

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

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

25 October 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 2 November 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](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

Chief Executive

## Planning Committee Membership:

F J W Scales (Chairman)  
B W Butcher (Vice-Chairman)  
P M Beresford  
T A Bond  
D G Cronk  
B Gardner  
D P Murphy  
M J Ovenden  
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 4)

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

4 **ITEMS DEFERRED** (Page 5)

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

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

5 **APPLICATION NO DOV/16/01328 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD** (Pages 10-33)

**Outline application for the erection of up to 28 dwellings (30% affordable housing) and creation of vehicular access (to include demolition of 14 Archers Court Road)**

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

6 **APPLICATION NO DOV/17/00661 - SITE SOUTH OF MARLBOROUGH ROAD, DEAL** (Pages 34-46)

**Reserved matters application for approval of layout, appearance, scale, means of access and landscaping of the site and submission of details pursuant to condition 1 of DOV/16/00706 for the erection of nine dwellings**

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

7 **APPLICATION NO DOV/17/00546 - LAND SOUTH OF SINGLEEDGE LANE, WHITFIELD** (Pages 47-67)

**Erection of 100 dwellings (including 30 affordable homes), new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 3.3 hectares of open space, including a locally equipped area for children's play**

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

8 **APPLICATION NO DOV/16/01476 - LAND TO THE REAR OF HYTON DRIVE AND ROMAN CLOSE, CHURCH LANE, SHOLDEN** (Pages 68-86)

**Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished)**

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

9 **APPLICATION NO DOV/17/00280 - FORMER KUMOR NURSERY AND 121 DOVER ROAD, SANDWICH** (Pages 87-113)

**Erection of 67 dwellings, single and double garages, new vehicular access, associated parking and landscaping (including demolition of 121 Dover Road)**

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

## **ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

10 **APPEALS AND INFORMAL HEARINGS**

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

11 **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](http://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 Services Officer, telephone: (01304) 872303 or email: [kate.batty-smith@dover.gov.uk](mailto: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 – 2 NOVEMBER 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/14/00240**      **Redevelopment of site to provide a total of 100 residential units comprising: two-storey terrace, semi-detached and detached new-build dwellings; Change of Use and conversion of Tewkesbury House and the Chapel to provide 568 square metres of community space (Use Class D1), employment space (Use Class B1) and two residential units; minor demolition, alteration and conversion of the 'Old Workhouse' to provide ten residential units; retention and reinstatement of the fire-damaged Range building and erection of a two-storey terrace of ten residential units; car parking, landscaping, public open space and alteration to existing access (Amended plans and documents) – Eastry Hospital, Mill Lane, Eastry (Agenda Item 10 of 31 August 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

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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.



**Not to scale**

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published 2017

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

**Application: DOv/16/01328**

**Land to rear of Archers Court Road**

**Whitfield**

**CT16 3HP**

**TR 0444 4730**



**a) DOV/16/01328 - Outline application for the erection of up to 28 dwellings (30% affordable housing) and creation of vehicular access (to include demolition of 14 Archers Court Road) - Land rear of Archers Court Road, Whitfield**

Reason for report – Deferred from 20 April 2017 Planning Committee for:

(a) Further information from the applicant relating to: (i) arrangements for the disposal of foul and surface water, and the overall impact of the proposed development on flood risk in the area; and (ii) the location and width of the access road.

(b) The commissioning of an independent traffic survey, the scope of which to be delegated to Officers in consultation with the Chairman of the Planning Committee.

**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.”

Dover District Core Strategy (2010)

- CP1 - Settlement Hierarchy
- CP2 - Provision of Jobs and Homes
- 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
- DM17 – Groundwater Source Protection
- DM25 - Open Space

Saved policies Dover District Local Plan (2002)

- Policy TR4-A2 Safeguarding Area

Dover District Land Allocations Local Plan (2015)

- DM27 - Providing Open Space

"To meet any additional need generated by development, planning applications for residential development of five or more dwellings will be required to provide or

contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. This applies to accessible green space, outdoor sports facilities, children's equipped play space and community gardens in accordance with the standards that are contained in Table 1.2. Applications will also be required to demonstrate a minimum of 15 years maintenance of facilities. The need arising for other types of open space (operational cemeteries, European site mitigation and landscape mitigation) will be assessed on a development specific basis.

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances contained in Table 1.2 and the capacity of those facilities can be expanded to meet the additional demand, then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements."

#### 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 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 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 70 – To deliver the social, recreational and cultural facilities and services the community needs which should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the loss of valued facilities; ensure established facilities are retained for the benefit of the community; and ensure an integrated approach to considering community facilities.

Paragraph 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

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 contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible and 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.

Paragraph 114 – LPA's should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

Paragraph 118 - When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. 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.

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.

#### 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.

#### Whitfield Masterplan SPD (2011)

The Whitefield Masterplan SPD sets out a framework for how the expansion of Whitfield should be undertaken, developing principles set out in the Core Strategy. This application site lies outside but adjacent to the proposed area of expansion.

#### Kent Design Guide (2005)

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

### **d) Relevant Planning History**

DOV/13/00360 - Outline of up to 28 dwellings, construction of vehicular access including demolition of 14 Archers Court Road - Refused. Appeal dismissed on highway safety and capacity grounds.

Applicant's Appeal to High Court was successful and the matter was referred back to the Planning Inspectorate for determination. On 12th January 2016 the Inspector appointed under Appeal ref APP/X2220/A/14/2217154 dismissed the appeal on the grounds that the application would fail to protect local biodiversity and as such would be contrary to paragraphs 17, 109 and 118 of the NPPF. The Inspector considered the effect of the proposal on highway infrastructure and held it would not have a harmful effect on it and as such accords with paragraph 32 of the NPPF.

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

DDC Principal Infrastructure Officer – No objections, subject to a Thanet Coast and Sandwich Bay SPA financial contribution and the provision of public open space including a LEAP on site.

DDC Trees - No objections as the removal of the large amounts of dead and diseased trees will be beneficial. The majority of the felling of remaining trees lie towards the inner aspect of the site and should not cause an issue as a number of them are of poor value. According to the Arboricultural Impact Assessment there are plans to repopulate the loss of the dead and diseased trees.

DCC Ecology - No objections in principle, species surveys have been undertaken in respect of reptiles, dormice and bats and have confirmed there are no ecological constraints to development. There will be a requirement for ecological protection measures and enhancement and further details will be required at Reserved Matters stage. The use of inappropriate lighting may adversely affect bat foraging and recommendations regarding bats and lighting in the bat survey should be conditioned. In addition some works on site will need to be undertaken or surveyed by a licensed ecologist.

DDC Environmental Health - The applicant submitted a further noise report and Environmental Health would not object subject to a proposed 4.5m high acoustic fence/screen (section 8.5.3 of the report) being put in place. Lower height fencing would not address the noise associated with road traffic.

The criteria and approach to the noise survey is agreed and I am confident that existing noise levels and predicted (2031) reported from traffic on the A2 is robust and represents the current and future position. I note that sound levels likely to be present within the homes (living areas and bedrooms) exceeds recommended indoor ambient noise levels quite considerably and external amenity garden areas where an acceptable desirable noise level of 50 LAeq (dB) is recommended, predicted noise levels require significant robust mitigation. In terms of indoor noise levels, acoustic glazing is recommended and would appear to be sufficient to reduce noise levels to an acceptable level (Section 7.0 Noise Mitigation), the scheme of mitigation should clearly indicate that the spec shown in the report is installed (glazing ventilation).

In respect of Air Quality as well as earlier air quality assessments, including a recent air quality report for this area. Nitrogen dioxide and particulates PM10 from road traffic are not at levels whereby National Air Quality Objectives are likely to be breached, both without and with this development. It is confirmed that air pollution does not need to be considered further within this application.

Regarding contamination, a condition is recommended to require further reports and mitigation if contamination were to be identified during works on site.

KCC Highways & Transportation – No objection, bearing in mind the comments made by the appeal Inspector in January this year on the impact of the previous identical development on the highway network. Adequate visibility is available at the access, and the internal layout and associated parking can be dealt with through reserved matters. Accordingly, conditions should be attached including a Construction Management Plan, the provision and permanent retention of vehicle and cycle parking and turning facilities, full highway design details to be submitted for approval, completion of all works prior to occupation and provision and maintenance of the visibility splays prior to the use commencing.

KCC Flood and Water Management – The surface water drainage strategy submitted provides for partial infiltration utilising permeable pavement and an attenuation pond with an outflow. The report recommends that infiltration testing is undertaken. KCC as Lead Local Flood Authority have the following comments:

- a) The site is underlain by superficial deposits with low permeability greater in than 3m in depth and chalk deposits which are freely draining. As there are no surface water sewers or watercourses within the locality and given the underlying geology it would be expected that surface generated on site could be managed on site with no outflow from the site. There should be no concentration of flows off-site.
- b) As no infiltration testing has been undertaken and given the reliance of the drainage strategy on the ability to infiltrate to the ground, information on feasibility of utilising infiltration should be provided before any decision is made as to the feasibility of drainage provision at this site.

