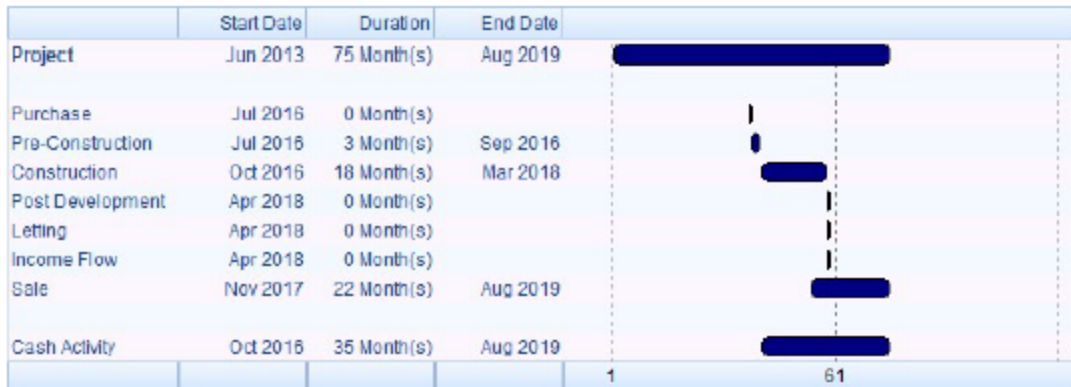


Phase Phase 1



**Hammill Brickworks
Proposed Scheme**

Phase Phase 2



Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill
Brickworks including conversion of Former Engine
Houses, Woodnesborough, Kent CT13 0EJ

Planning Ref. 16/01026

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



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12 May 2017

Ref. DGP/DAC

Dover District Council
Council Offices
White Cliffs Business Park
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For the attention of Luke Blaskett, Principal Planner

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Dear Sirs

FINANCIAL VIABILITY ASSESSMENT REVIEW
HYBRID PLANNING APPLICATION AT FORMER HAMMILL BRICKWORKS INCLUDING CONVERSION OF FORMER
ENGINE HOUSES, WOODNESBOROUGH, KENT CT13 0EJ
PLANNING REF. 16/01026

1.0 Introduction

1.1. Instructions

In accordance with your instructions conveyed by your email of 28 November 2016, we have considered the design access and planning statements submitted on behalf of the applicant, together with the viability assessments carried out by Tim Mitford Slade of Messrs Strutt & Parker on behalf of the applicant, dated 9 September 2016. We previously reviewed two viability assessments, one in association with the original planning application for overall redevelopment of the Hammill Brickworks (case no. 12/00460) on 23 October 2012; and a financial viability assessment review was carried out on an amendment to the proposed conversion of the former Engine Houses, planning ref. 15/00771, dated 7 January 2016.

Since issuing our initial draft review of the latest scheme on 23 December 2016, there has been further correspondence in terms of the infrastructure costs already constructed for the benefit of this phase, together with a private drainage easement which can only serve the subject site. Huw Evans of Quinn Estates emailed me on 10 February 2017, setting out the various costs which could be apportioned to the subject site, amounting to £1,072,683.21. We attach a copy of the email as **Appendix 5**. We have carried out a further review based on the email and also your response dated 7 March 2017 by email requesting us to take these costs into account.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



1.2. Previous Planning Consent

The original consent (case no. 12/00460) related to a scheme of 19 houses; 10 live/work units within the former Engine Houses, and new commercial B1/B8 premises in lieu of existing but disused industrial buildings, on this brownfield site. The total site then extended to about 5.79 hectares/14.3 acres, the existing buildings extending to close to 96,500 sq ft/8,966 sq m. We estimated the existing use value of the site as a whole was in the region of £380,000. The Land Registry at the time indicated the original price paid was £300,000 and with an uplift following planning consent for change of use of £200,000, together with an overage payable on the gross internal area of the residential accommodation, which included, unusually, garaging and outbuildings. The applicant at the time assessed the potential house sale prices ranging between £495,000 for an 1800 sq ft unit to £750,000 for a unit of 2,809 sq ft, reflecting approximately £267 - £285 psf. We considered that the site value was in the region of around £1,115,000 which was higher than the applicant's own estimates.

We understand the Section 106 Agreement did, however, include an affordable housing contribution of around £250,000 plus S106 payments of around £87,178; and it was covenanted with the District Council to complete the external renovation of the Engine House sheds together with landscaping prior to the occupation of the 15th residential dwelling.

Our second viability assessment review was confined to an alteration of accommodation in the former Engine Houses, converting each of the Engine Houses to five dwellings – a total of 10 units. The remaining commercial site was to remain with the benefit of the original planning consent. Strutt & Parker considered the land value with the benefit of such consent would be £375,000 as opposed to the original live/work consent of £300,000. Our own view was that the land value with the benefit of the revised consent would be in the region of £1 as it would be virtually unviable in terms of the applied for scheme.

1.3. Summary Proposal

The two Engine Houses are to remain, with one being converted to five residential dwellings as before and the other building being converted to office space with mezzanine office accommodation as well. The other proposed commercial units would be aborted and instead, the majority of the land would be used for development of 18 detached family houses, on a serviced individual plot basis. This follows the lines of the main brickworks site which is being developed for 19 houses, of which the majority appear to be being developed as serviced plots – that is, most services are installed together with access dropped kerbs for each of the individual plots. The development relates to the southern part of the site; the larger northern section is screened by a high earth bund and there is an attenuation pond already formed on the subject site. It is understood that contamination remediation has been carried out and the former Nissan commercial buildings have been demolished.

1.4. Inspection

The property was re-inspected on 1 December 2016 by David Parry FRICS.

This review has been prepared by David Parry FRICS who is a consultant with Savills and has extensive experience in valuing and appraising development properties across the South East region. He is an RICS Registered Valuer.

1.5. Guidance

We have followed the RICS Professional Guidance publication "Financial Viability in Planning" GN94/2012 (1st Edition) which sets out the principles in determining financial viability. Strutt & Parker have also followed the guidance together with the Harman Report guidance.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



2.0 Location

The property is located in a rural position, fairly isolated, surrounded mainly by farmland and approached by country lanes, within a mile or so of the villages of Eastry, Woodnesborough and Staple, about 10 miles east of Canterbury and 3 miles from Sandwich. To the north of the subject site, a service road has been built and the majority of the building plots are being developed for the consented detached houses.

3.0 Description of Existing Site

We attach a plan at **Appendix 1** showing the application area edged in red, being an extract from the Design & Access Statement submitted on behalf of the applicant. The Planning Statement states that the site extends to about 2.7 ha/6.7 acres. The substantial engine houses are brick built and approximately 1.5 storey/2 storey in height with slate roofs. Shed 1 extends to approximately 374 sq m/4,029 sq ft and Shed 2 to about 322 sq m/3,460 sq ft being on one floor only. The buildings are over 100 years old and have deteriorated since our last visit, with rusty windows, holes in the roofs, spalling brickwork and missing pointing. No works of repair appear to have been carried out in recent years. However, some earth movement has taken place, together with removal of metal road surfaces and the Nissan commercial buildings.

4.0 Benchmark Land Value

We previously valued the engine sheds with their revised consent at approximately £1. We do not perceive any value attributable to the consented commercial new build units as the cost of construction will outweigh the built value in this location, in our opinion. We are of the opinion that the consented scheme will not be built out.

Strutt & Parker refer to the original planning consent and price paid, although the price paid does seem at variance with the initial price paid and therefore might include overage. They conclude that the whole site, including the subject site as a whole, extends to 3.44 ha/8.5 acres, although we understood the area to be 5.79 ha/14.3 acres. Bearing in mind the size of the site which is the subject of this application (2.7 ha), this is clearly less than 50% of the whole site, so that we find their determination of the area confusing and possibly not correct. Clearly the value of the original site with the consent for 19 detached houses was principally bound up by those houses/serviced plots, with the major cost being the potential restoration of the engine houses, still to be restored. The application is clearly geared towards the southern part of the site only, shown in **Appendix 1** attached.

We consider that for the site to come forward, there ought to be an incentive threshold and we are prepared to adopt £150,000 as a suitable threshold, a figure which we adopted for the present consented scheme.

5.0 Proposed Scheme

The proposed development comprises the conversion of the engine sheds to provide 5 residential dwellings of mainly 3 bedroom, 2 storey houses with 2 end units each with 4 bedrooms. The sizes range from approximately 1,080 sq ft up to 2,157 sq ft, therefore being reasonably substantial houses. Each would have its own garden facing southeast and would overlook a communal garden area shared with the office accommodation, to the northwest. The largest unit would have a further garden area to the south. The parking would be at its approach end, with approximately 2 spaces per dwelling. This part of the scheme is unaltered, comparative to the existing planning consent.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



The other engine shed would be devoted to office accommodation. We have been unable to scale off the plans provided exactly but the commercial offices are stated in the Strutt & Parker appraisal to amount to 5,641 sq ft, to include the mezzanine floor and probably including the kitchen and cloakroom areas, entrance halls and staircases. The residual appraisal bases their costs and revenue on that floor area. We have therefore based our assessment of the building on the floor area provided. We note that the Design and Access Statement states that the commercial floor space is around 760 sq m/8,181 sq ft so that the 5,641 sq ft is likely to be the net floor area.

The application is also for the erection of 18 "self-build" residential dwellings, in outline form. It is assumed that this follows, to a degree, the vernacular adopted on the site to the north which effectively will have 19 detached dwellings of a similar nature. In addition, there will be an area of open space, designated as a wildlife meadow, together with the existing surface attenuation pond which is already landscaped to a degree. All but four of the plots are indicated to have single garages and the accommodation based on previous house types will tend to range from 4-5 bedrooms in a fairly orthodox urban layout. The plot sizes are reasonably similar but their locations will vary, with those plots overlooking open areas of countryside or open spaces, being the most desirable.

6.0 Development Value Appraisal

Strutt & Parker has carried out a residual appraisal to assess the value of the development site, although unlike previous exercises, they have included the whole site including the northern section which is nearly fully developed following its planning consent in 2014. They have set out in their appraisal apparent sale prices for the 19 plots already sold off, with prices varying from £149,000 up to £270,000, with the majority of plots selling for over £220,000. The majority of plots sold appear to be in the course of construction, some of the plots having been acquired by developers with a view to resale to private individuals. Clearly, each of the houses is aimed at the executive market, with a fairly urban layout in this relatively isolated country location. We note that Regal Estates is currently offering six of the properties at prices ranging from in excess of £800,000 to in excess of £1.25m. In our view these asking prices appear optimistic, particularly in the light of the volume available for purchase. As an illustration, if it is assumed that the size of the house is, say, 2,000 sq ft on a fully serviced plot basis, the total build costs are unlikely to exceed £200psf which, added to the plot value of, say, £225,000, indicates costs of around £625,000 including fees. However, if the cost of construction is on a BCIS tender basis, the build costs are unlikely to exceed £150psf to which must be added profit, professional and acquisition fees. Clearly, a price of £850,000 would indicate a substantial developer's profit, if that figure could be obtained. We attach as **Appendix 3** an indication of house prices in the vicinity. It should be noted that at the Elmwood Park site at Woodnesborough (which apparently has experienced a slow sales rate) detached four bedroom houses can be obtained at an asking price of £475,000. Nonetheless, individual building plots are sought after and in very short supply and therefore there would be a reasonable demand at the right price, notwithstanding their estate layout location. Strutt & Parker has attributed lower plot values for the 18 proposed plots, ranging from £190,000-£210,000. We agree similar figures and have averaged plots each at £200,000, giving rise to a similar GDV for the plots. The Strutt & Parker average plot value attributable is £197,778.

In terms of the Engine Shed conversion to residential units, these have previously been appraised but since the date of the viability study of the previous consent, there have been slight value rises; we still consider that the lack of garage facility with parking at one end (the furthest away from the largest unit) will diminish its sale value.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



We show below the comparable gross development values adopted by Strutt & Parker and ourselves:

Shed	Unit No.	Floor Area Sq ft	No. of Bedrooms	Strutt & Parker Price	Savills Price
1	1	2157	4	£500,000	£395,000
1	2	1380	3	£330,000	£330,000
1	3	1442	3	£350,000	£335,000
1	4	1382	3	£330,000	£330,000
1	5	1434	3	£350,000	£340,000
	5	7795		£1,860,000	£1,730,000

In relation to the proposed office accommodation within Engine Shed No. 2, the net letting area appears to be 5,641 sq ft which Strutt & Parker has attributed a sales rate of £160psf. However, we consider this should be nearer £111.11psf on the basis of 9.5% yield and a rental basis of £10psf. **Appendix 4** attached indicates a good local example – Almond House, Betteshanger, a small unit of 227 sq ft which was let in July this year for £9.25psf. We also attach details of a former surgery at Deal where there is a sale in progress at £111.91psf. However, regrettably, Strutt & Parker has made an error in their calculations as they have assumed two units of 5,641 sq ft realising a total revenue of £902,560 instead of £451,280. Their total revenue is therefore mathematically incorrect.

Regarding costs, Strutt & Parker has attributed £120psf for the conversion of the Engine Shed to residential, £110psf for the conversion and mezzanine floor of the commercial unit. We can agree that approach. They have allowed a 5% contingency but have also indicated that demolition works would cost just under £270,000; as far as we could ascertain from our site visit there was no further demolition to be carried out. They have allowed other construction costs including asbestos and site remediation (which we believe has already been carried out), ecology and services infrastructure and just under £1.942m for landscaping and groundworks alone; they have also allowed for additional site assembly costs and clearly the costs they have set out relate to the whole site including that part of the site which is substantially constructed upon. The applicant has set out an estimate of costs applying to the whole development site including Phase 1, amounting to around £2,639,460.

They have apportioned £1,072,683.21 to this particular site on a pro rata basis which we consider is reasonably fair and in the nature of a holding cost which should be taken into account. Such a cost, if applied to the existing consented scheme on Phase 2, would thus make the existing consented scheme even less profitable.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



We consider that the professional fees allowance at 9% provided by Strutt & Parker is excessive and have reduced this to 6% bearing in mind that a number of these fees would apply to Phase 1 in terms of the contamination assessment, ecology and transport and other items. We have allowed marketing and disposal fees of around £187,000 for the all private scheme. We have agreed with the finance debit rate adopted by Strutt & Parker of 7%. We have not allowed any credit rate.

We have not made any allowance for S106 contributions.

7.0 Residual Land Value for an All Private Scheme of Housing plus Commercial

The Strutt & Parker analysis suggests that if a fixed price for the site is taken at £1.111m or thereabouts, this would generate a profit on the basis of the proposed scheme, of 16.36% as opposed to the previous schemes where profit was shown at 1.57% or 6.39% for the amended scheme. This return is equivalent to just under 20% on costs, namely a profit of about £1.6966m. However, taking into account the reduced commercial value, the profit is in effect reduced by well over £450,000 – effectively a 12.6% profit return which may, on the basis set out, still be unprofitable.

The major part of the site has been disposed of already, no doubt profitably, so that we are just dealing with the southern area of the original site. Our approach is to value this section of the site as a separate entity, just as we have in terms of considering the altered arrangement for the Engine Sheds in the previous planning consent. However, we have taken into account apportioned abnormal infrastructure costs which would apply to this site.

Attached at **Appendix 6** is a residual appraisal based on an all private housing scheme which indicates a site value of around £700,000. This clearly exceeds the value of the subject property with the benefit of the current planning consent.

8.0 Affordable Housing

We have run alternative appraisals to analyse the impact of a policy compliant affordable housing quota; we have calculated that policy compliance at 30% (say, 5 or 6 affordable houses and just 12 or 13 private dwelling plots) means that the land value would be negative.

We have therefore run alternative scenarios, firstly showing the effect of 4 affordable dwellings of which 3 are affordable rented and 1 is shared ownership on an average 2/3 bedroom basis (average residual price being around £120,452 each) and we have allowed costs for the affordable housing in line with the costs submitted by Strutt & Parker. We set out this appraisal in **Appendix 7** attached which reflects a residual land value of under £120,000 which is lower than the threshold value under the existing scheme (£150,000).

We have therefore run a further appraisal showing just 3 affordable dwellings pro rata which gives rise to a site value of around £260,000 (see **Appendix 8** attached).

9.0 Conclusion

It is our view that the original consent for this part of the site was unviable, and clearly restoration of the Engine Sheds is required very urgently, preferably sustained by a more viable scheme. Without the new build commercial units and replacement by family housing, this part of the scheme would undoubtedly be profitable and indeed from the benchmark of £150,000, an all private scheme would show an uplift of around £560,000. This has not, however, taken into account any S106 contribution.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



The nearest viable affordable housing scenario is that of 3 dwellings on a 70:30 ratio of affordable rented to shared ownership. With a land value of £260,000 there is a differential against the all-private scheme of around **£450,000** which might apply to an offset affordable housing contribution as well as an S106 community contribution, within that amount.

10.0 Confidentiality

In accordance with the recommendations of the RICS, we would state that this Financial Viability Assessment Review is provided solely for the purposes stated above. It is confidential to and for the use only of the party to whom it is addressed and for the Appeal purposes and no responsibility whatsoever is accepted to any third party for the whole or any part of its contents. Any such parties rely upon this report at their own risk. Neither the whole nor any part of this report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.

Yours faithfully

For and on behalf of Savills (UK) Limited

A handwritten signature in blue ink that reads "David Parry".

David Parry FRICS
RICS Registered Valuer
Consultant

Financial Viability Assessment - Further Review

Hybrid Planning Application at Former Hammill
Brickworks including conversion of Former Engine
Houses, Woodnesborough, Kent CT13 0EJ

Planning Ref. 16/01026

Financial Viability Assessment – Further Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



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18 July 2017

Ref: DGP/DAC

Dover District Council
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For the attention of Luke Blaskett, Principal Planner

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Dear Sirs

**FINANCIAL VIABILITY ASSESSMENT REVIEW
HYBRID PLANNING APPLICATION AT FORMER HAMMILL BRICKWORKS INCLUDING CONVERSION OF FORMER
ENGINE HOUSES, WOODNESBOROUGH, KENT CT13 0EJ
PLANNING REF. 16/01026**

1. Introduction

On 12 May 2017, we reviewed the financial viability assessment submitted on behalf of the applicant and we concluded that whilst an all-private scheme would show an uplift of around £560,000 compared to the benchmark land value of £150,000 (including an incentive threshold); however, we carried out an exercise demonstrating that three affordable dwellings would produce a land value of £260,000 so that the differential against the all-private scheme would be £450,000 available as an off-site affordable housing contribution or S106 community contribution.

The applicant has, however, advised that they can increase their S106 contribution towards off-site affordable housing to £575,000. We have therefore considered this variation.

2. Applicant's Revised Financial Viability Appraisal

We attach as **Appendix 1** a copy of a development appraisal prepared by Strutt & Parker LLP. This is in line with our previous viability calculation and demonstrates that S106 contributions of £575,000 would be available.

The appraisal summary reflects an assessment on Gross Development Value if all the plots were built out by the applicant, showing a variation in house sizes for the proposed 18 plots ranging from around 1,524 sq ft up to 2,465 sq ft; the pricing has ranged from £485,000 to £695,000 which is in line with the evidence of the new build homes at Woodnesborough at Elmwood Park, together with a more realistic assessment of potential resale values on the new build units on the first phase, being offered by house builders.

Strutt & Parker has adopted our assessment of Gross Development Values for the conversion units and they are in line with some of the comparable evidence available in terms of the commercial unit assessment reflecting £111psf.

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Financial Viability Assessment – Further Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



In total, Strutt & Parker's gross development revenue assessment is £12.14m.

Regarding construction costs, the applicant's viability assessment shows realistic costs ranging from £110psf for the commercial element (which means that that element effectively will be loss making); £120psf for the residential conversion element (and we agree these figures); for the new build plot elements they have taken £133psf which we believe is realistic for a quality scheme of this nature; in addition they have allowed 5% contingency and an amount for services and infrastructure.

They have allowed for an apportionment of the abnormal infrastructure costs relating to this part of the development site and marketing and finance costs appear to be realistic, with total costs of £10.05m to include an allowance for the S106 of around £575,000.

They have adopted a profit on cost at 20.79% equivalent to a profit on Gross Development Value of 17.21% which is regarded as reasonable; it is probable that many developers would require a profit on Gross Development Value of 20%.

3. Conclusion

By adopting a reasonably conservative profit return, the applicant is able to justify a contribution of £575,000 towards the off-site affordable housing contributions and indeed relates to the differential we concluded in our earlier report between the benchmark land value and the value which might be produced by an all-private scheme. We can therefore agree this increased contribution.

4. Confidentiality

In accordance with the recommendations of the RICS, we would state that this Financial Viability Assessment Review is provided solely for the purposes stated above. It is confidential to and for the use only of the party to whom it is addressed and for the Appeal purposes and no responsibility whatsoever is accepted to any third party for the whole or any part of its contents. Any such parties rely upon this report at their own risk. Neither the whole nor any part of this report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.

Yours faithfully

For and on behalf of Savills (UK) Limited



David Parry FRICS
RICS Registered Valuer
Consultant

Financial Viability Assessment – Further Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



Appendices

Financial Viability Assessment – Further Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



Appendix 1

Development Appraisal Prepared by Strutt & Parker

Strutt & Parker LLP

Development Appraisal

Hammill Brickworks Phase 2

Viability Appraisal

For Quinn Estates and Dover District Council

Report Date: 23 June 2017

Prepared by Tim Mitford-Slade MLE MRICS

APPRAISAL SUMMARY**STRUTT & PARKER LLP****Hammill Brickworks Phase 2
Viability Appraisal****Summary Appraisal for Phase 1**

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
Engine Shed 1 One	1	2,157	183.12	395,000	395,000
Engine Shed 1 Two	1	1,380	239.13	330,000	330,000
Engine Shed 1 Three	1	1,442	232.32	335,000	335,000
Engine Shed 1 Four	1	1,382	238.78	330,000	330,000
Engine Shed 1 Five	1	1,434	237.10	340,000	340,000
Engine Shed 2 Commercial	1	5,641	110.30	625,000	625,000
Plot 1	1	2,220	268.02	595,000	595,000
Plot 2	1	2,070	282.31	585,000	585,000
Plot 3	1	2,022	279.43	565,000	565,000
Plot 4	1	2,036	277.50	565,000	565,000
Plot 5	1	1,918	273.72	525,000	525,000
Plot 6	1	2,465	281.95	695,000	695,000
Plot 7	1	2,095	279.24	585,000	585,000
Plot 8	1	1,684	288.00	485,000	485,000
Plot 9	1	1,811	273.33	495,000	495,000
Plot 10	1	1,628	297.91	485,000	485,000
Plot 11	1	1,656	292.87	485,000	485,000
Plot 12	1	1,524	295.28	450,000	450,000
Plot 13	1	1,972	266.23	525,000	525,000
Plot 14	1	2,153	271.71	585,000	585,000
Plot 15	1	1,711	283.46	485,000	485,000
Plot 16	1	1,889	277.92	525,000	525,000
Plot 17	1	2,203	261.81	575,000	575,000
Plot 18	1	2,244	256.24	575,000	575,000
Totals	24	48,737			12,140,000

NET REALISATION**12,140,000****OUTLAY****ACQUISITION COSTS**

Fixed Price		345,000
Agent Fee	1.00%	3,450
Legal Fee	0.75%	2,588
Town Planning		130,637
Viability Costs		15,000

496,675**CONSTRUCTION COSTS**

Construction	ft ²	Rate ft ²	Cost
Engine Shed 1 One	2,157 ft ²	120.00 pft ²	258,840
Engine Shed 1 Two	1,380 ft ²	120.00 pft ²	165,600
Engine Shed 1 Three	1,442 ft ²	120.00 pft ²	173,040
Engine Shed 1 Four	1,382 ft ²	120.00 pft ²	165,840
Engine Shed 1 Five	1,434 ft ²	120.00 pft ²	172,080
Engine Shed 2 Commercial	5,641 ft ²	110.00 pft ²	620,510
Plot 1	2,220 ft ²	133.00 pft ²	295,260
Plot 2	2,070 ft ²	133.00 pft ²	275,310
Plot 3	2,022 ft ²	133.00 pft ²	268,926
Plot 4	2,036 ft ²	133.00 pft ²	270,768
Plot 5	1,918 ft ²	133.00 pft ²	255,054
Plot 6	2,465 ft ²	133.00 pft ²	327,845
Plot 7	2,095 ft ²	133.00 pft ²	278,635
Plot 8	1,684 ft ²	133.00 pft ²	223,972
Plot 9	1,811 ft ²	133.00 pft ²	240,863
Plot 10	1,628 ft ²	133.00 pft ²	216,524
Plot 11	1,656 ft ²	133.00 pft ²	220,248

APPRAISAL SUMMARY**STRUTT & PARKER LLP****Hamill Brickworks Phase 2****Viability Appraisal**

Plot 12	1,524 ft ²	133.00 pF	202,692	
Plot 13	1,972 ft ²	133.00 pF	262,276	
Plot 14	2,153 ft ²	133.00 pF	286,349	
Plot 15	1,711 ft ²	133.00 pF	227,563	
Plot 16	1,889 ft ²	133.00 pF	251,237	
Plot 17	2,203 ft ²	133.00 pF	292,999	
Plot 18	<u>2,244 ft²</u>	133.00 pF	<u>298,452</u>	
Totals	48,737 ft²		6,250,943	6,250,943

Contingency		5.00%	312,547	
Services & Infrastructure			238,488	
S106		5.00%	575,750	
				1,126,785

Other Construction

Asbestos & Remediation			95,163	
Ecology			51,912	
Groundworks & Landscaping			526,808	
Archaeology			10,906	
Additional Site Assembly			149,406	
				834,195

PROFESSIONAL FEES

Professional Fees		10.00%	711,140	
				711,140

MARKETING & LETTING

Marketing		1.00%	121,400	
				121,400

DISPOSAL FEES

Sales Agent Fee		1.25%	151,750	
Sales Legal Fee	24 un	750.00 /un	18,000	
				169,750

FINANCE

Debit Rate 6.250% Credit Rate 0.000% (Nominal)				
Land			32,247	
Construction			290,734	
Other			16,464	
Total Finance Cost				339,445