Given the uncertainty with the surface water final discharge destination from this development, we object until further information is submitted which demonstrates the feasibility of infiltration or provides a viable alternative.



Additional Comments: The amended documentation submitted in response to our previous objection has been reviewed. The Surface Water Drainage Report states that surface water from the site will be disposed of via deep bore soakaways into the chalk, but no ground investigations can be carried out to demonstrate the feasibility of infiltration as no access to the site is possible. Since the feasibility of infiltration has not been demonstrated and no other viable alternative is proposed, our objection to this proposal therefore still remains.

An analysis of the geological considerations across the site forms the basis of our concerns, and is summarised:

Suggestion was made in the SWD report that the nearby Light Hill site, already approved for development, could be taken as an analogue for the surface water drainage proposals on this current site. However, geographical proximity does not mean that the geology of one area can be extrapolated to another, and a geological review concludes that the thickness of superficial drift at this location is unlikely to be directly comparable to the Light Hill site. A borehole in the public domain in the same geological province and within 500m of the current site records 13m superficial deposits overlying the chalk bedrock. This is not the case at the Light Hill location, where superficial deposits can be expected to be significantly thinner, and are in fact completely absent over a large part of the site where the exposed chalk bedrock will allow direct surface infiltration, an option which is not possible at the current location. Therefore it is advisable that onsite infiltration testing is carried out as per our original recommendation.

The site sits within a Groundwater Source Protection Zone 3, and potable public water supplies are at risk from activities at this location. The EA have indicated that deep infiltration systems will only be considered if it can be justified that a shallower system will not work effectively. This can only be demonstrated with infiltration testing. The design of the proposed deep bore soakaways will need careful consideration, since there is a recommended 10m separation between the base of infiltration and the top of groundwater levels in order to protect the underlying chalk, which is a Principal Aquifer, from contamination. The thickness of superficial deposits across the site could be significant, and site investigation at the location of the proposed soakaways will therefore need to be conducted at the earliest possible opportunity as the results may impact site layout.

KCC Archaeology – The application site lies in an area of archaeological interest arising from recent findings to the south and north. Groundworks associated with the proposed development have the potential to affect buried remains of archaeological interest. It is therefore recommended that a programme of archaeological work is dealt with by condition.

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 (Green Park Primary School & Dover Christ Church)
- Libraries (Dover library)

These contributions 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 PROW Officer - Public Right of Way ER54 runs along the southern part of the site. The location of the public footpath on the block plan does not concur with the definitive map. Concerns are raised that the development will directly affect public footpath ER54 and would therefore an objection is raised to the proposal as it stands. The objection would be withdrawn if the applicant indicates an intention to divert the path under the Town and Country Planning Act 1990. To enable this, the development, insofar as it affects the Public Right of Way, must not be started until such time as the Order necessary for its diversion has been confirmed. A further condition is sought requiring no development over the PROW until the confirmation of its diversion or extinguishment. It's advised that it would be beneficial to re-connect public footpath ER54 to the underpass at the A2 roundabout which would greatly improve access to local amenities.

Highways England - No objection based on the information supplied, trips generated will be of a level and distribution that will not materially affect the safety and/or operation of the Strategic Road Network. Any noise mitigation measures will need to comply with DfT Circular 2/13.

Environment Agency - No objection to the proposed development as submitted subject to conditions being imposed with regard to the potential for unidentified contaminated and its remediation and no infiltration of surface water drainage unless approved. The site is classified as a principal aquifer and lies in a Source Protection Zones 2& 3 for a public water supply borehole. No details of a SuDs features are proposed and any scheme will need to be carefully designed to ensure protection of the ground water from pollution and the depth of the unsaturated zone. Deep bore options may not be the most appropriate.

Additional Comments: The outline SuDs drainage proposals may be acceptable at this site if all components are verified. We would need to see all the final design details before we could agree the deep bore elements of the proposals. All infiltration points should be as shallow as possible and only clean water discharge would be permitted to ground at this location. Further design proposals are requested once infiltration testing is completed and specific borehole soakage points have been detailed.

Southern Water - Initial comments raised no objection but it was subsequently advised that a review of capacity was required, which would ultimately involve connecting to Sandwich Road, via the Newlands Road waste water pumping station and stating:

Southern Water Services has undertaken a review of the modelling assessment undertaken for the 28 units. The original assessment did not take account of the flooding now known to occur in the vicinity of manhole reference TR30452901, as this was not recorded on our systems at that time. A rerun of the updated model taking into account of this information indicates that there is detriment to the existing sewerage network with the inclusion of the flows from this development site. Therefore, Southern Water has to amend our previous comments with regards to the availability of capacity to service this particular development. Southern Water would consider this development premature until such time a growth scheme is implemented and completed within the area.

This position was further clarified due to ongoing planned improvements and revised comments given.

Revised and current comments: Southern Water considers this development premature until such time the capital works planned to provide infrastructure to this area to accommodate future development flows are complete. No development approved by this planning permission shall be commenced until a scheme for the improvement of the existing foul drainage system has been implemented. No occupation and effectively connection to the public sewerage system, of dwellings approved by this planning permission shall occur until each phase of the scheme for improvement of the existing foul drainage system has been completed and confirmation obtained of available capacity within the network and at the treatment works. *(This could therefore be controlled by conditions.)*

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water are required which should be a SuDS scheme. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. An agreed SuDS scheme should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Whitfield Parish Council – object to this application. This application has been subject to various applications, appeals and amendments, and was deferred by Committee for further information, but this information has not been provided and is incomplete.

There is no Traffic Survey report: Decision was deferred by the Committee, but the required report from the traffic survey is not available for comment and appraisal.

Surface Water Drainage Strategy is not fit for purpose: The issue of Sewerage and Wastewater disposal is not addressed. The Surface Water Drainage Strategy is simply a generic response, copied from elsewhere and is full of assumptions. The report is not sure if there is existing drainage infrastructure to the east of the site and does not address the issue that the application was deferred for – the sewerage and wastewater disposal arrangements. The only option for this is to add to the existing mains sewerage from the north of the village up Sandwich Road, which is over capacity and cannot cope with the extra volume from Bowman's Place and a major problem with other proposals. Extra waste at the Southern end of the village means less capacity at the Northern end of the village, including Bowman's Place.

Desktop assessments are not evidence: The Surface Water Drainage Strategy is a desktop assessment with no permeability tests carried out. The report cites the SUDS and drainage system on phase 1 of the WUE as justification for doing the same, but omits that there will be no SUDS on phase 1 since the Developer has chosen not to use this method and is now using another system. Unrealistic and complex maintenance requirements for surface water drainage system that require an extensive and expensive schedule of maintenance to be carried out which will probably not happen, be enforced, especially as the residents will have to pay an annual fee for the work to be carried out in addition to the grounds maintenance charge for the green area.

Section 106 payment for Green Park Primary School: The 106 payment of £3300 per house for schools is spent on expanding Green Park Primary School. Any S106 monies should be used within the Parish and on Whitfield's primary schools.

Acoustic Report inaccurate: The Acoustic Report (updated) still refers to a new 2m fence that will reduce the noise levels but it still does not realise there is already a 2m fence there so there will be no additional noise reduction. The report fails to recognise the requirements of NPPF and World Health Organisation Guidelines, that development should not be allowed where there are excessive noise pollution problems. This is a generic report that does not assess the individual site, or make specific recommendations. Residents of these dwellings will have to live in acoustically sealed units and avoid use of outside areas to not be subjected to unacceptable noise levels.

Land is safeguarded by Policy TR4: The site should not be developed as it is land which has been safeguarded for the A2 Widening /Junction works by Policy TR 4. Although Highways Agency have said there are no current plans for such a scheme, the land has been safeguarded to allow for future road works such as a grade separated junction at the Whitfield Roundabout site and/or any necessary realignment of the existing A2 to facilitate other Roundabout improvements

Land is allocated as open space: The site is allocated as Open Space on the Proposals Map. All such areas must be protected and retained for recreational use and maintain the character of the local area. This important amenity area is well used for recreational purposes and there is evidence of children's camps and other play activities, along with the well worn network of paths that cross the whole site. The area is well utilized.

Site is not included in the Site Allocations or Whitfield SPD: This application is on a Greenfield site that is not included in the Local Plan and it has not been fully appraised by the LDF Site Allocation process or the adopted Whitfield Expansion SPD. The application is, therefore, contrary to guidelines for land use and the aforementioned documents. The application should not be determined in isolation and must be assessed through the Allocation Documents alongside all other proposed developments in the Parish of Whitfield and the wider Dover District.

Adverse effect on existing residents: There is strong local opposition to development of this site. The access road will cause overlooking, security issues, noise and nuisance to existing properties and gardens either side of the access road, resulting in loss of amenity for existing residents. The size and scale of the proposed properties will be unacceptable and affect amenity of property in Archer's Court Road, Courtland Avenue and Newlands.