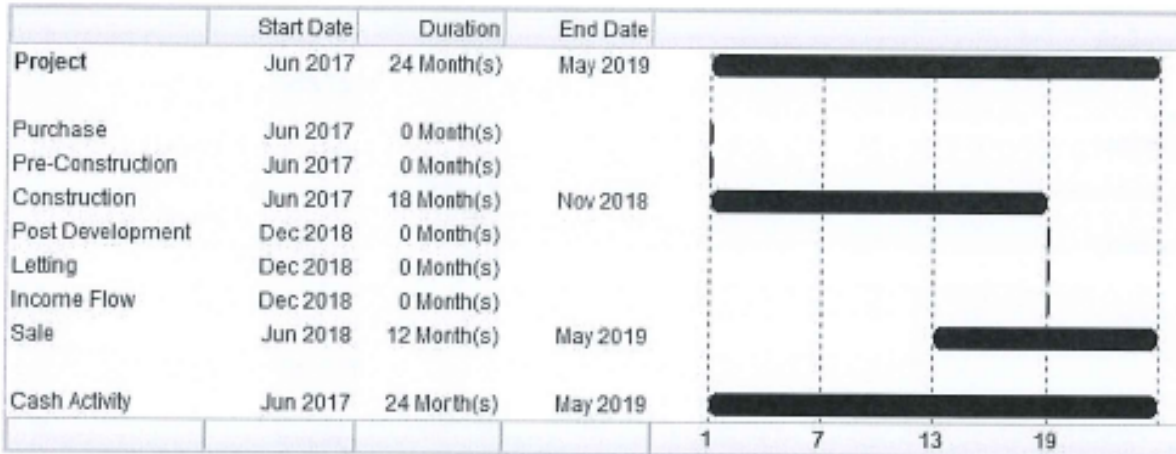
TOTAL COSTS**10,050,333****PROFIT****2,089,667****Performance Measures**

Profit on Cost%	20.79%
Profit on GDV%	17.21%
Profit on NDV%	17.21%
IRR	35.23%
Profit Erosion (finance rate 6.250%)	3 yrs 1 mth

**Hammill Brickworks Phase 2
Viability Appraisal**

Project Timescale Summary	
Project Start Date	Jun 2017
Project End Date	May 2019
Project Duration (Inc Exit Period)	24 months

Phase Phase 1



ASSUMPTIONS AND DEFAULTS**STRUTT & PARKER LLP****Hammill Brickworks Phase 2
Viability Appraisal****Assumptions****Expenditure**

Professional Fees are based on Construction
 (Manual relations applied to some Professional Fees)
 Purchaser's Costs are based on Gross Capitalisation
 Purchaser's Costs Deducted from Sale (Not added to Cost)
 Sales Fees are based on Net Capitalisation
 Sales Fees Added to Cost (Not deducted from Sale)

Receipts

Show tenant's true income stream	On
Offset income against development costs	Off
Rent payment cycle	Quarterly (Adv)
Apply rent payment cycle to all tenants	On
Renewal Void and Rent Free apply to first renewal only	Off
Growth starts from lease start date	Off
Deduct Ground Rent from Stepped Rent,	On
Initial Yield Valuation Method	Off
Default Capitalisation Yield	0.0000%
Apply Default Capitalisation to All Tenants	Off
Default stage for Sale Date	Off
Align end of income stream to Sale Date	Off
Apply align end of income stream to all tenants	On
When the Capital Value is modified in the cash flow	Recalculate the Yield
Valuation Tables are	Annually in Arrears
Deduct Post-Sale TI Costs & Lease Comm. from Cap. Value	Off
Rent Free method	Defer start of Tenant's Rent

Finance

Financing Method	Basic (Interest Sets)
Interest Compounding Period	Quarterly
Interest Charging Period	Monthly
Nominal rates of interest used	
Calculate interest on Payments/Receipts in final period	Off
Include interest and Finance Fees in IRR Calculations	Off
Automatic Inter-account transfers	Off
Manual Finance Rate for Profit Erosion	Off

Calculation

Site Payments	In Arrears
Other Payments	In Arrears
Negative Land	In Arrears
Receipts	In Advance
Initial IRR Guess Rate	8.00%
Minimum IRR	-100%
Maximum IRR	99999%
Manual Discount Rate	Off
IRR Tolerance	0.001000
Letting and Rent Review Fees are calculated on	Net of Deductions
Development Yield and Rent Cover are calculated on	Rent at Sale Date(s)
Include Tenants with no Capital Value	On
Include Turnover Rent	Off
Net of Non-Recoverable costs	On
Net of Ground Rent deductions	On
Net of Rent Additions/Costs	On
Leasing Commissions are calculated	After Non-Recoverable cost deductions

ASSUMPTIONS AND DEFAULTS**STRUTT & PARKER LLP****Hammill Brickworks Phase 2
Viability Appraisal****Assumptions**

For the First Term of the lease only

Value Added Tax

Global VAT Rate	0.00%
Global Recovery Rate	0.00%
Recovery Cycle every	2 months
1st Recovery Month	2 (Jul 2017)
VAT Calculations in Cash Flow	On

Residual

Land Cost Mode	Fixed Land Value
----------------	------------------

Distribution

Construction Payments are paid on	S-Curve
Sales Receipts are paid on	Single curve
Sales Deposits are paid on	Monthly curve

Interest Sets**Interest Set 1**

Debit Rate	Credit Rate	Months	Start Date
6.250%	0.000%	Perpetuity	Jun 2017

Loan Set 1

Debit Rate	Credit Rate	Months	Start Date
0.000%	0.000%	Perpetuity	Jun 2017

Inflation and Growth**Growth Sets****Growth Set 1**

Inflation/Growth for this set is calculated in arrears
This set is not stepped

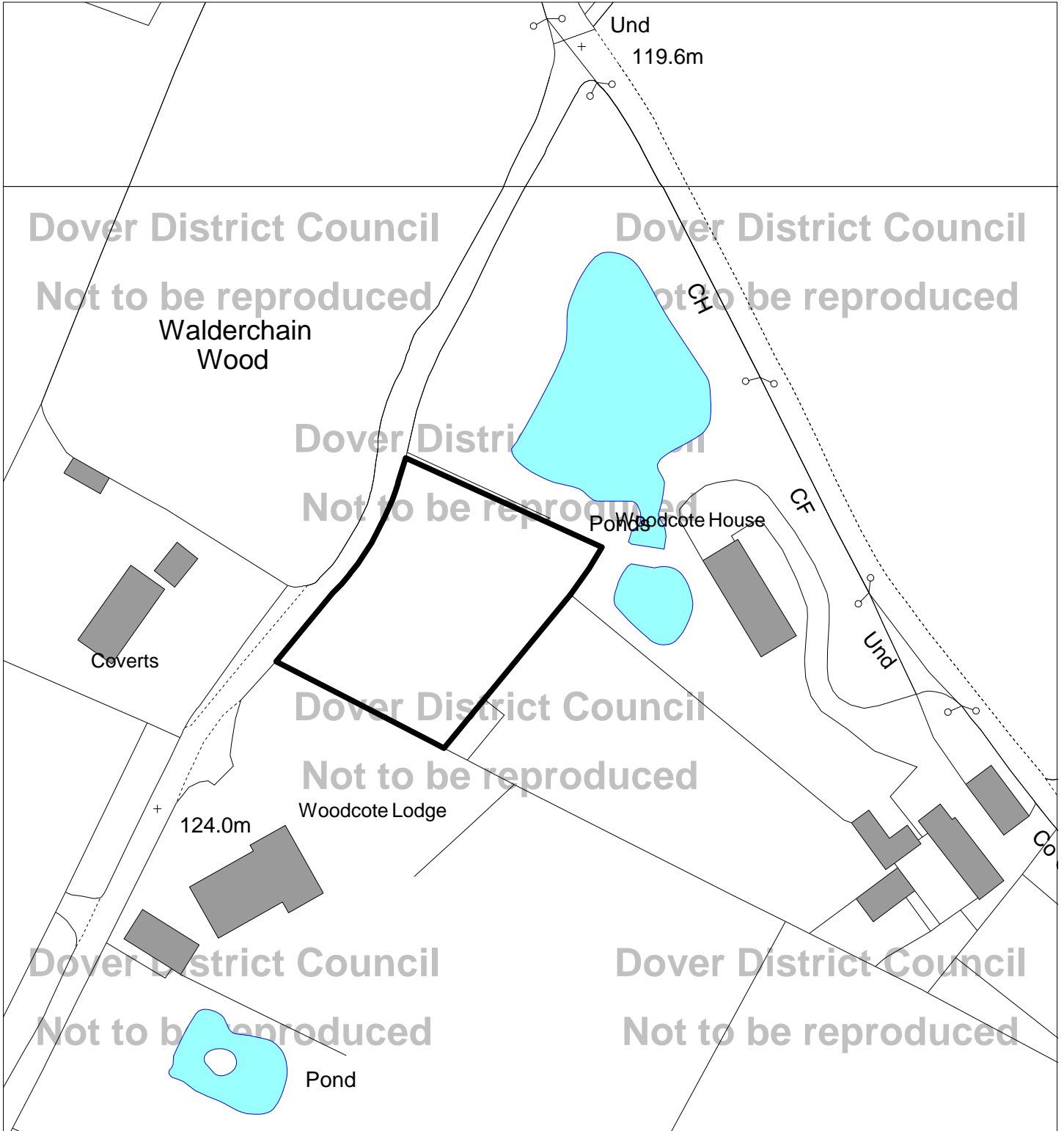
Rate	Months	Start Date
0.000%	Perpetuity	Jun 2017

Inflation Sets**Inflation Set 1**

Inflation/Growth for this set is calculated in arrears
This set is not stepped

Rate	Months	Start Date
0.000%	Perpetuity	Jun 2017

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Not to scale

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

Application: DOV/17/00504

Oak Meadow

Walderschain Farm

Lodge Lees, Denton

CT4 6NS

TR20804792



- a) **DOV/17/00504 – Outline application for the change of use of land and the erection of a detached agricultural worker’s dwelling, including new access (existing access to be closed) (details of appearance, landscaping and layout reserved) - Oak Meadow, Walderchain Farm, Lodge Lees, Denton**

Reason for report – Member call-in (Councillor M J Ovenden).

- b) **Summary of Recommendation**

Refuse 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
DM15 – Protection of the countryside
DM16 – Landscape character

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

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; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

- take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

115. 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. The conservation of wildlife and cultural heritage are important considerations in all these areas...

Other Considerations

Kent Downs Area of Outstanding Natural Beauty
Kent Downs AONB Management Plan 2014 – 2019

SD1 – 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 the statutory and other appropriate planning and development strategies and development control decisions.

SD2 – The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development...

SD8 – Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.”

LLC1 – 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.

d) **Relevant Planning History**

DOV/14/00029 – Erection of a detached agricultural workers dwelling and construction of a vehicular access – REFUSED.

DOV/13/00619 – Erection of a detached agricultural workers dwelling – WITHDRAWN.

e) **Consultee and Third Party Responses**

DDC Landscape and Ecology – does not support

There is nothing to add on ecology. As to the AONB, given there appears to be no functional need for the proposal, DM15 is relevant. Given that the area is AONB and subject to NPPF 115, then I would suggest the case for development here would have to be exceptional in terms of addressing local landscape character and design. This is not achievable through an outline application. Irrespective of the above, as I recall there is no settlement, just a loose knit set of dwellings characterised mainly by the spaces between them (the dwellings being discrete). As such development is likely to be detrimental to the local character of this part of the AONB.

Rural planning adviser – does not support

“You will recall that this proposal was first submitted under DOV/13/00619 but was later withdrawn. In my letter of 11 September 2013 (copy attached) I explained the relevant policy background and the circumstances of the particular case. I saw no factors amounting to an essential functional need (as opposed to convenience) for a rural worker's residence on this site, which itself overlooks no agricultural buildings or yard where critical activities require close attention, and which is some 0.5 miles from the single modern building which serves as the base of the applicant's farming operation. The associated land is spread out in various locations in the general area of Barham, Denton and Elham.

I referred to the existence of potentially suitable alternative 3 to 5 bedroom dwellings, with good parking provision, for sale in the £300,000 - £400,000 range - just in Barham itself. Barham is only slightly further from the applicant's building than is the proposed site.

A further application was submitted under DOV/14/00029. That submissions included reference to work which Mr Wake-Smith does from time to time for Messrs Goddard, dairy and arable farmers at South Barham Farm, working as a contractor for these farmers, including helping with calvings, and repairing the milking parlour.

However I pointed out, in my letter of 21 January 2014 (also attached) that the proposed site is a mile from South Barham Farm, which is also a mile from Barham. Mr Wake-Smith (or any other contractor) could equally be contacted and called in to South Barham Farm at short notice from an existing residence elsewhere in the area. In any event there could be no ongoing guarantee for Messrs Goddard that the proposed dwelling would continue to be used by anyone undertaking work for them.

DOV/14/00029 was refused 03 March 2014; the decision notice included reference to no overriding justification having been demonstrated, having regard to relevant local and national planning policies.

The latest application does not appear to put forward any different case, amounting to an essential need to reside at this particular site, to that which was considered inadequate previously.

The Planning Statement says that “a recent search of the market shows no property available for less than £700,000” (within what is referred to as the proximity of the centre of the applicant’s business - a single modern farm building about 0.5 miles north of the application site), but such a consideration would only arise if there were a clearly established essential functional need to live that close to that location. That is not the case.

As it happens there are, (or have been, as previously advised) a variety of much lower-priced properties for sale within a mile or two of this identified centre of the applicant’s business. In summary, my view remains that no essential need has been demonstrated for the provision of an agricultural dwelling, amounting to special circumstances under para. 55 of the NPPF, at the application site.”

Southern Water – observations

Advises that no public sewers are located near to the site. Site is within an SPZ (source protection zone). Private waste water works would need to be consultation with the Environment Agency.

Denton Parish Council – no objection

The Parish Council has 'No Objections' to the proposal.

Public comments – support x 2

- Applicant is well known member of agricultural community – application is genuine.
- Close proximity would assist running of dairy farm – matters of minutes are relevant.
- Applicant’s experience is hard to come by – applicant has worked in the local farming industry for 30 years.

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

1.1. The Site

The site is located west of Denton, within the Kent Downs AONB, on the eastern side of Lodge Lees Road. It is approximately 85 metres from the district boundary with Canterbury (at the junction of Lodge Lees Road and Walderchain). It lies far outside of any rural confines in a loosely populated area.

- 1.2. The site is currently within an area typified by sporadic dwellings and buildings in a wide unspoilt, rural landscape typical of AONB character and landscape. Residential properties are located beyond its southern and northern/eastern boundaries. These boundaries are formed of mature hedge. Where the site is bounded by Lodge Lees Road the boundary is formed of a 1 metre tall post and wire fence. The site is open to views in from the road. On the opposite side of Lodge Lees Road is Walderchain Wood and another residential property.

- 1.3. In the eastern part of the site is an area of hard standing which appears to have once accommodated a structure. The 1990 aerial photograph appears to show this structure in situ but on subsequent images it has been removed.
- 1.4. Approximate site dimensions are:
 - Width – 45.5 metres.
 - Depth – 34.5 metres.
 - Area – 0.04 hectares.
- 1.5. Application DOV/14/00029 for an agricultural workers dwelling was refused for the following reasons:

“The proposal to erect a dwelling on this site, which lies outside the built confines of any town or village, with no overriding justification having been demonstrated, would give rise to an unnecessary, unsustainable, and harmful form of development which would fail to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty, be detrimental to the environment in general and to the character and appearance of the countryside through the introduction of further sporadic residential development. The proposed development is therefore contrary to Policies DM1, DM11 and DM15 of the Dover District Core Strategy (2010) and the core sustainability objectives of the National Planning Policy Framework (NPPF) and in particular policies contained within Sections 4, 6 and 11.”

And for a second reason relating to a lack of ecological information.

1.6. The Proposal

The proposal is an outline application for the erection of an agricultural workers dwelling. All matters except access and scale are reserved.

- 1.7. Layout is a reserved matter, however, the indicative drawing illustrates a dwelling located approximately in the centre of the site and turned at an angle from the highway.
- 1.8. Access to the site would be located approximately half way along the site frontage.
- 1.9. The [outline] dimensions of the proposed building are:
 - Width – 15 metres.
 - Depth – 12 metres.

No indication is given regarding the height of the dwelling.

- 1.10. The indicative drawing suggests that the site boundaries would be landscaped including the road facing boundary.

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle and need for the development
 - Countryside impact and AONB
 - Ecology
 - Residential amenity
 - Highways

3. Assessment

3.1. Principle and Need for the Development

The site is located far outside of settlement boundaries or rural confines. Accordingly the proposed development would normally be considered to be unacceptable in principle, subject to the details of policy DM1 or any material considerations.

3.2. Policy DM1 can permit development outside of settlement boundaries where it functionally requires such a location. This coincides with the part of NPPF paragraph 55 relating to development that requires a countryside location.

3.3. The applicant has sought to justify the proposed dwelling, stating that it would allow him to “better farm the land”, specifically for the following reasons;

- Sustainable travel to work (currently travels from outside of the district).
- Enabling faster responses to any issues at work (would be located closer).
- Security of machinery being located closer to business.
- Allowing investment in business, in turn increasing client base.
- No market properties available in close enough proximity to the business for under £700,000.

3.4. The question is whether these factors amount to a functional need as required by policy DM1 or paragraph 55 in the NPPF. The rural adviser notes that in the previously withdrawn application, the applicant put forward reasons more akin to convenience than as a functional need. The rural adviser has reviewed confidential financial information submitted by the applicant but even so, has drawn a largely similar conclusion, that “no essential need has been demonstrated for the provision of an agricultural dwelling, amounting to special circumstances...”. The full detail of the rural adviser’s comment is shown above in the comments section.

3.5. A public comment notes that the applicant has worked for the local farming industry for 30 years. This would appear to suggest that for 30 years the applicant’s arrangements as they currently are have functioned to an acceptable standard.

3.6. The report for the application under DOV/14/00029, which was refused, drew a largely similar conclusion in relation to the case made attempting to justify the dwelling as being an agricultural necessity.

3.7. Accordingly, it is considered that the proposed development has not demonstrated a functional requirement as specified by policy DM1, and in the same consideration it has not shown an essential need for a rural worker to live permanently at or near their place of work in the countryside, as specified by NPPF paragraph 55.

3.8. The proposal is therefore considered unacceptable in principle.

3.9. Countryside Impact and AONB

Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition it must be shown that the

development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. As addressed above, it is not considered that the proposed development is justified by the needs of agriculture. It is neither in accordance with any allocations or needed to sustain a rural economy or rural community. Therefore the proposal is considered not to be in accordance with policy DM15.

- 3.10. The site location within the Kent Downs AONB affords it “the highest status of protection in relation to landscape and scenic beauty” in the NPPF. The DDC landscape and ecology officer notes that the case for development in such a location would need to be “exceptional in terms of addressing local landscape character and design”. Policy DM16 relating to landscape character and NPPF paragraph 55 address these issues.
- 3.11. Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the development plan, incorporating any necessary mitigation; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 3.12. The landscape and ecology officer notes the loose knit character of the dwellings located near to the application site, recognising that the character is formed as much by the spaces in between dwellings, as by the dwellings themselves.
- 3.13. Policies SD1, SD2, SD8 and LLC1 of the Kent Downs AONB Management Plan each seek to preserve the AONB designated landscape, or where development is shown to be a necessity, conserve and enhance local characteristics through the detail of the development i.e. its design, scale, setting and materials.
- 3.14. The site is not allocated in the local plan. Paragraph 55 identifies that exceptions for local housing can be made if there is an essential need for a rural worker to live at or near their place of work. In such cases, as the dwelling would be for a rural worker, then whilst the development would not necessarily have to be ‘exceptional’ or ‘innovative’, there would be a need nonetheless to require a high standard of design for such a building in this extremely sensitive, nationally protected location. Due to the application being outline in form, and matters of appearance, landscaping and layout being reserved. In any case, the weight of policy militates against allowing a new dwelling without justification in this location.
- 3.15. Accordingly, the development as proposed is considered to be unacceptable in terms of its appearance and its effect on the countryside and the AONB in particular. It is contrary to Core Strategy policies and the guidance contained in the NPPF.

3.16. Ecology

The submitted ecology report concludes that it is unlikely that the proposed development would result in adverse impacts to biodiversity if mitigation measures included in the report are implemented.

- 3.17. The proposed development is therefore considered acceptable on ecology grounds.

3.18. Residential Amenity

It is not considered that any undue harm to residential amenity would arise from

the proposal, due to the location of the site and the nature of the neighbouring residential properties i.e. distance and intervening boundaries.

3.19. Highways

The proposed development is for one dwelling accessing an unclassified road. As such, it falls outside of the KCC highways consultation protocol.

3.20. It is considered unlikely that one new dwelling accessing the highway at this location, where the bend in the road allows for extended visibility in both directions, would create a severe impact in highways terms.

3.21. In terms of the Core Strategy, policy DM11 directs that development that would generate travel will not be permitted outside of the... rural settlement confines unless justified by development plan policies. The proposed dwelling is not justified by any development plan policies, therefore the proposal is contrary to policy DM11 and is considered unacceptable on this basis.

3.22. Conclusion

The proposed development could only be permitted based on two considerations, the first being that it has been proven to be functionally necessary for the purpose of agriculture and second that it can be satisfactorily accommodated within the AONB, such that its design and any mitigation measures, would work to conserve and enhance the local character and the reason for which the AONB is nationally designated.

3.23. Letters of support referring to the applicant's good standing and history in the local farming industry are noted. However, the need for the development appears unproven and appears to suggest that the proposal is made primarily for convenience.

3.24. The rural adviser suggests that the case is not proven and that in recent history potentially suitable accommodation has been available for sale in Barham, which could have provided an alternative to this proposal. The development is therefore not justified as there is no functional need for it to be in a location outside confines in this sensitive location contrary to the development plan and the NPPF.

3.25. In terms of the site location in the AONB, for a development to be permitted it needs to conserve and enhance the characteristics of the local area. For such an assessment to be made, design details and potential landscape mitigation measures would need to be understood, but the application is outline in form and this detail has been reserved. As such, the necessary assessment of the proposal cannot be made and accordingly there is no exception to the normal restraint policy that would apply.

3.26. The proposed development is therefore considered to be unacceptable.

g) Recommendation

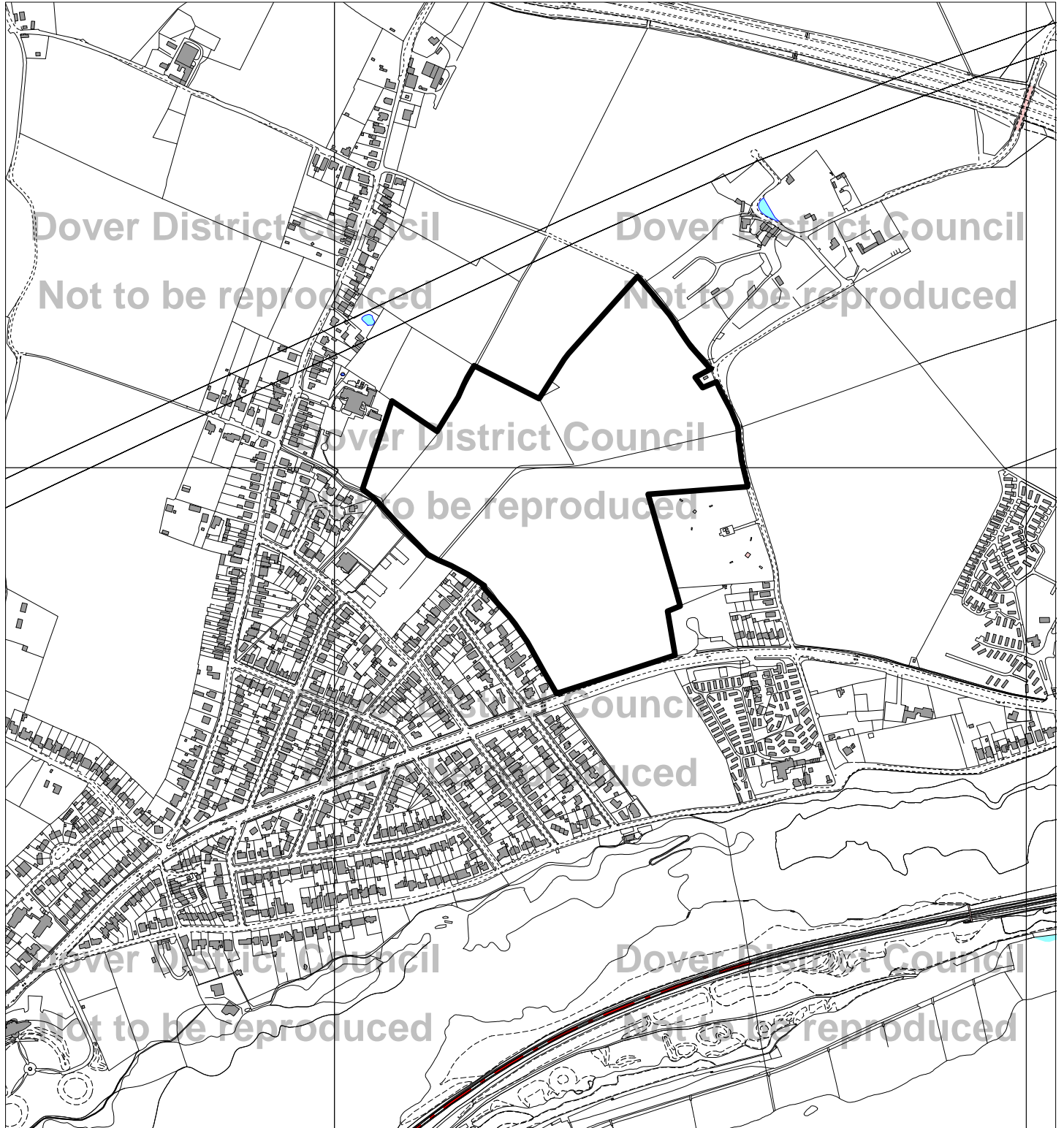
- I. Planning permission be REFUSED for the following reason: The development would, if permitted, result in an unjustified form of development which would be harmful to the setting, appearance, character and quality of the countryside and Kent Downs AONB, which has the highest level of protection, contrary to Core Strategy policies DM1, DM11, DM15 and DM16, the aims and objectives of NPPF paragraphs 11, 12, 14, 17, 55 and 115 in particular, and policies SD1,

SD2, SD8 and LLC1 of the Kent Downs AONB Management Plan.