Unacceptable environmental impact: This application is on a Greenfield site. It's proximity to woodland protected by TPO's has not been assessed for likely future pressure to fell trees, nor does the application state if any protected trees will be removed for the access road or for the development. There is no clear information on requirements to clear trees and saplings not protected by the TPO's in the construction area. Our estimate is that 50 or more unprotected trees will have to be removed. This land is ecologically important for wildlife and should not be developed in an area that is already losing Greenfield land surrounding the village.

Noise from A2 exceeds acceptable levels - Future Residents of this development will suffer excessive noise from A2, too much for residential development. It is unacceptable to have development in an area that will be affected by constant noise to this extent. This is a material consideration that must be taken into account as part of an outline application. The NPPF states that: *"planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;"* While the NPPF has a

“Presumption in Favour of Development” it should be remembered that the NPPF also has a requirement to avoid noise that give rise to adverse impacts on health and quality of life. NPPF 109 clarifies that development should not be allowed in an area where the existing noise levels exceed recommendations. The proposed mitigation measures are inadequate and do not take account of residential use of gardens and outside areas. The site is below the level of the A2 and the surrounding trees concentrate the noise within the site. An earlier DDC report flagged up potential noise implications and the officer commented on the noise of the traffic during a site visit. The World Health Organisation (WHO 1999) Guidelines for Community Noise are far exceeded.

Increased traffic and inadequate access to site: The development will result in an overall increase in traffic onto Archer’s Court Road, the junction with Sandwich Road and onto Whitfield Roundabout, especially at peak times. Access arrangements are inadequate. The access onto Archer’s Court Road in an area where there is regular congestion and queuing to get onto Sandwich Road and the Whitfield Roundabout and will cause additional hazards on this busy and congested road. There is no detail on how the junction and road will be upgraded to accommodate the extra traffic generated by 28 new dwellings and for construction traffic.

No provision or assessment of community and social infrastructure: The application does not appraise or make any provision for providing any of the elements of social and community infrastructure that will be required to support the development contrary to planning requirements. Whitfield, the road network, schools, health care, community services and other infrastructure will be under pressure from the 5750 new houses already proposed for Whitfield. Provision made within the SPD is widely considered to be inadequate and to be delivered too late to meet the growing demand. Extra development will exasperate the situation and the impact is not assessed.

Overdevelopment of existing Village: It is unacceptable to have any further sites developed in Whitfield. This application has not been assessed as part of the Whitfield Masterplanning process or the LDF Site Allocations Process and should not be considered for approval. Smaller developments and infill within existing Whitfield built area will have a massive impact on the density of the existing Village and on the feeling of overcrowding within Whitfield. Whitfield is already suffering from continuous applications for backland development. With the expansion of Whitfield it is vitally important that the existing village character is retained. Increasing the density of the existing area with further development is unacceptable.

Five Year Housing Supply: A historic housing shortfall from some years makes any ad-hoc and environmentally unsuitable application acceptable. Especially in light of the fact that in the past few years land has been reserved for over 8,000 dwellings in the District. There is adequate land supply for the next 5 years.

Whitfield Parish Council ask that this application is rejected or, at the very least, deferred until a site visit can take place to assess the impact it will have on the local area, residents, the flora and fauna and the degree of noise generated by the A2 Trunk Road.

Third Party Representations - 12 letters of objection have been received, raising the following issues:

- Cumulative impact of development in area
- Pressure on local highway infrastructure

- Adverse impact on highway safety
- Adverse impact on biodiversity
- Loss of trees subject to TPO's
- Loss of open space
- Loss of wooded area
- Generation of noise and light pollution
- Proximity to existing properties would give rise to loss of privacy and overlooking and loss of amenities
- Adverse health impacts due to traffic increase
- Scheme no different to what was refused planning permission and dismissed on appeal

**f). The Site and Proposal**

- 1.1 The site is a triangular parcel of land which lies between the rear of the residential properties off Archers Court Road and the A2. The site is heavily overgrown and is subject to a Tree Preservation Order (No. 8 1981). It is currently accessible via a Public Right of Way (ER54) running along the southern part of the site connecting the underpass on Whitfield Roundabout with Archers Court Road and continuing through the field towards the A258. The site is immediately outside the Whitfield Urban Expansion (WUE) area but within the urban settlement boundary of Dover. It is not therefore subject to the SPD criteria for infrastructure provision in the WUE. The site sits below the level of the A2 and has an area of 1.6 hectares. It is allocated in the Core Strategy as protected open space. The site is situated in Flood Zone 1 and in Groundwater Source Protection Zones 2 & 3. The site is also an Archaeological Protection Area.
- 1.2 It is understood that the site once formed part of a caravan site but is now residual land from the road works to the A2. Part of the site remains under the A2 safeguarding designation (Saved Policy TR4). To the north west of the site are mostly detached dwellings with large rear gardens on Archers Court Road, to the north semi-detached dwellings on Courtland Avenue and to the east is a residential development dating from 1980's and 90's of detached and semi-detached dwellings on Newlands.
- 1.3 The proposal is for outline planning permission for 28 dwellings, 30% of which would be affordable housing. At this stage a housing schedule has not been provided. All matters are reserved except for the means of access. The proposal would involve the demolition of 14 Archers Court Road, a detached two storey dwelling, to facilitate the creation of a new vehicular access into the site. The proposed access road would be 5.5m wide and includes a 2m footpath to the east, traffic calming, parallel car parking and a turning head to serve the development.
- 1.4 The indicative layout plan identifies a building with an L-shaped footprint with rear gardens to the units. A community public open space with a wildlife pond is proposed in the central section of the site. This would include a Locally Equipped Play Area (LEAP). A landscape buffer/screen zone is shown to be incorporated along the A2 boundary with the woodland to the east to be managed. A 2m high acoustic fence is also shown along the A2 boundary.
- 1.5 A draft s106 agreement has also been submitted in support of the application.

**2. Main Issues**

2.1. The main issues to consider are:

- Background
- Principle of Development
- Highway Matters
- Drainage and Flood Risk
- Ecology and Biodiversity
- Impact on Trees
- Public Right of Way
- Visual and Residential Amenities
- Noise and Air Quality
- Archaeology
- Contamination
- Planning Obligations

Background

- 2.2 The previous application under ref. DOV/13/00360 was refused on the ground that the local highway infrastructure did not have the capacity to absorb additional traffic movements generated by the development, taking into account the increased traffic that would be generated by other developments using the highway network.
- 2.3 The applicant lodged an appeal against this decision and the appeal was dismissed by the Planning Inspector. This decision was successfully challenged in the High Court by the appellant and the matter was referred back to the Planning Inspectorate for determination. On 13th January 2016, this appeal was dismissed. In the decision, the Inspector considered the main issues were the effect of the proposed development on the local highway infrastructure and its effect on local biodiversity.
- 2.4 The Inspector did not find the proposal, together with the impact of other developments, would result in a severe cumulative impact on the local highway infrastructure and determined that the development was in accordance with paragraph 32 of the NPPF. He advised that the LPA were unable to provide cogent evidence that there was insufficient capacity in the local highway network to accommodate a 'relatively small development' that was supported by a Transport Statement and Technical Note. Therefore the sole reason for refusal was overturned by the Planning Inspector.
- 2.5 However, the Inspector did find that there was a lack of sufficient information submitted in respect of the impact on biodiversity and could not be certain that the proposal would not result in significant harm to biodiversity, as identified in paragraph 118 of the NPPF. Consequently, the proposal would fail to achieve one of the core planning principles in paragraph 17 of the NPPF, namely to conserve and enhance the natural environment. In this regard it was concluded that the proposed development would fail to protect local biodiversity and was contrary to paragraphs 17, 109 and 118 of the NPPF.
- 2.6 The Inspector also found in favour of matters such as the provision of affordable housing and the residential use of the site, noting the proposal would provide a positive social and economic role but its failure on the environmental aspects of paragraph 17 outweighed the benefits of the proposal and the appeal was dismissed.