- II. Powers to be delegated to the Head of Regeneration and Development to settle any reasons for refusal, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett



Not to scale

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published 2016

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

Application: DOV/169/01469

Land to North of New Dover Road

Capel-Le-Ferne

CT18 7HB

TR25313897



- a) **DOV/16/01469 – Outline application for up to 142 dwellings (comprising up to 99 market dwellings – including 30 retirement dwellings, and up to 43 social rented dwellings), Use Class A1 shops, Use class D1 medical facilities, country park, attenuation pond, primary school car park and access, associated infrastructure, and creation of access (appearance, landscaping, layout and scale of development to be reserved) - Land to the north of New Dover Road, Capel-le-Ferne**

Reason for report – number of contrary representations

- b) **Summary of Recommendation**

Refuse 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)

Policy CP1 – Settlement hierarchy.

Policy DM1 – Settlement boundaries.

Policy DM5 – Provision of affordable housing.

Policy DM11 – Location of development and managing travel demand.

Policy DM15 – Protection of the countryside.

Policy DM16 – Landscape character.

Saved Dover District Local Plan (2002) Policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right

places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. These roles should not be undertaken in isolation, because they are mutually dependent...

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

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; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- 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... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places...

49. Housing applications should be considered in the context of the presumption in favour of sustainable development...

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.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils...

115. 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. The conservation of wildlife and cultural heritage are important considerations in all these areas...

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Other Considerations

Kent Downs AONB
Kent Downs AONB Management Plan 2014-2019

Relevant policies SD1, SD2, SD3, SD8, LLC1.

d) **Relevant Planning History**

DOV/16/00487 – Screening opinion – for a residential development – ENVIRONMENTAL STATEMENT NOT REQUIRED.

e) **Consultee and Third Party Responses**

DDC Regeneration and Delivery – Objection

Informal discussion – application not supported – outside of settlement boundary.

Land allocation site forms (preparation for Land Allocations Local Plan 2015)
“At the scale put forward development would be unacceptable to both the AONB and its setting. Any development of this site would seek to urbanise a very rural landscape, particularly given that there are no natural boundaries to the north east of the site...

Consider for inclusion in the submission document? No.”

DDC Principal Infrastructure Delivery Officer – No objection, subject to contribution

Thanet Coast and Sandwich Bay – SPA – seeks £7,048.48 for mitigation scheme.

Comment on KCC contribution requests

- Education primary – Need for contribution is accepted.
- Education secondary – Need for contribution is accepted.
- Library – Nominate mobile library.
- Community learning and skills – Need for contribution is not accepted.
- Social care contribution – Need for contribution is accepted.

Open Space – Development would meet the accessible green space standard.

The application does not adequately address the need for outdoor sports facilities. A MUGA is proposed, which would be located very close to the existing Parish Council facility, but insufficient justification is given in the Design and Access Statement for such a facility; it merely states that in response to consultation feedback a MUGA will be provided. No information is provided about the number of people who requested a MUGA. We do not have an adopted standard for MUGA provision, but two in a settlement the size of Cape le Ferne seems excessive and would be higher than similar sized settlements in the district. If the specification of the existing facility is not considered adequate, then an off-site contribution should be made to increase its capacity (if the Parish Council is in agreement), but long term maintenance of two MUGAs in Capel would be an un-necessary burden on local residents. In any case, this proposed MUGA would not meet the additional need for formal sports facilities.

DDC Environmental Health – No objection subject to conditions

DDC Landscape and Ecology – Objection

The Kent Downs AONB Landscape Assessment prepared by the Countryside Commission (1995 CCP 479) identified 13 Landscape Character Areas (LCA) in the AONB and the proposed development that is subject to planning application 16/01469 is, except for the a small area to the northwest, within and is integral to the Alkham: East Kent Downs LCA. The landscape to the east of Capel le Ferne is typical of the ‘key’ plateau feature of that LCA. Typically, such plateaux are farmed landscapes, predominantly under arable crop with long views.

The field pattern of the site dates back at least to Victorian times and is classified as ‘prairie’ in the Kent Historic Landscape Characterisation. The original settlement of Capel le Ferne was loosely based around St Mary’s Church, further inland than the current village. The modern village of Capel le Ferne appears to be based on a road layout planned in Edwardian times, which terminated in an eastern direction at Green Lane (Public Bridleway ER252). This boundary has held since 1960.

The condition of the local landscape has not changed significantly since the Kent Downs AONB was first designated in 1968, apart from a temporary location of a fuel station to the east of the application site and the recently approved development south of the New Dover Road which is within the setting of the AONB. The latter (DOV/15/00525) was required to present a sympathetic frontage to New Dover Road to mitigate harm to the setting of the AONB. Further east, the A20 (constructed in response to the Channel Tunnel) is just visible as a horizon feature, and can be heard, from local lanes.

The proposal, despite being of interest in terms of layout and provision of green infrastructure, will inevitably result in a change of the local landscape, resulting in its loss of part of the 'key' AONB feature of a plateau farmed landscape to urbanisation and coalescence with what are currently isolated older developments. In addition, there would be adverse visual effects on views from the local roads and, more sensitively, from the local public rights of way. As such, the proposal could not conserve or enhance the landscape and scenic beauty of this part of the Kent Downs AONB, contrary to NPPF paragraph 115.

The applicant cites the presence of caravan parks and telecommunications masts as detractors, weakening the value of this area. They were present at the time of designation.

The proposed development is 'major' and paragraph 116 of the NPPF is pertinent. From the NPPF:

Consideration of such applications should include an assessment of ... any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In respect of landscape, the proposed development and its landscaping cannot provide any moderation of the detrimental effect to the nationally protected landscape, since it would result in a change of character from one associated with its precise location to one found widely. As such the proposal would be contrary to NPPF paragraph 116.

COMMENT ON ADDENDUM TO LVIA

The DDC Landscape and Ecology Officer notes the further information in respect of the AONB and proposed mitigation.

DDC Housing – No objection, subject to delivery of affordable housing

The council would normally seek 70% of the affordable housing to be provided as rented homes and 30% for sale on a shared ownership basis.

KCC Highways – No objection, subject to highway works and conditions

I refer to the additional highway information submitted for the above application on 21st March and 13th April. The proposals are likely to generate approximately 90-100 two-way vehicle movements through the proposed New Dover Road access in the network peak hours, including some existing trips to/from the primary school reassigned to the proposed drop-off/pick-up area within the site and trips associated with the proposed medical facilities and shop.

The proposed access, which includes a new right turn lane, can accommodate the anticipated number of movements. Most of the movements generated will be to/from destinations outside Capel le Ferne and the impact of these movements has therefore also been assessed on the A20 junction to the east and the Dover Hill and Canterbury

Road roundabout junctions to the west, and there is no severe impact as a result of the proposals. The proposed access position also accommodates the access proposals for the permitted residential development on the south side of New Dover Road.

In the 5 years to the end of June 2016 there was no cluster or pattern of recorded personal injury crashes in New Dover Road to indicate that there is a particular problem with the highway layout or that it could not accommodate the additional vehicle movements associated with the development.

The proposals also include a connection to the existing bridleway along the western edge of the site, allowing additional pedestrian and cycle connection to/from the school, village hall and wider pedestrian/cycle network.

The proposed access has visibility splays of 133 metres x 2.4 metres x 133 metres, which are appropriate for the measured speeds in New Dover Road. The measured speeds and the change to a more built-up environment as a result of the development proposals indicate that the existing 40 mph speed limit in New Dover Road can be extended eastwards to the junction with Winehouse Lane, encompassing the site and the approaches to the access. This extension of the 40 mph speed limit is included in the highway alteration works to be carried out by the applicant.

The proposed highway alterations also include a new signal controlled crossing in New Dover Road and a cycleway between the site access and Helena Road, providing improved crossing facilities and access to the existing footway network and cycle routes. The proposed crossing requires relocation of the existing eastbound bus stop approximately 40 metres to the east. All of the proposed highway alterations will be carried out by the applicant through an agreement with the highway authority under section 278 of the Highways Act.

I would therefore not recommend refusal on highway grounds. The following should be secured by condition:

- Construction Management Plan to include the following:
 - a) Routing of construction and delivery vehicles to / from site
 - b) Parking and turning areas for construction and delivery vehicles and site
 - c) personnel
 - d) Provision of wheel washing facilities
 - e) Details of site access point(s) for construction
 - f) Temporary traffic management / signage.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of each private access from the edge of the
- highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of vehicle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the highway alterations shown on drawings numbers 4780/001 Rev. F and 4780/003 or amended as agreed by the Local Planning Authority, prior to the use of the site commencing.
- Provision of a pedestrian and cycle connection to the existing Green Lane bridleway in accordance with details, including a timescale for the connection, to be submitted to and approved by the Local Planning Authority.

- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - a) Footways and/or footpaths, with the exception of the wearing course;
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on drawing number 4780/001 Rev. F with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

KCC Infrastructure – Seeks the following contributions

- Primary education – £372,288 – towards White Cliffs Primary School.
- Secondary education – £264, 297 – towards phase 1 expansion of Dover Grammar School for Girls.
- Community learning – £3640 – towards Dover Discovery Hub and adult education centre.
- Libraries – £15,381 – towards Dover Library and stock for mobile library, which attends Capel le Ferne.
- Social Care – £11,023 – towards Dover Discovery Centre Social Care Hub, and 2x wheelchair adaptable homes as part of the on-site affordable housing.

Informative related to delivery of high speed fibre optic broadband.

KCC PROW – No objection, subject to conditions

KCC LLFA – No objection, subject to condition

NHS CCG – Seeks off site contribution

Kent Downs AONB Unit – Objection

Conclusion

The application site lies within the Kent Downs AONB, a nationally protected landscape and comprises open countryside made up of arable fields that lies outside of the settlement of Capel le Ferne. This is demonstrated not only by its exclusion from within the settlement boundary as defined on the Dover District Proposals Map but also in terms its physical characteristics which are considered to be typical of the Alkham local character area of the East Kent Downs Character Area within which it is located.

The AONB Unit disagrees with the conclusion of the LVA that the effects of the development on the character and visual appearance of the open countryside and Kent Downs AONB will not be significant or harmful. The introduction of built form comprising 140 new dwellings together with the proposed commercial units would result in significant harm to the intrinsic rural character and appearance of the area

and detract from the natural appearance and beauty of the AONB that could not be satisfactorily mitigated by landscaping or other methods.

As such, it is considered that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the NPPF, in particular paragraphs 115 and 116 which provide that great weight should be given to conserving landscape and scenic beauty in AONBs and that major development should not be permitted except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that the stringent tests set out at paragraph 116 of the NPPF have not been met. The application is also felt to be contrary to policies DM15 and DM16 of Dover's Local Plan which are considered to remain up to date under paragraphs 14 and 49 of the NPPF. The material change of use of the land is also considered to be contrary to policies SD1, SD2, SD3, SD8 and LLC1 of the Kent Downs AONB Management Plan.

COMMENT ON ADDENDUM TO LVIA

The additional information, comprising an Addendum Report to the Landscape and Visual Appraisal, does not alter our views on the proposal as set out in our original response dated 1st February 2017. The Kent Downs AONB Unit remains of the view that the introduction of built form comprising 140 new dwellings together with the proposed commercial units would result in significant harm to the intrinsic rural character and appearance of the area and detract from the natural appearance and beauty of the AONB that could not be satisfactorily mitigated by landscaping or other methods.

Please find below our comments in response to the Addendum Report, using the paragraph numbering of this report:

1.5 It is contended that the site area forms only a very small proportion of the total area of AONB in Dover District. This is not considered a reason to justify the acceptability of the scheme. The site area is some 17.3 ha, which is a considerable size and the proposals themselves constitute major development and as such need to be assessed under para 116 of the NPPF. As previously advised by the AONB Unit, this is considered an inappropriate way to justify proposals in the AONB, and if accepted could be repeated, leading to cumulative effects and further erosion of the Kent Downs AONB.

Section 2 – We do not disagree that it is possible to sub-divide the Alkham: East Kent Downs LCA into more local character areas, however this is true of most landscape character areas. We have revisited the site and consider it to represent an intact landscape and maintain our view that it is representative of the LCA in which it is located and that the sub-area identified in the LVA as area E, within which the application site is located, shares similar characteristics to area C, comprising open, predominantly arable farmland in irregular shaped fields occupying plateau top land with limited woodland cover. (Contrary to the assessment in the addendum report, we consider area C to be made up of a mix of both regular and irregular shaped fields).

3.3 (i) Policy SD3 of the Kent Downs AONB Management Plan is quoted out of context; this does not state that all new development will be opposed per se, rather, it will when it disregards the primary purpose of the Kent Downs AONB.

3.3 (ii) A comprehensive review of the Landscape Character Assessment of the Kent Downs AONB has been commissioned and commenced last week, the results of which we anticipate publishing later in the year.

3.3 (v) The Kent Downs AONB Unit accepts, as stated in our original submission, that the landscaping proposals would reduce the visual impact of the proposal, however we maintain our view that the proposed landscaping would be out of character with the local landscape as existing woodland planting in this landscape character area is limited to along valley sides. The Character Areas Plan at Appendix B of the Report usefully illustrates how existing woodland blocks/trees are to the large part limited to valley sides while the open top plateau remain largely devoid of such features and therefore how the proposed structural planting would not conform with the local landscape character. As such the proposal is considered to be contrary to policy SD8 of the AONB Management Plan.

3.3 (vi) Consideration of major proposals in the AONB are required to include an assessment of any detrimental effect on, among other things, the landscape and the extent to which that could be moderated, not, as stated, 'para 116 only requires impacts to be moderated'.