Assessment

## Principle of Development

- 2.7 The application site lies within the urban settlement confines of Dover, a regional centre identified in Policy CP1 of the Core Strategy, where major development that reinforces its role as a provider of services is appropriate. The proposal is therefore considered to be in accordance with Policies CP1 and DM1 of the Core Strategy, as it is within the settlement boundaries and is therefore considered appropriate, in principle, for residential development.
- 2.8 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development which accords with the development plan should be approved without delay. On 1 March 2017 Cabinet agreed that the 2015/2016 Annual Monitoring Report be approved, which included 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 and therefore a 5 year land supply can be demonstrated. Consequently the policies set out in the Core Strategy and Land Allocations Local Plan are to be given full weight in the decision making process.
- 2.9 However, at the time of the determination of the earlier planning application and the appeals the LPA could not demonstrate a 5 year supply of housing land and the District's housing policies were not in accordance with the NPPF. Nevertheless, this position was not a key issue at the time of these decisions and was not considered relevant in the determination by the Planning Inspector. In the context of Paragraphs 14 & 49 of the NPPF, it was determined that the site could satisfactorily accommodate a residential development and was considered to be a sustainable housing development and location.
- 2.10 One of the NPPF's key objectives is to deliver a choice of high quality homes that widens opportunities for home ownership and creates sustainable, inclusive and mixed communities. This objective is reflected in Policy CP4 of the Core Strategy which aims to ensure that the housing meets the needs of the present and future generations. The Strategic Housing Market Assessment (SHMA) identifies a demand for market housing based on a projection of newly formed households in the District. This application contains no details of the proposed dwelling mix and therefore consideration of the SHMA and justification for a proposed housing mix will need to be submitted at Reserved Matters stage should planning permission be granted.
- 2.11 Policy DM5 of the Core Strategy seeks residential development of 15 dwellings or more to provide the provision of 30% affordable housing of dwelling sizes that address the prioritised needs in the SHMA, reflecting NPPF's objectives. The application is proposing to provide 30% affordable housing in the form of 8 social rented units that would be broadly in line with Policy DM5. Further details of the affordable housing provision can be controlled by a condition and is acceptable in principle at this stage.
- 2.12 The site is designated as Protected Open Space in Policy DM25 of the Core Strategy and despite being overgrown, does have value as an informal recreation area. Policy DM25 does not permit development which would result in the loss of open space unless:
- i there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space;
  - or

- ii where there is such a deficiency the site is incapable of contributing to make it good; or
  - iii where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access can be made available; or
  - iv the case of a school site the development is for educational purposes; or
  - v in the case of small-scale development it is ancillary to the enjoyment of the open space; and
  - vi in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.
- 2.13 The application would result in the loss of an area of protected open space and it has not been demonstrated in the application submission whether there is no identified qualitative or quantitative deficiency in public open space as set out in criteria i of Policy DM25. However, criteria iii states that where a site is capable of contributing to making good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, could be acceptable. An integral part of this proposal is the provision of a substantial area of public open space including a LEAP and the future management of the retained woodland/trees. Therefore the well-managed area of open space being proposed would achieve a wider community benefit than the existing space and would, with the public footpath, provide safe and enhanced pedestrian access to local amenities and services.
- 2.14 The proposed retention and enhancement of an area of public open green space adjoining a public footpath would therefore improve informal surveillance. This would be subject to an agreed layout to include the incorporation of a LEAP, which could be controlled by a condition. In addition, a significant number of trees are proposed to be retained and managed as part of the development which would further enhance the local area and the open space provision. Accordingly and on balance it is considered that the development would not conflict with the objectives of Policy DM25 of the Core Strategy and as such residential development would be acceptable in principle and in line with Policy DM25.
- 2.15 It is also important to note that the Inspector, in considering the last appeal, acknowledged that the proposed development had the potential to enhance the area of open space and raised no in principle objection to a residential development on this site.

#### Highway Matters

- 2.16 The relevant Core Strategy policies are DM11, DM12 and DM13. DM11 requires planning applications for development that would increase travel demand to 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 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.
- 2.17 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.



- 2.18 Full details of the means of access are submitted under this application which includes a single 5.5m wide access road to serve the site from Archers Court Road, which would reduce to 4.8m away from the junction. The access road will include traffic calming with a 2m wide pedestrian footpath. Although only an indicative layout, car parking spaces are proposed throughout the development in the form of parallel parking and parking bays adjacent to the open space.
- 2.19 The Planning Inspector in the last appeal did not agree that the proposal would have a severe cumulative impact on the local highway network and was of the view that the development was in accordance with paragraph 32 of the NPPF. The appeal was therefore not dismissed on highway grounds. This current application is for the same quantum of development and is supported by the same evidence considered by the Planning Inspector when reaching his conclusion in January 2016.
- 2.20 KCC Highways have raised no objection to the application, subject to conditions, as the scale and mix of development associated with this application does not depart from that of the appeal decision and therefore the scope of the assessment remains unchanged. The Transport Statement and Technical Note submitted in support of the application identify that the impact of the proposal on the junction with Archers Court Road and Sandwich Road would not require any form of mitigation to support an additional 28 dwellings. The conditions recommended include the provision and maintenance of the visibility splays with no obstructions over 1 metre above carriageway level within the splays and the submission of a construction management plan.
- 2.21 Local Plan Policy TR4 identifies land along the A2 to be safeguarded for any future widening of the A2. However, Highways England has confirmed there are no current plans to undertake any road widening and have raised no objection. Policy TR4 should not therefore be a constraint to development.
- 2.22 Nevertheless, at Planning Committee on 20<sup>th</sup> April 2017 Councillors raised concerns regarding the high volumes of traffic experienced on Archers Court Road and the ability of the highway junctions to cope with the increased traffic from 28 additional dwellings. The application was therefore deferred for an independent traffic survey to be commissioned and undertaken to assess existing traffic levels on Archers Court Road and the junction with Sandwich Road. A Traffic Study was therefore commissioned by the local planning authority with the scope agreed with the Chairman and Ward Councillor. The final report was issued on 15<sup>th</sup> September 2017.
- 2.23 The Traffic Study assessed and surveyed existing traffic flows at morning and evening peak periods at the Sandwich Road junction and Whitfield roundabout to generate existing flow scenarios. The additional vehicle movements generated by the proposed development were then added to the existing flows. It was concluded that both junctions had spare capacity to accommodate the additional traffic predicted as part of this proposed development. In addition, the impact on queues are not expected to increase by more than 1.2 PCU's (cars). Therefore it is unlikely that a detrimental impact on the highway network would be caused by development and the results confirm the position identified in the applicants transport statement and technical note. The cumulative impact on the highway network of recent developments in the Whitfield area has also been raised as a concern; however, Members did not seek an assessment of the cumulative impacts in the independent traffic study that was commissioned.

- 2.24 It has therefore been established, through the application submission, appeal decision and the independent traffic study that the proposed development will not have a significant or detrimental impact on highway capacity or safety and the development is therefore acceptable in the regard and in accordance with paragraph 32 of the NPPF.

#### Drainage and Flood Risk

- 2.25 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.
- 2.26 A Flood Risk Assessment (FRA) and a Surface Water Drainage Strategy have been submitted in support of the application. The site also lies on a principle aquifer as well as in Groundwater Source Protection Zones 2 & 3. The FRA demonstrates that the proposal will be safe in terms of flood risk for its life and will not increase the flood risk elsewhere. The Surface Water Drainage Strategy identifies that infiltration drainage is proposed to deal with all surface water and run-off by infiltration into the subsoil, 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, rainwater harvesting and an attenuation pond to deal with an increased run-off during storm events.
- 2.27 In respect of foul drainage, Southern Water initially confirmed that there was sufficient capacity in the foul sewer system to accommodate the additional flows from this development. Due to the known capacity issues with the foul sewer system in the Whitfield area, clarification was sought on this position. Subsequently, following a review of the modelling assessment undertaken, it was identified that there would be increased flooding and capacity issues at an existing manhole that would be to the detriment of the existing sewerage network as a result of this development. Southern Water therefore identified that the development was premature until such time as upgrading works had been undertaken by Southern Water.
- 2.28 This position was further clarified as other recently approved development proposals in Whitfield have a bespoke planning condition attached seeking details of the means of foul water disposal to be submitted to the LPA at the pre-reserved matters stage. As a result, and to be consistent with conditions on other development sites in the local area (including those in the WUE), Southern Water has further reviewed their position. They have now formally clarified that, although the development is premature in respect of their planned capital works to provide improved infrastructure and capacity in the area to accommodate additional future flows, a bespoke planning condition could be imposed to effectively control development until the planned upgrading works have been undertaken. This is on the basis that this development is an outline planning application and would be unlikely to be occupied prior to the planned completion of the works in 2020. The following condition is therefore suggested:

‘No occupation of the dwellings approved by this planning permission shall occur until the relevant phase of the Southern Water planned capital works scheme for improvements to the foul sewerage network and its capacity has been completed, with confirmation obtained of the availability of capacity in the network to be submitted and approved by the local planning authority.’

- 2.29 Such a planning condition would therefore effectively control additional flows into the system until the necessary sewerage infrastructure is in place, but would not prevent development commencing while the works are taking place (which could be seen as unreasonable for an outline planning application) where only the principle of development is being established. With such a condition therefore addressing the issues raised in respect of foul water disposal on the site, it is now considered this particular matter, in this case, has been adequately resolved.
- 2.30 In terms of surface water disposal, the method of an infiltration SuDS system is acceptable in principle however, infiltration testing has not yet been undertaken on site to confirm the final design of the SuDs system to be implemented. This could therefore be either a deep bore system or if ground conditions allow a shallower sub-surface system. It is expected that one of these designs can be implemented.
- 2.31 As a result the EA have not raised an objection in principle but have identified the need for infiltration testing to finalise the SuDS design and subject to conditions in respect of the protection of groundwater and pollution prevention due to the site being situated on a Principle Aquifer and in Groundwater Source Protection Zones 2 & 3. However, KCC Flood and Water Management, the Lead Local Flood Authority, have raised an objection due to the need for infiltration testing to enable the design of the SuDS proposals and as this has not been demonstrated the details submitted cannot be agreed at this stage.
- 2.32 Nevertheless, it is the view of Officers that the detailed elements of the surface water drainage strategy can be dealt with at a later date and can be conditioned at this stage. It is suggested that a condition to require full details of the surface water drainage strategy and its management at the reserved matters stage can address these outstanding concerns. In addition, conditions can be included to ensure the protection of the groundwater quality and pollution prevention. In conclusion, it is considered that with these conditions, the drainage aspects relating to this development have or can be addressed and the proposed drainage measures for this outline proposal are therefore adequate at this stage and accords with the relevant policies and the NPPF identified above.

#### Ecology and Biodiversity

- 2.33 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 European Sites. The LALP establishes that residential development across the district will cause, in combination, effects on the Thanet Coast and Sandwich Bay SPA. The LALP seeks to address 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.
- 2.34 In furtherance to the impacts on the off-site designations, 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. The application has been supported by a Phase 1 Ecological Survey which considers both the flora and fauna of the site, as well as Bat, Dormouse and Reptile Species

## Surveys.

- 2.35 The Inspector in the decision letter dismissing the appeal against the earlier scheme cited insufficient evidence, given the likelihood of protected species being present on the site. The Inspector also took account of Planning Practice Guidance which states that an ecological survey will be required in advance of a planning decision if the type and location of development is such that the impact on biodiversity may be significant and the existing information is lacking or inadequate. Surveys should not be required by condition except in exceptional circumstances and no such exceptional circumstances were presented to the Inspector. The appeal was therefore dismissed due to the lack of ecological information submitted.
- 2.36 These submitted surveys have been assessed by the Council's Ecologist who has noted that the surveys were undertaken by a competent ecological consultancy and no ecological constraints to development were found. They identified that there was no evidence of reptile and dormouse activity on the site but the site was being used by a number of different species of bats for foraging and commuting. There will, therefore, be a requirement for ecological protection measures to be addressed by way of conditions to mitigate any potentially adverse impacts on biodiversity. In particular, external lighting is a key consideration due to bats using the site and no details have been submitted. Lighting on the site will need to be appropriately mitigated and controlled with the type, level of illuminance, direction and levels of light spill controlled. This can be addressed at reserved matters stage and can be included in the condition listing requirements for the reserved matters stage. It is therefore concluded that the scheme is now acceptable in ecological terms, subject to conditions and would accord with paragraphs 17, 109 and 118 of the NPPF. The concerns raised by the Inspector in the appeal decision have therefore been adequately addressed.

## Impact on Trees

- 2.37 A TPO covers the site and was made because "the trees provided a line of visual amenity to the locality of Whitfield and a natural screen to the housing in Archers Court Road and the adjoining housing estates, which should otherwise be prominent in an open landscape when viewed from the south, in particular the A2 Jubilee Way". The TPO covers a number of different tree species and was made in 1981. A number of the trees listed are no longer present and some of the remaining trees are dangerous or dead, with the lack of maintenance being a key factor in this die back and decline. However the remaining trees make a significant contribution to public visual amenity and should be retained.
- 2.38 The application submission includes a Landscape and Arboriculture Assessment and the scheme proposes the retention of a tree/landscaped buffer zone to the southern/A2 boundary. The location of the proposed dwellings towards the north of the application site also facilitates the retention of a large number of trees within the overall site. Furthermore it is also proposed to retain and enhance the tree planting to all boundaries of the site, with works taking place to the retained trees that is considered to be good horticultural practice. The indicative site layout is also identical to the previous proposal under DOV/13/0360 and the Tree Officer had no objections in principle as the removal of the large amounts of dead and diseased trees that would be beneficial arboriculturally. In addition, the majority of the trees proposed to be felled lie towards the inner section of the site and should not cause a visual amenity impact as a high number are poor quality specimens of limited value.

- 2.39 It is also noted that the Landscape and Arboricultural Assessment includes proposals to repopulate the loss of the dead and diseased trees and there is a need for management of the existing woodland due to the neglect over the past few year. Any permission could therefore be subject to conditions requiring tree protection measures during the construction phase, details of tree retention, management, with further details requiring submission at reserved matters stage. The impact on the trees on site, covered by a TPO have been and can be appropriately addressed and managed to ensure their long term enhancement, thus ensuring the impact on visual amenity is maintained throughout.

#### Public Right of Way

- 2.40 The Public Right of Way (PROW) ER54 runs along the southern section of the site, however, its location shown on the submitted block plan does not concur with the PROW definitive map. Concerns have therefore been raised by KCC that the development will directly affect the public footpath. KCC have also advised that it would be beneficial if the ER45 connected to the underpass at the roundabout which would greatly improve access to local amenities. At this stage, the application is in outline form only and it is clearly the intention to retain the PROW and incorporate it into the proposed layout. The plans submitted are only indicative therefore it will be necessary for the line of the PROW to be clarified at a later date.
- 2.41 In addition, KCC have identified that they would withdraw their objection if the applicants identified their intention to divert the path through formal proceedings. In response to this, it is important to note that the granting of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect. Furthermore, planning conditions should not be used to duplicate matters regulated under other legislation and it would be inappropriate for conditions to be used to seek compliance with a separate legal process relating to diversion (should this be necessary).
- 2.42 However, to clarify the position of the PROW and ensure it is not affected by the development, a planning condition is suggested that requires no development to take place until the confirmation is submitted of the route of the PROW within the context of the proposed development and/or its diversion or extinguishment has been obtained under formal proceedings. As a result, the PROW on site is not considered to be a constraint to development.

#### Visual and Residential Amenities

- 2.43 Local concerns have been raised in relation to the siting and layout of the proposal and the impact this will have on existing residential amenities. Whitfield Parish Council has identified that the proposal would increase the density of Whitfield and would not retain its village character. Although the proposal represents a form of backland development, its cul-de-sac form is not completely out of character with the existing pattern of development in the local area. A density at circa 16 dwellings per hectare is being proposed and this would be commensurate with that of Whitfield Village, which is around 20 dwellings per hectare. It is not therefore considered that the proposed development is out of character in the wider context of Whitfield.
- 2.44 The indicative layout plan is the same as for the previous application and those considered at appeal. It identifies an L-shaped layout to the proposed buildings which is considered to be acceptable as it would be set back between 18-20m from

the site boundaries that would retain a significant proportion of the existing trees and landscaping. All the properties are shown to have private rear gardens and amenity space that would have an outlook onto a public open space and tree/landscape buffer along the southern boundary of the site. In terms of the impact on the amenities of existing residential properties, the proposed built form would be set back from all the respective residential boundaries with a substantial tree screen between the existing and proposed dwellings. As a result the impact is limited from the proposed building form. The proposed access road would be sited between two existing residential properties, but again would be sited away from the boundaries with landscaping and a hedge to both sides and its impact has therefore been mitigated. The indicative layout therefore shows that a scheme for 28 units could be achieved on the site without having an adverse impact on the character and appearance of the surrounding area or a sufficiently detrimental impact on the residential amenities of existing residential properties.

- 2.45 The retention and enhancement of a significant proportion of the existing tree planting along the site boundaries and especially the southern boundary would mean that views into the site from the surrounding area and views across from the A2 would be limited. The retention of the tree screen to the southern boundary also maintains the visual amenity and natural screening line for the existing housing in Archers Court Road, Newlands and Courtland Avenue. The proposed development would therefore largely retain existing landscape features and is likely overall to have a neutral impact on the visual amenities of the immediate and wider area.
- 2.46 With regard to other residential amenity concerns, the distance from the existing dwellings is sufficient to overcome any adverse issue with regard to privacy and overlooking and detailed matters with regard to mass, elevational treatment and materials are all matters which would be considered at the reserved stage. The proposed impact on visual and residential amenities is therefore appropriate and in line with the planning policies identified above.

#### Noise and Air Quality

- 2.47 A revised Noise Impact Assessment has been submitted in support of this planning application. This includes an assessment of the current noise levels (background noise) on site which should be noted exceeds all recommended standards for residential developments (both internally and externally), due to the A2 directly adjacent. The submitted report also considers the options for noise mitigation measures to prevent traffic noise impacting on the proposal and to enable internal noise levels in the proposed building and external noise levels in the proposed rear gardens to fall within appropriate limits. The report concludes that noise levels can be made acceptable through enhanced acoustic glazing of all windows and doors and mechanical ventilation which would address noise levels within the proposed buildings. Externally and a 2m high acoustic fence along the southern boundary with the A2 is proposed and also at either end of private garden areas of the indicative development block.
- 2.48 DDC Environmental Health broadly accept this approach but has advised that noise in residential gardens can only be mitigated through the erection of an acoustic fence/screen of 4.5 metres in height along the southern boundary. The proposed layout plan has now been submitted to indicate a 4m high acoustic fence along the southern boundary instead of the 2m high acoustic originally proposed. However, further details of the proposed acoustic fence and the other acoustic mitigation measures need to be required by condition to ensure noise is appropriately mitigated and addressed. Nevertheless, the proposed development can in principle control the

impact from noise from traffic associated with the A2 and therefore subject to conditions a residential development is appropriate on this site. As a scheme is capable of addressing the noise concerns it therefore adequately addresses the relevant paragraphs of the NPPF.

- 2.49 Environmental Health have raised no objections with regards to Air Quality impacts, as frequent monitoring takes place in respect of the A2 and both Nitrogen dioxide and particulates PM10 from road traffic are not at levels whereby National Air Quality Objectives are likely to be breached, both with and without this proposed development. Therefore air pollution does not need to be considered further in respect of this application and accords with the relevant guidance and the NPPF.

#### Archaeology

- 2.50 The application site lies in an area of archaeological interest arising from recent findings to the south and north of Whitfield. Groundworks associated with the proposed development therefore have the potential to affect buried remains of archaeological interest. Consequently, KCC Archaeology has recommended that a programme of archaeological work on the site can be dealt with by condition. This suitability addresses any potential archaeology on site and accords with the relevant section of the NPPF.

#### Land Contamination

- 2.51 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 therefore be required to ensure that should any contamination be identified during construction then further investigation, remediation and/or mitigation measures would need to be submitted and approved should planning permission be granted.

#### Planning Obligations

- 2.52 The applicant has submitted a Draft Section 106 Agreement in relation to obligations necessary to make the development acceptable in planning terms. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) require that requests for development contributions must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.53 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism to ensure that it will be provided at the time it is needed. It is considered the tests have been duly applied in the context of this planning application and give rise to the following specific requirements.
- Secondary education - £2359.80 per house and £589.95 per flat, towards Dover Christ Church School expansion.
  - Primary Education- £3324 per house and £831.00 per flat, towards Green Park Primary School expansion.
  - Library - contribution towards book stock at Dover library of £1344.44.
  - Thanet Coast and Sandwich Bay SPA – contribution of £17.44 per one bed unit; £35.47 for a two bed unit; £53.21 for a three bed unit and £70.94 for a four bed unit.

- Public Open Space – The provision of a community space scheme to include a LEAP, future management scheme of the open space and woodland and the completion of the LEAP before occupation of any dwellings on site.
  - Healthcare contribution – as required (figure to confirmed)
  - Payment of all associated legal costs.
- 2.54 The full range of contributions required by this development is being met by this proposal and have been agreed in principle, subject to clarification of the healthcare contribution.

### **Conclusion**

- 3.1 This application is for outline planning permission for up to 28 dwellings of which 30% will be affordable and the demolition of 14 Archers Court Road to facilitate a new vehicular access onto the site. All matters are reserved apart from access into the site. A previous scheme was refused planning permission for highway reasons, appealed and following a legal challenge to the High Court, the Planning Inspectorate had to reconsider the application at appeal. The second appeal was dismissed but the sole reason related to the insufficient provision of information to demonstrate that the site would not give rise to significant harm to biodiversity and therefore contrary to paragraphs 17 and 109 and 118 of the NPPF, the original highways reason for refusal was not upheld.
- 3.2 The current scheme is a resubmission which does not propose any material changes to the application previously considered, other than providing additional supporting information to address the Inspectors concerns, namely bat, reptile and dormouse surveys. The evidence provided relating to ecology is considered satisfactory and fully addresses the concerns raised by the Inspector.
- 3.3 The report identifies the suitability of the site for residential development and expands on the relevant considerations. In respect of highway matters various reports have identified that the proposed development will not give rise to highway safety or capacity issues, KCC Highways and Highways England have raised no objection and the Planning Inspector found that the proposal was in accordance with paragraph 32 of the NPPF and was therefore acceptable in this regard. Officers remain aware of the concerns of Members in respect of highway matters, particularly those expressed on Archers Court Road. However, in the absence of tangible documented evidence, and in the light of the independent traffic assessment commissioned by the LPA, would strongly advise that this matter has been satisfactorily addressed, in this case, and that no undue harm would result.
- 3.4 In terms of foul and surface water drainage, although concerns have been raised locally and by statutory consultees, it is clear that in the long term these issues can be overcome with a suitable SuDS proposal and connection to the foul sewerage system at a later date. Therefore no 'in principle' objection has been raised. As a result it is recommended that as this application is in outline form only and the proposal will not give rise to a risk of flooding, conditions can be included which address the relevant and outstanding concerns.
- 3.5 It is considered that the proposal is in accordance with national and local planning policies and accords with the objectives in the NPPF relating to achieving economic, social and environmental benefits. The proposal constitutes a sustainable form of development and taking into account the recent appeal decision, being a significant



material consideration, is recommended for approval, subject to a s106 agreement and conditions.

g) **Recommendation**

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions/infrastructure and subject to the following conditions to include:

(1) Outline time limits (2) Submission of details of foul drainage for approval to LPA prior to submission of Reserved Matters (3) Reserved matters to include layout, elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, building heights, samples of materials, refuse storage and street scene (4) Approved plans (5) Construction Management Plan (6) Highway requirements (7) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria) (8) Full landscaping details (9) Protection and retention of trees (10) Reporting of unexpected land contamination (11) Details of surface water drainage (SuDS) and infiltration rates and maintenance thereof (12) Ecological mitigation and enhancements (13) Details of noise mitigation and erection of an acoustic fence (15) External lighting scheme (16) Submission of a programme of Archaeological works (17) Details of LEAP (18) Route and clarification of PROW (19) No occupation until sewerage infrastructure capacity has been confirmed.

- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree Section 106 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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**Note:** This plan is provided for purposes of site identification only.

**Application:** DOV/17/00661

**Site south of Marlborough Road**

**Deal**

**CT14 9LE**

TR 6091 0915



- a) **DOV/17/00661 - Reserved matters application for approval of layout, appearance, scale, means of access and landscaping of the site and submission of details pursuant to condition 1 of DOV/16/00706 for the erection of nine dwellings - Site south of Marlborough Road, Deal,**

Reason for report - Number of contrary views (50)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

CP3 - Distribution of Housing Allocations

CP6 - Infrastructure

DM1 - Settlement Boundaries

DM11 - Location of Development and Managing Travel Demand

DM13 - Parking Provision

DM16 - Landscape Character

DM17 - Groundwater Source Protection

DM25 – Open Space

Land Allocations Local Plan (2015)

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.

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 limits 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 70 – To deliver the social, recreational and cultural facilities and services the community needs which should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the loss of valued facilities; ensure established facilities are retained for the benefit of the community; and ensure an integrated approach to considering community facilities.

Paragraph 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Paragraph 74 – Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- As assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

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 114 – LPA's should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

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.

Kent Design Guide (2005)

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

**d) Relevant Planning History**

DOV/16/00706 – Outline application for the erection of nine dwellings (all matters reserved) - Approved

**e) Consultee and Third Party Representations**

DDC Environmental Health - No objection and no further observations other than those made under DOV/16/00706. (These identified no noise complaints or history of contamination and a contamination safeguarding condition is required.)

KCC Highways and Transportation - No objection as accepted in principle under the outline planning application and the proposed parking arrangements are unlikely to lead to unacceptable parking on the highway. The proposed road within the site will remain private and not adopted by the highways authority, in addition, the section of road off Magness Road is also not adopted highway. Clarification is required in respect of a refuse vehicle swept path submitted and the need for a pedestrian connection to Magness Road may remove existing lay-by parking and the proposed footpath may need repositioning.

KCC Flooding and Waste Management - No comments as not a major application.

KCC Archaeology – It is possible that significant archaeological remains may be affected by the development proposals; it is therefore recommended that provision is made in any forthcoming consent for archaeological evaluation to be followed by further safeguarding or investigation as appropriate. A field evaluation should be conditioned.

Southern Water - No comments and no change from previous response in respect of DOV/16/00706. (Previous comment on outline: No objection as they can provide foul sewage disposal to service the proposed development, however a formal application is required. Maintenance measures for any SuDS scheme should be in place and appropriate means of surface water disposal is required. The site is in a Source Protection Zone for public water supplies and further details of means of foul and surface waters disposal are required.)

Environment Agency – No objection. The submitted drainage details are acceptable and infrastructure should be installed fully in accordance with these agreed designs.

(Previous comments on outline: No objections subject to conditions in respect of pollution prevention to ensure protection of groundwater through control of infiltration methods and safeguarding for potential contamination. The site lies in Source Protection Zone.)

Deal Town Council – Objects due to loss of employment land, concerns over access on to St Richards Road and the grounds set out in Kent Highways and the Environment Agencies consultation responses.