3.3 (vii) Reference is made to the 'planning balance'. Paragraph 116 of the NPPF states that planning permission should be refused for major developments, except in 'exceptional circumstances' and where it can be demonstrated that development is in the public interest. Specific considerations include "the need for the development, including in terms of any national considerations" and "the cost of and scope for, developing elsewhere outside the designated area". Paragraph 116 is not an ordinary or standard balancing exercise, which would involve balancing the exceptional circumstances and public interest against the harm to the AONB. It is a weighted one in which there is a strong presumption against development and the conservation of the AONB landscape is to be given great weight, with the CRoW Act Section 85 Duty of Regard representing a material consideration that further tips the balance in favour of refusal. The NPPF, at paragraph 115, confirms that great weight should be given to conserving scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The Courts have confirmed that this places the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration (*R Mevagissey Parish Council v Cornwall Council*).

In respect of the proposed supplementary hedge and tree planting, we are of the view that these proposals would not overcome the harm that would arise from the development. As previously advised we have concerns that woodland planting would not be in keeping with the local landscape character and we query the appropriateness of some of the proposed hedgerow planting locations. We also note that the legend on the Supplementary Hedge and Tree Planting Plan appears to have mistakenly transposed the labels relating to the proposed hedge/woodland planting...

As such the Kent Downs AONB Unit remain of the view set out in our original consultation response, that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the NPPF, in particular paragraphs 115 and 116 which provide that great weight should be given to conserving landscape and scenic beauty in AONBs and that major development should not be permitted except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that the stringent tests set out at paragraph 116 of the NPPF have not been met. The application is also felt to be contrary to policies DM15 and DM16 of Dover's Local Plan which are considered to remain up to date under paragraphs 14 and 49 of the NPPF. The material change of use of the land is also considered to be contrary to policies SD1, SD2, SD3, SD8 and LLC1 of the Kent Downs AONB Management Plan.

Environment Agency – No objection, subject to condition

Natural England – Objection

SUMMARY OF NATURAL ENGLAND'S ADVICE/OBJECTION

Natural England objects to this proposal. As submitted we consider it will have a significant impact on the landscape character of Kent Downs AONB, and hence have a detrimental effect on its special qualities.

Natural England's advice on this and other natural environment issues is set out below. The reasons we have reached this view are set out below, and expanded upon in more detail in an annex to this letter:

- Given the scale and size of the proposal within the boundary of the Kent Downs AONB, Natural England is concerned that it would have a significant adverse impact on the special qualities of the AONB.
- We consider that the scale of the proposal represents major development in the AONB and, therefore, should be assessed in accordance with the three tests set out in paragraph 116 of the National Planning Policy Framework (NPPF).
- We understand that Dover District Council now has a 5-year housing supply; therefore, the policies in the Land Allocations Local Plan (2015) can be considered up-to-date. This document allocates sites for residential development in Capel le Ferne of 90 dwellings. Therefore, as the need in the local area, and the wider Dover District, can be met with the allocations already provided for in the local plan, we consider there is not a need for development within the AONB. The proposals contradict policies contained in the Kent Downs AONB Management Plan and related policies in Dover District Council's Core Strategy (2010) DM15 – Protection of the Countryside and DM16 – Landscape Character.
- We consider there are significant shortcomings in the Landscape and Visual Appraisal Report (LVAR, November 2016):
 - It fails to give sufficient weight to the value of the application site as part of the AONB, underplays the magnitude of change resulting from the proposal, and hence underplays the significance of the impact.
 - As there are no photomontages we consider there is an incomplete evidence base on which the Council can verify the conclusions reached in the LVAR.
 - Within the LVAR there is an absence of any assessment of the proposals against the special qualities of the AONB and the aims of the AONB Management Plan.
- We note that the AONB Unit has provided a detailed response to this proposal. Given their considerable local knowledge, Natural England would recommend great weight is given to their comments and concerns regarding the impacts of the proposal on the landscape character and visual amenity of the AONB.

COMMENT ON ADDENDUM TO LVIA

SUMMARY OF NATURAL ENGLAND'S ADVICE/OBJECTION

Natural England maintains its objection to this proposal. As submitted we consider it will have a significant impact on the purposes of designation of Kent Downs AONB. The additional information regarding landscape character assessment and planting proposals do not change this conclusion...

Summary of advice on the Addendum Report:

- Additional landscape character assessment is provided. Natural England considers that it is not appropriate to subdivide the part of the Alkham: East Kent Downs Landscape Character Area south of the A20 from that to the north, as the

two areas share many characteristics. Our view is that it is this subdivision that downplays the significance of the impact of the development proposal on landscape character.

- Additional planting around Capel le Ferne is proposed, with the aim of minimising the visual impact of existing built development. However, no rationale is given for the design of the scheme, nor any information on the visual receptors that may benefit from the screening proposed. Furthermore, the woodland planting proposals are out of keeping with the landscape character of the area, so whilst there may be some visual benefit, there may be a detrimental impact on landscape character.

Rural Planning Adviser – Observations

Para 112 of the NPPF states: “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

In the High Court judgement in *Telford & Wrekin v Sec State etc. & Gladman Developments Ltd.* [2016] EWHC 3073 it was held (para. 38) that NPPF 112:

“is simply an instruction (i) to “take into account” the economic and other benefits of the best and most versatile agricultural land which does not confer any particular level of protection and (ii) to “prefer” the use of poorer quality land if significant development of agricultural land is necessary, which applies to all agricultural land, not just BMV land. It is not a prohibition on the use of BMV agricultural land, nor a restriction on development in principle; it does no more than to encourage the relocation of proposed development onto poorer quality agricultural land if available”.

It was noted, in para. 42 of the judgement, that much of the surrounding land around Telford is BMV land – as appears to be the case in the Capel le Ferne area – and that *“no alternative site comprising poorer quality land was put forward”.*

This High Court decision was also a case where the Council concerned (like Dover) has already approved/allocated housing sites on other BMV land – two examples being DOV/13/00945 at Sholden, and the land at Campbell Road/Spitfire Way, Hawkinge.

From this court judgement, and from other recent planning appeal decisions in which relatively little significance has been placed on the loss of BMV land, it appears that to successfully argue loss of BMV land as a reason for refusal, a Council would have to be able to demonstrate that the development is unnecessary, as it could take place on sufficient other feasible sites, of lower quality land than the application site.

I am not personally aware whether or not there are sufficient alternative feasible sites of lower land quality.

In summary, the significance of the loss of this BMV land, having regard to the availability or otherwise of other suitable alternative sites, as well as the availability or otherwise of a robust 5-year local housing land supply, are matters for the Council to take into account in the overall planning balance, and I do not believe I can assist further in this instance.

Crime Prevention Design Advisor – No objection

Affinity Water – No comment made

Southern Water – No objection, subject to condition

EDF Energy – No comment made

Southern Gas Networks – No objection

Capel Parish Council – Objection

Capel le Ferne Parish Council objects to the outline planning proposal for the following reasons:

The area is designated as an Area of Outstanding Natural Beauty

The Parish Council feel strongly that this land should remain open countryside and are pleased that Dover District Council has expressed a similar desire, as shown in recent statements relating to the LALP for two pieces of land that face this site:-

- In relation to the site on New Dover Road which is situated directly South of this proposed site, Dover District Council stated in the Land Allocation Local Plan adopted 2015, Policy LA 24:
 - ii. Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an impact on the AONB and countryside.
- Dover District Council also turned down planning application for LA 26, DOV/15/01284 dated 01/09/2016 for 4 detached dwelling at the junction of Winehouse Lane and Capel Street. This site is situated directly North of the proposed site. The main reason being: “The development, if permitted, by virtue of its design, layout, scale, form, appearance, bulk and siting, would result in an intrusive, incongruous, unsympathetic form of development which would be poorly related to the adjacent development, harmful to the characteristics of the street scene and inappropriate in respect to its harmful impact on the AONB within which the site is located and would adversely affect the character and appearance of the countryside and landscape.”

The area is an Agricultural Green Field Site

The Parish Council objects to the loss of this valuable arable land. The land has been cropped for many years and is classified by the Department for Environment Food & Rural Affairs as Grades 2 quality and is described as land of best and most versatile agricultural quality. Why should we lose good agricultural land?

Road safety issues

During the last two years, many drivers have chosen to use the B2011 (New Dover Road) through Capel le Ferne, as opposed to the A20 between Folkestone and Dover. This has in part been due to the decision to the implementation of TAP and the resultant parking of HGVs on the A20 at busy times together with the associated speed restrictions. The result has been a noticeable increase in traffic through Capel le Ferne and an increase in the number of road traffic accidents. 143 Dwellings and the associated traffic entering and leaving the site will only aggravate the problem.

The proposed development is too large for Capel le Ferne

Capel le Ferne Parish Council accepted the LALP 2015 which when completed would increase the population by around 10%. This development would increase the population by a further 20%. The Parish Council feel that this expansion is unacceptable as it would change the social dynamics of this close knit community. The proposed development will bring little benefit to the Community.

The Parish Council have always supported efforts to encourage parents to walk children to school. Capel le Ferne Primary School has a walking bus and there are plans to hard surface the bridle path that runs adjacent to this site from New Dover Road to Capel Street in an effort to reduce the number of vehicles on the school run. The installation of a new access road to the school, not only flies in the face of this objective, but also encourages more traffic onto the New Dover Road and creates a security problem for the school by introducing a second access point.

Capel le Ferne does not require a second MUGA. The existing MUGA is under CCTV surveillance, a second MUGA would not have this protection and could risk encouraging anti-social behaviour. It is also difficult to see why a country park is needed in what is already beautiful countryside. The upheaval of this landscape will also be hugely detrimental to the local flora and fauna.

Parish Council do not believe that the commercial aspects of this application are viable in this situation and in the current economic climate. It is also difficult to see how a Dental and GP Practice would be viable when there are existing facilities with associated pharmacies within a 10 minute car or bus ride.

Parishioners Feedback

Quinn Estates Design and Access Statement mentions their three exhibitions and the feedback gained. Naturally they focused on the points raised that they could respond to in a positive way. The Parish Council also handed out questionnaires to Parishioners at the exhibitions and similar comments could be seen. However the overall response to the development was:

16% Support, 9% Undecided, 75% Against

Shepway District Council – Objection

The Council is concerned about the effect of such a large development on a village which adjoins its border.

Health Facilities

It is the council's experience that the majority of Capel Le Ferne residents come to Folkestone to visit GP and dental services (the nearest GPs are less than two miles from the village). It is understood from the Clinical Commissioning Group that this development would not generate enough requirement for a GP practice to be viable in Capel. If Dover District Council is minded to permit this application we would suggest that a sum of money equivalent to the cost of providing medical facilities on site is secured by a Section 106 agreement and given to the CCG in order that they may invest it appropriately for the benefit of Capel residents.

Road Safety Issues

The council is concerned about the effects of the increased traffic on the New Dover Road during construction and following completion. Please refer to Kent Highways regarding this issue.

Kent Downs AONB

Shepway are also concerned at the impact of the proposal on the AONB given that it forms part of the East Kent Downs character area. The proposed development is in the AONB. The applicant's statement claims:

"The total proportion of AONB to be built on therefore amounts to 0.1% of the district's AONB, representing a de minimis effect on the overall quantum of AONB within the District."

This is not an appropriate argument to justify building a major development in the AONB and ignores the cumulative effect of such development on the AONB. Further it is not in accordance with NPPF paragraphs 14 (footnote 9), 115 and 116 of the NPPF.

Schools

Given the size of the development the Council is concerned at the impact on the capacity of Capel Le Ferne Primary School and nearby secondary schools.

Public representations – Support x 50, Object x 63, Neutral x 2

Support

- Broadly in agreement with outlined style of housing.
- New jobs – retail and construction/will bring prosperity.
- Capel needs a variety of new properties.
- Direct access to B2011 is preferable to access through existing estate roads.
- List of benefits.
- Lack of new homes restricts families/children being able to stay in area.
- Will take away heavy traffic from Capel Street.
- New community facilities.
- Will diversify community and bring in young families.
- Investment in rural community is crucial to keep it active and healthy.
- AONB is low grade in terms of landscape quality.

Object

- Development too large for village.
- Infrastructure unable to cope.
- Loss of best and most versatile agricultural land.
- Exceeds requirement identified in Land Allocations Local Plan 2015.
- Traffic congestion in conjunction with development south of New Dover Road.
- Profiteering without concern for villagers.
- Already have facilities in Folkestone and Dover.
- Change to the character of the settlement.
- Does not think that the development could justify/support a new surgery.
- Will become a town like Hawkinge.
- Negative impact on property values.
- Road safety concerns – history of accidents.
- Concerns about knock on impact on West Hougham.
- Represents increase of over 50% of built up area compared to what is existing.
- No parking provision identified for country park.
- No need for country park – already in country in AONB.
- SUDS not viable.
- Questions if community can support existing food store and new convenience store.
- Homes will be too expensive for those that need them.
- AONB designation.
- Manicured lawns and parkland will not support wildlife/habitats/ecosystem.
- Attraction of Capel is that it is a quiet location.
- Surface water flooding.
- No jobs in area – another dormitory development.
- Need to preserve land for future generations.
- Land not allocated.
- Should be brownfield first.
- Should be a footpath to rear of school instead of a road.
- Heritage Coast – preserve and protect.

- Will increase dependency on private motor vehicles.
- Not enough school spaces to accommodate pupils from new development.
- Loss of agricultural land is irreversible.
- Do not want to lose any more footpaths.

Neutral

- Needs to consider traffic impact.
- Needs to minimise impact on AONB.
- Retail and community facilities need to be provided with new homes and not last.

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

The site is located on the northern side of New Dover Road in Capel le Ferne. It is located outside of and adjacent to the Capel le Ferne settlement boundary, which wraps around the site to the west and north. The site is comprised of primarily flat arable land, with some undulations, which is crossed by hedgerow. Public footpath ER241 crosses the site west to east; ER242 crosses part of the site and forms part of its northern boundary; and public bridleway ER252 (also known as Green Lane) runs along the western boundary of the site.

- 1.1. West of the site is existing residential development, comprising the rear of Helena Road, as well as the termination of Beatrice Road where it meets ER252. Towards the north west is the rear of the recreational ground, Elizabeth Drive and Capel le Ferne primary school. The northern boundary runs adjacent to an equestrian field and cuts across an open arable field. The eastern boundary of the site is formed equally by Winehouse Lane, which affords intermittent hedgerow screening; and by two fields, one comprising two tall antennae and associated communications equipment, and the other which contains the site of a former petrol filling station and fronts New Dover Road. Opposite the site, south of New Dover Road is land allocation LA24, which in 2016 was the subject of an allowed appeal for the erection of 40 dwellings.
- 1.2. Excepting a small field located adjacent to the rear of the primary school (western corner of the site), the site is located wholly within the Kent Downs AONB.
- 1.3. Site dimensions are:
 - New Dover Road frontage – 173 metres.
 - Depth (New Dover Road to Capel le Ferne primary school) – 420 metres.
 - Width (Green Lane ER252 to Winehouse Lane) – 475 metres.
 - Area – 17.3 hectares.

1.4. Proposal

The proposed development is outline in form for up to 142 dwellings. Of the dwellings 99 would be market dwellings, including 30 retirement dwellings, and 43 would be affordable (social rented) dwellings.

- 1.5. 396m² (317m² net internal) of A1 floor space is proposed in the form of a convenience store. 396m² of D1 floor space is also proposed in the form of a GP surgery/dental facilities. It is suggested that 36 full time equivalent (FTE) positions would be created (using the Homes and Communities Agency Employment Density Guide 2015 (retail) and past experience (GP/dental)).
- 1.6. Detailed access proposals show the proposed vehicular access to the site approximately half way along the New Dover Road frontage. Highway works

associated with this access would include a right turn lane in the centre of the carriageway and the extension of the 40 mph speed limit eastwards to the junction of New Dover Road and Winehouse Lane.

- 1.7. Given that the proposals are outline in form, there is no definitive layout, however, an indicative layout submitted with the application shows the following features:
 - ER241 south to New Dover Road – residential area, including retirement homes and shop, dental surgery and possible GP adjacent to New Dover Road.
 - ER241 north and west to Capel le Ferne primary school – multi use games area (MUGA), land given over to the school as car parking, drop off zone, and general use. Also residential zone.
 - Eastern portion of site adjacent to Winehouse Lane – subject to a covenant for no further residential expansion, includes a country park and an attenuation pond.
- 1.8. The developer proposes soft landscaping measures (hedge and woodland buffer planting) on land outside of the application site to the west, north and east. Soft landscaping measures are also proposed within the application site, between the site and neighbouring properties on Helena Road, along the New Dover Road frontage and along much of the western site boundary, including to Winehouse Lane.

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle
 - AONB, countryside impact and street scene
 - Agricultural land classification
 - Ecology and trees
 - Highways and travel demand
 - Environmental health
 - Residential amenity
 - Affordable housing and planning obligations
 - Drainage
 - Utilities

3. Assessment

3.1. Principle

The proposed development is located outside of, adjacent to, the Capel le Ferne settlement boundary.

- 3.2. Policy DM1 of the 2010 Dover District Core Strategy states that development will not be permitted outside of the rural settlement confines ‘unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- 3.3. No other development plan policies justify the location of the proposed development and it is not considered to functionally require such a location or be ancillary to existing development or uses.

- 3.4. The site was put forward to the call for sites which formed the basis for the Dover District Strategic Housing Land Availability Assessment (SHLAA), which in turn formed the basis of the 2015 Land Allocations Local Plan (LALP). The site was not taken forward for inclusion in the LALP due primarily to the impact of development on the AONB.
- 3.5. The most recent (March 2017) published Dover District Annual Monitoring Report concludes that there is a 6.02 year supply of deliverable housing land in the district – in excess of the necessary five years required by government in the NPPF. This means that under the terms of NPPF paragraphs 14 and 49, relevant policies for the supply of housing in the local plan are considered to be up to date. Decisions should therefore be made in accordance with those policies.
- 3.6. Accordingly, under the terms of policy DM1, the development is considered to be unacceptable in principle.
- 3.7. AONB, Countryside Impact and Street Scene

The site is located in the Kent Downs Area of Outstanding Natural Beauty, within the Alkham East Kent Downs landscape character area, and accordingly is afforded the highest status of protection in relation to landscape and scenic beauty.

- 3.8. Comments have been provided by the DDC Landscape and Ecology Officer, the Kent Downs AONB Unit and Natural England, each objecting to the proposal on a number of grounds (each noted in the comments section). In terms of the AONB and countryside impact, the relevant determining policies are DM15 and DM16 of the Core Strategy and paragraph 116 of the NPPF. The Kent Downs AONB Management Plan provides further criteria to assist in determining the proposal.
- 3.9. Policy DM15 is concerned with the protection of the countryside and resists its loss. In order for a proposal to be permitted, it needs to be in accordance with allocations made in the local plan, or justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. The application site is not allocated, and the proposal is not needed for agriculture. It is questionable to suggest that the proposal is needed to sustain the rural economy or a rural community. Policy CP1 of the Core Strategy has identified Capel le Ferne as a local centre and the Land Allocations Local Plan (LALP) has made adequate allocations which support that role. Subject to meeting one of those criteria, which it is not considered the proposal does, it must also not be able to be accommodated elsewhere and not result in the loss of ecological habitats. The proposal, however, could be accommodated elsewhere – the LALP has made allocations across the district to meet the adopted housing need set out in the Core Strategy, without the need for developing in the AONB. In terms of ecological impact, given that the site is primarily an arable field there is no harm, however, overall, the proposal does not accord with policy DM15 and as such, is unacceptable. The proposal would result in the unjustified loss of countryside.
- 3.10. Policy DM16 is concerned with landscape character. In order for the scheme to be permitted, the proposal either has to be in accordance with allocations in the local plan and incorporate necessary mitigation, or be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As noted, the site is not allocated, so the consideration is whether the proposal has been sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts. It is not considered that this proposal

satisfactorily mitigates any impacts arising and due to the outline nature of the application detailed design measures are not available for consideration. The proposal is in effect the change of AONB designated landscape to a suburban neighbourhood – as the DDC Landscape and Ecology officer notes “it would result in a change of character from one associated with its precise location to one found widely”. Natural England comments in regard to the proposed hedgerow and woodland mitigation that “no rationale is given” for its design and that, specifically, the woodland planting proposals are “out of keeping with the landscape character of the area”. The proposal is therefore unacceptable and does not accord with the aims and objectives of policy DM16.

- 3.11. Natural England directs that the proposal be considered against the criteria of the NPPF paragraph 116, those being:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.12. **First bullet.** The need for the development is not proven. Dover District Council can demonstrate a five year supply of deliverable housing land and allocations have been made in Capel le Ferne other than this site, which itself was dismissed. The applicant has stated that the proposed development would create 102 direct [temporary] construction jobs and 72 indirect [temporary] jobs, and that when completed it would create 15 FTE jobs related to the proposed GP and dental surgeries, and 21 FTE jobs in the supermarket. It is also suggested that 158 economically active people would reside on the estate, 147 of which would be employed (based on national representative data), representing an economic output of £6.4 million per annum (147 x £43,550 per person (Experian)).
- 3.13. Jobs created during the construction period (assumed at 36 months) are temporary in nature, however, the impact of the proposal on the AONB would be permanent. It is unclear how many of the 158 residents would be new and how many would come from concealed households existing in the area that might already pay into the local economy. In terms of the £6.4 million economic output, again it is unclear how many of these people might already contribute to the local economy, particularly with regard to Dover District, in addition to whether this represents a resident economic output or work place economic output i.e. it is not known how many of these people would commute outside of the district and create their gross value added elsewhere.
- 3.14. In any case, the proposed value arising from the loss of AONB landscape does not appear exceptional. The consideration in this case is not one of simple balance, the assessment is whether this creates a case worthy of allowing landscape of the highest status, the protection of which in turn is given the greatest weight, to be lost. The case put forward in this respect is considered insufficient.
- 3.15. **Second bullet.** The cost of developing outside of the designated area is likely to be comparable to the cost of developing inside the designated area. The site is green field and would incur typical opening up costs but there is no obvious advantage or disadvantage, in financial terms, to developing this site. The true cost would be the loss of undeveloped AONB landscape. It is questionable

whether there is indeed a need for this development. The council has allocated sites in the LALP to meet its housing requirement and is currently running a call for sites as part of its review process. There is no clear need for this development.

3.16. **Third bullet.** The DDC Landscape and Ecology officer notes that the fundamental change in the nature of the landscape i.e. from that which is particular to this location to that which can be found widely, means that there is no moderation which could be applied this scheme. Hedgerow and woodland planting is proposed, but this disregards the essence of the proposal i.e. harm to the AONB.

3.17. In considering the proposal against the criteria of NPPF paragraph 116 it is clear that there is no strong or overriding need for the development. This would need to be the case on non-designated land outside of the settlement boundaries, let alone in the AONB. The AONB Unit notes in relation to the tests under paragraph 116 that:

“Paragraph 116 is not an ordinary or standard balancing exercise, which would involve balancing the exceptional circumstances and public interest against the harm to the AONB. It is a weighted one in which there is a strong presumption against development and the conservation of the AONB landscape is to be given great weight.”

3.18. The Kent Downs AONB Management Plan has been held to be material in the determination of planning applications and appeals. Policies SD1, SD2, SD3, SD8 and LLC1 are relevant in the case of this application and relate to the following: conserving and enhancing the natural beauty of the AONB; conserving and enhancing the local character; qualities and distinctiveness of the AONB; opposing new development which would disregard or run counter to the primary purpose of the AONB; opposing proposals which have negative effects unless they can be satisfactorily mitigated; and pursuing/supporting the protection, conservation and enhancement of the special characteristics, qualities, natural beauty and landscape character of the AONB.

3.19. The character of the street scene on the north side of New Dover Road, east of confines is open and spacious in nature, typical of such a transition area (beyond confines). The site currently has an undeveloped quality and appearance which is indicative of the wider landscape beyond and which contributes significantly to the character of the street scene. It should be borne in mind that there is a site opposite which is currently being developed (part allocated land and allowed on appeal). The engineering works associated with the new access arrangements, along with the scale and density of the development proposed and the cumulative effect with the development opposite would lead to a consolidation of built form and an intrusive urban incursion into an otherwise undeveloped area of the landscape, which it is considered would adversely affect the street scene.

3.20. There is no sound argument that has been put forward which would justify an exception being made to overriding countryside and AONB protection policy. The site is outside confines, it is in the AONB which is afforded the greatest weight of protection. It would result in harm to the setting, appearance and character of the AONB and the street scene. The development is not sustainable development, as defined. The proposal is contrary to the aims and objectives of the NPPF and is unacceptable

3.21. Agricultural Land Classification

A detailed agricultural land survey of the site was undertaken in August 1989, with a report published in September 1992. The survey identifies the site as wholly (17.3 hectares) being within the grade 2 category. The land therefore is classed as best and most versatile agricultural land, the definition of which encompasses grades 1, 2 and 3a. The applicant concurs with this assessment in the submitted agricultural land review document.

- 3.22. Paragraph 112 of the NPPF states that “local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land...” and “Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”
- 3.23. No further guidance is available regarding what would constitute a significant development of agricultural land. The dictionary definition of significant is: “... sufficiently great or important to be worthy of attention; noteworthy.” It is considered that 17.3 hectares would appear to be a significant quantity of land.
- 3.24. Aside from this, however, the rural adviser notes the outcome of a High Court case from 2016, in which paragraph 112 is determined to be “simply an instruction” to take account of the economic and other benefits of best and most versatile agricultural land, rather than explicitly conferring any protection.
- 3.25. The rural adviser notes that, “From this court judgement, and from other recent planning appeal decisions in which relatively little significance has been placed on the loss of BMV land, it appears that to successfully argue loss of BMV land as a reason for refusal, a council would have to be able to demonstrate that the development is unnecessary, as it could take place on sufficient other feasible sites, of lower quality land than the application site”.
- 3.26. The comments of the rural adviser are taken into account. Such a position may be difficult to take, given that the council has on past occasions permitted residential developments on BMV land. However, it is considered reasonable to account for the loss of BMV land as part of a wider/cumulative reasoning that also addresses the loss of countryside and loss of protected landscape that would occur if permission were granted.