Third Party Representations - A total of 50 representations have been received. The following is a summary of the objections received:

- Area should be left for the benefit of the community and local area
- Disruption for local people
- Site is used by horses and their owners for over 27 years and is their home
- Over capacity of existing local facilities, doctors, schools, infrastructure and roads
- No need for extra housing there are already lots of housing developments in the area generating more traffic
- Affect privacy and amenities of nearby residents
- Roads can't accommodate the extra cars especially St Richards Road and Dover Road at rush hour
- Drainage in the area is poor, if the system able to cope with extra demands
- Land should be used for commercial or business uses
- Wildlife will be affected and need to preserve natural habitats
- This site has always been green and should not be built on, it will destroy the local area, loss of more countryside to housing
- Sited in an industrial estate and the steelwork opposite causes noise, residential housing opposite is not appropriate
- Deal is being ruined
- How will construction traffic be managed
- Road access is unsuitable, dangerous and very busy
- Poor quality of life for potential occupiers adjacent to an industrial estate.
- Residential development will affect existing businesses and their growth due to potential complaints
- Will result in a precedent for future development on other sites
- People need green areas and fields of any size
- The existing cul-de-sac is used by residents and children, the development will increase traffic, parking and increase hazards reducing the benefits for the local community and local children, why has this not been considered.
- Why is the access from Magness Road and not Marlborough Road, existing parking will be lost

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

1.1 The site is a rectangular shape of mainly open paddock/grassland that has been designated as Protected Open Space on the Policies Map (Policy DM25). It is not accessible to the public and is being used for private stabling of horses, with two small buildings located centrally within the site. The site has a number of trees located across it, with a strong band of tree and landscaping on the north-eastern boundary and south-eastern boundary. A tree and landscaping band also exists along the south west boundary but is not as tall or dense as the other boundaries. Existing access to the site is from a private road serving a small industrial estate to the North West, which does not appear well used. The access is in the form of a barred gate.

1.2 To the north east is the small residential estate served by Marlborough Road and Magness Road. A terraced block of maisonettes/flats overlooks the site with an open grassed amenity area between it and the application site. To the south east is The Conifers, a small cul-de-sac of detached houses. To the south is another similar paddock area for horses. To the North West and south west are a number of industrial and commercial uses served by a private road off Marlborough Road. Opposite the site is a B2 use, with open storage to the front and there is a vehicle workshop in a large building to the south west of the adjoining land. Other uses include offices, open storage and Class B8 uses. The planning history of the uses on the estate is varied, but more recently planning permissions have been granted for Car Repairs/MOT, Showroom, Joinery and Workshops which have limitations on the hours and days of operation. The vehicle workshop to the south of the paddock land adjoining the application site is limited by a planning condition to operate until 6pm weekdays and until 4pm on Saturdays only. The 6pm closing time during the week is also imposed as a condition on the office building granted for Unit 2 on the adjacent industrial unit, and a workshop building with car sales granted in 1989 to the west of the application site.

1.3 Further west are open fields that fall southwards. There are no public footpaths within the immediate vicinity although there is a clear path to the west of the car vehicle workshop that crosses what appears to be private land leading to Cross Road.

#### The Proposal

1.4 The proposal is a Reserved Matters application and the principle of the development for nine dwellings on the site has already been sought and was granted outline planning permission under DOV/16/00706 on 9<sup>th</sup> February 2017. The proposal is for the erection of 9 dwellings comprising 6 x 3 bed semi-detached houses, 2 x 4 bed detached houses and a 1 x 5 bed detached house. The access would come from Magness Road and lead to a drive that would go through the centre of the site serving both the semi-detached and detached properties on either side.

1.5 The proposed layout includes the retention of most of the existing boundary trees, especially along the north eastern boundary to the rear of the existing flats on Magness Road, a car turning head adjacent to Marlborough Road and a separate fire/refuse turning head.

1.6 The design of the proposed units are modern two storey dwellings with simple detailing including flat canopy porch roofs and gabled bays to the front. The materials proposed are yellow stock brickwork or horizontal white weatherboarding and vertical cedar cladding detail to some bays and elevations. All roofs are to be grey slate or concrete tiles with grey UPVC joinery. The layout also includes one detached carport serving 2 units and an integral garage with accommodation above to the largest dwelling.

1.7 The proposed access from Magness Road would be the only access to the site and includes 18 off-street car parking spaces including 5 visitor spaces which would all be accessed from the internal access road. A small pedestrian gate/access is proposed along the north western boundary of the site to link with Marlborough Road. A footpath link is also proposed to Magness Road extending into the application site.

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

- Design & Access Statement
- Arboricultural Report



- Drainage Impact and Flood Risk Assessment

1.9 A number of amendments have been submitted since submission including a revised site layout resulting in some minor changes which sought to reposition the dwellings further away from the north eastern boundary and retain these boundary trees, provide additional car parking, increase the width of the access road and turning head and the provision of a pedestrian link to Marlborough Road, with additional clarification of a number of issues. The above reports were also subsequently submitted.

1.10 It should be noted that in respect of the outline planning permission an Open Space Assessment, Planning, Design and Access Statement and Phase 1 Habitat Survey were all submitted and assessed at the outline application stage.

## **2. Main Issues**

2.1 The main issues to consider are:

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways Issues
- Drainage and Flooding
- Other Material Considerations

### Assessment

#### Principle of Development

2.2 The application site lies within the settlement confines of Deal, a District Centre as identified in Policy CP1 of the Core Strategy, where the focus for urban development is appropriate. The proposal is therefore in accordance with Policies CP1 and DM1 of the Core Strategy, as it is within the settlement boundary. The principle of residential development on the site has also been established by the granting of outline planning permission in February 2017.

2.3 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development which accords with the development plan should be approved without delay. On 1 March 2017 Cabinet agreed that the 2015/2016 Annual Monitoring Report be approved, which included 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 and therefore a 5 year land supply can be demonstrated. Consequently 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 However, at the time of the determination of the outline planning application the LPA could not demonstrate a 5 year supply of housing land and the District's housing policies were not in accordance with the NPPF. In the context of Paragraphs 14 & 49 of the NPPF, although losing a site that has some open space value to the immediate area, it was determined that the site could satisfactorily accommodate 9 dwellings, was appropriately located and was considered to be a sustainable housing development that increased the supply of housing. It was therefore approved in principle, subject to conditions.

2.5 Therefore, although the policy position has changed between the outline and



reserved matters applications, the principle of residential development on this site has been established by the outline planning permission which would take precedence. In terms of sustainability, the site is within the urban confines and is reasonably located to local facilities and amenities with local schools and a doctor's surgery within walking distance. It is therefore considered to be an appropriately located site for residential development.

2.6 When considering the acceptability of the proposed development, the impact this would have on the protected open space allocation needs to be addressed. Policy DM25 of the Core Strategy safeguards the site as open space and identifies that the loss of open space will not be permitted unless:

- i there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space or
- ii where there is such a deficiency the site is incapable of contributing to make it good or
- iii where there is such a deficiency the site is capable of contributing to making it good a replacement area with at least the same qualities and equivalent community benefits including ease of access can be made available or
- iv the case of a school site the development is for educational purposes or
- v in the case of small-scale development it is ancillary to the enjoyment of the open space and
- vi In all cases except point 2 the site has no overriding visual amenity interest environmental role, cultural importance or nature conservation role.

2.7 Nevertheless, the outline planning application submission included an assessment of the loss of this open space in an Open Space Assessment. This set out that there is no local deficiency of green spaces in the Mill Hill Ward, the site is not publically accessible, there was no visual amenity assessment of the protected open space within the evidence base documents for the Core Strategy or LALP, there are no nature conservation issues to address and the site is not public open space that is open to the public. As such, the site does not have public access, as it is in use for private stabling and a paddock for horses with access from a private road. It does not provide recreational or sporting activity for the public (only recreational use for a private individual) and there are no nature conservation issues that arise from the land or the proposal. These factors all therefore contributed to a justification for the loss of this open space.

2.8 In addition, to assess the degree of visual benefit that the site provides to the immediate area the case officer for the outline planning application undertook a visual assessment, noting that the site provides a softening effect to the rear of the Magness Road properties with the existing trees along the boundary. From the west, there are two buildings within the industrial estate that are quite prominent and these draw the eye from views from the west. There is a strong line of trees along the boundary of the adjacent open space site that helps to provide some softening, with only the roofline of the terraced block visible from public views to the west. The land is not visible from the west and provides no longer distance open space benefit. As such, it was concluded that the site only provides a moderate benefit to open visual amenity and the setting of the urban area, with the key views affected from Magness Road and Marlborough Road only.

2.9 For these reasons it was considered that the development of the site for housing would not result in an overall loss of open space and the impact of its loss from a visual amenity perspective is also limited. The proposal would replace the open space with built development; however, the existing site is not accessible to the public and therefore only has an open space value for its visual benefits and its benefit to the setting of the urban confines. In addition, it should be noted that 0.3

hectares of the protected open space allocation would remain and would still be available to the south west that does not form part of this application. Consequently, the loss of this section of open space is not considered to be environmentally sensitive and would not have a detrimental impact of significance to justify resisting the residential development proposed or the retention of the existing open space.

#### Impact on Visual Amenity

- 2.10 In terms of the impact on the wider landscape Policy DM16 of the Core Strategy is most relevant. Although not situated in the countryside, consideration of the proposals impact on the character and appearance of the adjoining countryside and the wider landscape is appropriate. Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, will only be permitted if it is in accordance with allocations, sited to avoid harm and/or incorporates any necessary mitigation measures to mitigate the impacts to an acceptable level. The proposal, due to its siting and its limited impact overall on wider visual amenities is therefore in accordance with Policy DM16 of the Core Strategy and paragraph 114 of the NPPF.
- 2.11 The site is visible from Marlborough Road and in part from Magness Road and has landscaped boundaries that are visible from these vantage points. However, most of the site cannot be seen from Magness Road due to the existing trees along the boundary. The site is therefore in part visually isolated from the built form in these adjoining roads, but it is not so isolated to be unrelated to the surrounding residential development. As the proposal would not form part of the existing street scene which has built frontages onto Magness and Marlborough Roads, it is not considered that the street scene would be unduly affected by the proposal.
- 2.12 All the buildings are to be two storeys in height which would be in scale and mass with the surrounding two storey housing. The layout demonstrates that nine dwellings can be accommodated on the site with access from Magness Road only. The design of the units is simple but modern with yellow stock brickwork or white weatherboard elevations, supplemented with cedar cladding. The proposed materials are considered to be appropriate for a new development and complement existing residential development with the simple form and details. Nevertheless, details of the materials will need to be submitted for approval and conditioned to ensure the quality is retained.
- 2.13 At street level the design and layout incorporate some retention of the existing trees along the boundaries and seeks to replace those lost with new tree planting. The dwellings proposed are set back from the site boundaries and allow the key existing trees to be retained, although there will be some loss due to the poor quality of a significant number of trees on site.
- 2.14 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 site boundaries. A proportion of low category trees are proposed to be removed to facilitate development and access to the site. However, it is proposed to reinstate gaps with appropriate species along the site boundaries. To minimise the impact on the trees to be retained, the necessary protection measures have been controlled by conditions under the outline consent. The proposed layout therefore allows the existing trees to be retained and additional planting a scheme of which needs to be conditioned for further landscaping details.
- 2.15 In terms of other conditions to be attached to this reserved matters application. Limited details of existing and proposed site levels and sections have been

submitted as required under the reserved matters application and therefore a further condition needs to be included. However, from the limited information submitted it appears that the proposed finished floor levels of the dwellings would be in keeping with adjacent building and would not be out of scale in the locality, but further details are required to clarify this position. In addition a public footpath link is also now proposed to the north western boundary to Marlborough Road to provide pedestrian accessibility. This was specifically limited in the outline planning permission under conditions 5 & 6 due to concerns regarding noise from the adjacent commercial uses. However DDC Environmental Health have not raised a noise objection and a pedestrian link would provide greater permeability for the site which would link it better into the wider area and is therefore an acceptable change to the proposed layout.

- 2.16 In assessing appearance, design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide that supports good design. At the local level the design of the units is considered appropriate for this location and complies with the relevant policies identified above.

#### Impact on Residential Amenity

- 2.17 The proposed site layout would provide the largest of the proposed dwellings to the southern boundary, furthest away from existing residential buildings. The smaller semi-detached units would be sited adjacent to the adjoining residential boundary and would be closest to the existing properties along Magness Road which comprises a terraced block of flats to the north east with communal gardens to the rear. Originally these 6 units were sited slightly closer to the associated residential boundaries but this has been amended and the plans identify the proposed dwellings would now be sited at 21 to 23 metres away from opposing habitable room windows of the flat block. This distance would accord with recommended guidance in the Kent Design Guide and is therefore considered to be an acceptable relationship. To the east of the site, the orientation of the proposed houses results in a reasonable separation to those properties in The Conifers.
- 2.18 Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook or overshadowing are anticipated for either existing or future occupiers of the existing and proposed dwellings respectively. Therefore the juxtaposition of the proposed units suggests no adverse amenity issues. However, to ensure this relationship is retained and the impact on the amenities of the occupiers of the adjacent flats is maintained it is considered reasonable to include a condition to remove the permitted development rights for extensions to these 6 adjacent units. This enables control over future changes to those dwellings and the impact this would have on the flats to the north east.
- 2.19 The plans therefore demonstrate that the proposed development can be accommodated in a manner which would ensure that a reasonable separation distance between existing and proposed dwellings and a reasonable standard of accommodation can be achieved. Given the above, it is not considered that the living conditions of any residential properties would be directly harmed by the proposed development.
- 2.20 In respect of the future living conditions of the proposed new build dwellings, the layout of the site is more than sufficient to demonstrate that a reasonable standard of accommodation is being proposed and would be acceptable. It would be necessary to erect a close boarded 2m fence along the boundary with the adjacent industrial estate so that the future residents have a degree of safeguarded amenity from noise and disturbance. Similarly, the retention of the trees along the north eastern and south eastern boundaries with supplemental

planting would be necessary to safeguard the amenities of the occupiers of the adjacent residential properties. It is not considered that a limited pedestrian link along the north western boundary would have a resulting detrimental impact on noise levels or cause an unacceptable level of amenity.

2.21 With regard to potential noise, Environmental Health confirmed under the outline planning permission that the residential amenities of future occupiers would be acceptable in this regard. Furthermore, the existing opening hours and restrictions on most of the operations on the adjacent estate are important as there is an element of control on the hours of use and potential noise levels that can be enforced to ensure that the living conditions of the occupiers of the future dwellings could be safeguarded to a reasonable degree.

2.22 The views expressed by residents have been taken into account in the determination of this application and on the basis that the proposal safeguards residential amenity, such as the provision of a satisfactory distance between existing and proposed dwellings, retaining or replacing landscaping along the common boundaries with the open rear gardens of those properties the site avoids undue harm to amenities. For the above reasons, the principle of the development is acceptable in this regard.

#### Highway Impacts

2.23 The relevant Core Strategy policies are DM11 and to a lesser degree DM13. DM11 requires planning applications for development that increases travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public transport. 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. Although a transport statement has not been provided due to the size of the development being proposed, it is considered that the increase traffic impact of 9 units is limited overall and the site is considered to be in a sustainable location with easy access to local facilities and public transport.

2.24 The means of access includes a single 5.1m wide access road to serve the site and 18 car parking spaces are proposed throughout the development. The proposed site layout and associated car parking arrangements for the dwellings are considered acceptable and in accordance with current guidance, including parking standards. KCC Highways has confirmed that adequate access and turning facilities would be available and cycle parking is shown for all the proposed units. It is considered necessary to include a condition to protect the car parking provision being provided.

2.25 It was identified at outline planning application stage that there is a section of land at the point of access which is not highway land and is likely to be owned by DDC. The Council's Property Section had identified that some form of arrangement would have to be reached with regards to allowing a right of way across this land to form access to the site. Should an arrangement not be reached, the site would not have a suitable access to serve the development, as it is not considered that an alternative access could or should be provided via the private road serving the estate to the west. Nevertheless, as there remains a reasonable possibility that an arrangement could be reached for access across land owner by DDC the view was taken at outline stage that this was acceptable under the circumstances and could be dealt with independently of the planning application process.

2.26 The layout does not have vehicular access from the private road that serves the industrial estate, as the private road is not conducive to vehicles from any future residential access along this section of the road as it is well used by commercial and industrial vehicles. Nevertheless, notwithstanding the outline planning permission a footpath link is to be provided on this boundary to provide increased accessibility to the site.

2.27 Concerns have been raised by third parties that the development would significantly and detrimentally increase traffic and have an impact on the local highway network which is identified as struggling to cope with existing levels of traffic locally. However KCC Highways have not raised an objection and the proposal would not result in a severe highway impact and would therefore accord with paragraph 32 of the NPPF. It is therefore considered that the highway aspects of this proposal have been appropriately addressed and are in accordance with all the relevant standards including national and local planning policies.

#### Drainage and Flooding

2.28 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.

2.29 A Drainage Impact & Flood Risk Assessment that includes Surface Water Drainage has been submitted in support of the application which confirms that infiltration drainage and the use of soakaways 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 purpose built soakaways and porous paving throughout.

2.30 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 Zones 1 & 2. Therefore measures should be taken to ensure the protection of the groundwater quality in respect of pollution prevention. The proposed drainage measures are therefore considered to be acceptable, subject to a condition for the drainage works to fully accord with the drainage details submitted to support this application.

2.31 Southern Water supplies water and foul waste at this location. They have raised no objection as they can provide foul sewage disposal capacity for the proposed development. The proposal is therefore acceptable in this regard.

#### Other Material Considerations

2.32 In respect of planning contributions no off-site contribution for open space was considered necessary or secured under the outline planning application in respect of Policy DM27 of the LALP and therefore it would not be reasonable to request such a contribution at reserved matters stage.

2.33 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. In furtherance, 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. The outline planning application was originally supported by a Phase 1 Ecological Survey which considered aspects of flora and fauna on the site. The report identified that the site is grazed horse pasture of low ecological significance and no species of note use the site. The Councils Ecologist (at outline stage) confirmed that the findings of the submitted ecological report are accepted and there are no biodiversity constraints to development, however, biodiversity enhancements should be included as a condition and this has been incorporated in the landscape condition.

- 2.34 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 was therefore included at outline stage to ensure that should any contamination identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved. This aspect has therefore been addressed.
- 2.35 Details of external lighting have not been submitted but would need to be addressed as the road is unlikely to be adopted by KCC. External lighting details will therefore need to be included as a condition for further details to be submitted for approval.

### **Conclusion**