3.27. Ecology and Trees

The site is primarily used for arable farming and reflects this, where on the open sections of land there are fewer opportunities for habitats to establish themselves. Areas of hedgerow are predominantly found adjacent to the site boundaries, with one hedgerow following the line of ER241 between the recreational ground and the campsite east of Winehouse Lane.

- 3.28. The existing hedgerow is recognised as a much stronger potential area for habitat, including its function as a habitat corridor, and is not proposed to be significantly altered, albeit acknowledging the outline form of the application. Ecological mitigation measures are proposed as necessary e.g. works affecting habitats not coinciding with nesting season. However, in general terms, it is recognised that the proposed development in ecological terms could provide the potential for ecological enhancements, given the current use of the site.

3.29. Highways and Travel Demand

The development proposal is in outline form, but does contain detailed access proposals for a single site access located approximately half way along the

frontage onto New Dover Road. This access would be staggered from the permitted access for the site south of New Dover Road, and would incorporate a right turn lane located east of the permitted right turn lane for the site to the south.

3.30. The highways officer requested further information relating to:

- Capacity calculations for roundabouts on the A259/A260, A260/B2011 and A20/B2011, information relating to HGV movements and consideration of movements from south of New Dover Road to north of New Dover Road for the purpose of accessing the proposed new school car park/drop off and collection point.
- Updated crash data.
- Dimensions of proposed highway alterations (right turn lanes, running lands, new traffic island and toucan crossing).
- Vehicle swept paths for access to accommodate potentially, articulated delivery vehicles.
- Amendments to the proposed removal of a traffic island and the subsequent assessment by a safety auditor.

3.31. The applicant submitted further information. The highways officer notes that:

- The proposals are likely to generate 90 to 100 two way vehicle movements at the access at peak hours.
- The proposed access with new right turn lane can accommodate the anticipated number of movements.
- Most movements will be to/from destinations outside of Capel le Ferne, meaning that the impacts have also been assessed at junctions at the A20 to the east, and Dover Hill and Canterbury Road to the west – there is no severe impact. This incorporates movements expected from the permitted development south of New Dover Road.
- Crash data indicates that there is no particular problem at this location and nothing indicates that the additional movements could not be accommodated.
- A connection is proposed to the existing bridleway ER252, allowing wider connections to the existing pedestrian and cycle network.
- Visibility splays of 133 metres x 2.4 metres x 133 metres are proposed, which are appropriate.
- The 40 mph limit would be extended eastwards to the Winehouse Lane junction.
- A signal controlled crossing and cycleway is proposed between the site access and Helena Road – this would involve the relocation of the existing eastbound bus stop 40 metres further east.
- All of the proposed highway alterations would be carried out by the applicant through an agreement with the highway authority under section 278 of the Highways Act.

3.32. The highways officer is satisfied that the proposed access could accommodate the anticipated movements and that there would be no severe impact.

3.33. Subsequently, the highways officer does not recommend refusal on highways grounds, subject to a number of standard conditions relating to the proposed highways works, and is satisfied that the highways network could accommodate a development of this magnitude.

3.34. In highway engineering terms, the proposal could therefore be accommodated. Policy DM11 of the Core Strategy, relating to the location of development and managing travel demand, sets a test for development related to settlement

boundaries.

3.35. The policy states that:

“... Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies...”

3.36. The site is located outside of rural confines, however, for practical purposes and taking a pragmatic approach, in transport terms it would be difficult to differentiate the travel movements coming from the development as materially harmful, compared to those coming from the existing settlement.

3.37. Environmental Health

The Environmental Protection Officer has not objected to the scheme, subject to conditions relating to contaminated land, noise mitigation and a construction management plan.

3.38. Of particular concern is the potential for dust emissions resulting from development and any pre-development works. It is considered that were it necessary, this could be controlled by the use of a suitable planning condition.

3.39. Residential Amenity

The development proposal is in outline form, meaning that issues of residential amenity are difficult to consider in detail. It is likely that, were it necessary, any residential amenity issues could be effectively addressed through detailed design and necessary conditions.

3.40. Affordable Housing and Planning Obligations

In order to make the development acceptable in planning terms, a number of planning obligations in the form of on site and financial contributions are necessary. The restrictions of CIL regulation 122 should be noted – the obligation may only be accepted as a reason for granting permission if it is:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development.
- c) fairly and reasonably related in scale and kind to the development.

3.41. In addition, no more than five contributions can be made towards a specific project, or type of infrastructure.

3.42. **Affordable housing.** Policy DM5 of the Core Strategy requires that for residential developments of 15 or more dwellings, 30% of the total homes should be affordable homes. The council’s housing officer has commented that the 43 proposed affordable homes is 30% of the proposed total of 142, therefore the development would comply with policy DM5. The housing officer comments that the council would normally seek a 70%/30% split between rent and shared ownership. The applicant has proposed that all 43 dwellings would be social rent, however, in reality the final tenure split would depend on negotiations with registered providers and would be based on their financial ability to take on the different types of tenures.

3.43. **Open space.** The DDC Principal Infrastructure and Delivery (PID) Officer comments that accessible green space provision is acceptable. The parish council has not sought additional contributions towards the improvement of the

existing play area.

- 3.44. Members will note the comments of the PID Officer in regard to an additional MUGA. If permission were granted, the local planning authority would be likely to seek contributions towards off site sports provision.
- 3.45. Kent County Council has requested the following contributions:
- 3.46. **Primary education – £372,288** – towards an identified scheme at White Cliffs Primary School (in Coombe Valley). The DDC Principal Infrastructure and Delivery Officer has commented that this request is acceptable.
- 3.47. **Secondary education – £264,297** – towards the identified phase 1 expansion of Dover Grammar School for Girls. The DDC Principal Infrastructure and Delivery Officer has commented that this request is acceptable.
- 3.48. **Community learning – £3640** – towards Dover Discovery Hub and adult education centre. The DDC Principal Infrastructure and Delivery Officer has commented that this request is **not acceptable** and appears to be a tariff request. It is also not clear how the requested sum could provide any meaningful difference to the provision of community learning, given the limit of five obligations.
- 3.49. **Libraries – £15,381** – towards Dover Library and stock for mobile library, which attends Capel le Ferne. The DDC Principal Infrastructure and Delivery Officer has commented that this request is acceptable, although suggests that the nomination should be solely for the mobile library to reduce the accumulation of pooled contributions, given the upper limit of five.
- 3.50. **Social care – £11,023** – towards phase 1 of the Dover Discovery Centre Social Care Hub. A request is also made that The DDC Principal Infrastructure and Delivery Officer has commented that this request is acceptable.
- 3.51. The Kent County Council requested planning obligation amounts to £666,629, with **£662,989 considered to be acceptable**.
- 3.52. **South Kent Coastal Clinical Commissioning Group (CCG) (NHS) – £122,688** – towards the improvement and renovation of existing surgeries in Folkestone, within Shepway district. The CCG has stated that the proposed development is not large enough to constitute the establishment of a new surgery. The DDC Principal Infrastructure and Delivery Officer has commented that this request is likely to be acceptable, subject to provision of further details.
- 3.53. **Thanet Coast and Sandwich Bay SPA – £7,048** – towards the identified, and previously contributed to, ecological mitigation scheme.
- 3.54. **The total of all planning obligations, considered to be acceptable, amounts to £792,725.** The developer has indicated agreement to all of the requested development contributions.
- 3.55. The developer has proposed a gift of land towards Kent County Council/Capel le Ferne Primary School, which is proposed to be used as the main pupil drop off location/a general extension to the school grounds. KCC has indicated that it welcomes this proposal, however, the contributions it requested are for White Cliffs Primary and Dover Girls Grammar. Correspondence with KCC confirms that this remains the case and subsequently, the conclusion is that any gift of land to Capel Primary would not meet the tests of CIL regulation 122. Therefore,

the proposed land gift cannot be considered as part of any legal agreement.

- 3.56. The conclusion is that obligations put forward by the developer are on the whole considered to be acceptable, except where referred to above and could be dealt with by a legal agreement in this case.

3.57. Drainage

KCC as the local lead flood authority is satisfied that site drainage details could be dealt with through condition.

3.58. Utilities

Southern Water has indicated that foul water and sewage drainage details should be sought through condition.

- 3.59. Affinity Water has not responded to the consultation, however, it is unlikely that the development could not be served with clean water. Details of clean water can be sought through condition.

- 3.60. EDF Energy has not responded to the consultation, however, it is unlikely that the development could not be provided with means of power. Details of this can be sought through condition.

3.61. Sustainability Assessment and Conclusion

There are three dimensions to sustainable development: economic, social and environmental. Planning therefore needs to perform roles in respect of these, and each development proposal needs to be considered on that basis. They cannot be considered in isolation – development proposals must meet all three tests.

- 3.62. **Economic** – the development would represent the loss of best and most versatile agricultural land, a topic that also transcends into environmental issues. This means that there would be an economic impact in terms of lost agricultural productivity. Countering this, for the construction phase of the project (lasting 36 months), 174 construction and indirect jobs are expected to be created. When completed, 36 FTE jobs are expected to arise from the development, related to the proposed GP and dental surgeries and the supermarket. The development is also expected to accommodate up to 158 economically active people.

- 3.63. Employment arising from the construction phase of the project is considered to be transitory. Jobs arising from the completed development are considered to be a more accurate indication of economic benefits, as is the resident population of economically active people. However, it is unclear how many of these people reside in the area already and where they might be employed or support other aspects of the economy with household spending i.e. inside or outside of the district.

- 3.64. The applicant has also advised that the development would deliver a New Homes Bonus which would total £1.2 million over a six year period whilst the development, once built, would provide £259,000 (based on average council tax values for bands B to G – £1,825 per dwelling) of additional council tax payments and £53,000 in business rates (based on an estimated value for the location of the relevant businesses and their size, multiplied against the business rates multiplier of 49.7p). The LPA must have regard for local financial considerations, as far as they are material to the application. In this case, the suggested New

Homes Bonus, council tax and business rates receipts would not make the development acceptable in planning terms and, as such, are not material considerations in the determination of this application. In reaching this conclusion, it is noted that the Planning Practice Guide states that “it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body”. Therefore this is not a material consideration and cannot be attributed weight.

- 3.65. In addition, the applicant advises that the development might accommodate a community with an equivalent spending power of around £2.7 million per annum, across convenience, comparison and leisure goods and services.
- 3.66. **Social** – the development would create an extension of Capel le Ferne, which would increase the resident population of the settlement. Residents could be expected to contribute to the local community in some degree, not least as it is likely that some of them would already be existing within it, perhaps as concealed households i.e. where adult children form their own identifiable family unit while still living with their parents. Capel le Ferne has been identified as a local centre, however, the LALP identifies land allocations LA24 – Land south of New Dover Road, LA25 – Land at the junction of Capel Street and Winehouse Lane and LA26 – Land between 107 and 127 Capel Street, as a means of supporting that role in the settlement hierarchy and fulfilling the social needs of the community.
- 3.67. **Environmental** – the environmental effects of the development are almost entirely negative and harmful. The site is situated within the Kent Downs AONB and accordingly, the proposal has been objected to by the DDC Landscape and Ecology Officer, the Kent Downs AONB Unit and Natural England. Assessed against paragraph 116 of the NPPF, the need for the development is not adequately justified and the case is not adequately supported, the development could be accommodated outside of the AONB which has been demonstrated by the LPA in allocating land elsewhere throughout the district. The moderation of the detrimental effect of the development is ultimately an exercise which is very difficult to achieve. The proposed development would see a distinct landscape of the highest status being transformed into a housing estate, which could be located and found widely, such housing estates are typical of urban locations and this proposal brings nothing to this nationally protected landscape. The loss of AONB landscape in this respect is not justified. The coalescence and expansion of built form and the urbanisation it would bring to this unspoilt location is unduly and unnecessarily harmful.
- 3.68. The conclusion, in accordance with NPPF paragraph 14, is that the proposed development is not sustainable. The adverse impacts of granting planning permission would significantly and demonstrably outweigh any benefits.
- 3.69. It is noted that the applicant sought pre-application advice from the council in 2016 and was advised at that time, on broadly the same basis as considered in this report, that the development would be “strongly resisted”. Since the time of that advice being issued and in addition to it, the council is now in a position of being able to demonstrate a five year supply of deliverable housing land. The development is not sustainable. A grant of planning permission would be contrary to legislation as set out at section 38(6) of the Planning and Compulsory Purchase Act 2004. There are no overriding material considerations which indicate that planning permission should be granted – the development is contrary to the development plan and the NPPF.

3.70. In June 2016, the council issued a screening opinion that an environmental statement was not required. This stated that the necessary considerations to allow determination could be dealt with as part of the application process. These considerations have been addressed above, and all comments submitted to the consultation process have been considered in making this recommendation.

g) **Recommendation**

- I. Planning permission be REFUSED for the following reason: The proposed development if permitted by virtue of its location outside of settlement confines, would result in an unsustainable, unjustified form of urbanising development in the protected AONB, leading to a loss of BMV land and countryside, which would be significantly harmful to the scenic beauty and landscape quality of the local and wider area and the street scene, where there are no overriding public benefits, contrary to Core Strategy policies DM1, DM15 and DM16 and the aims and objectives of the NPPF in particular at paragraphs 8, 9, 11, 12, 14, 17, 112, 115 and 116 and the Kent Downs AONB Management Plan policies SD1, SD2, SD3, SD8 and LLC1
- II. Powers to be delegated to the Head of Regeneration and Development to settle the precise reasons for refusal, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett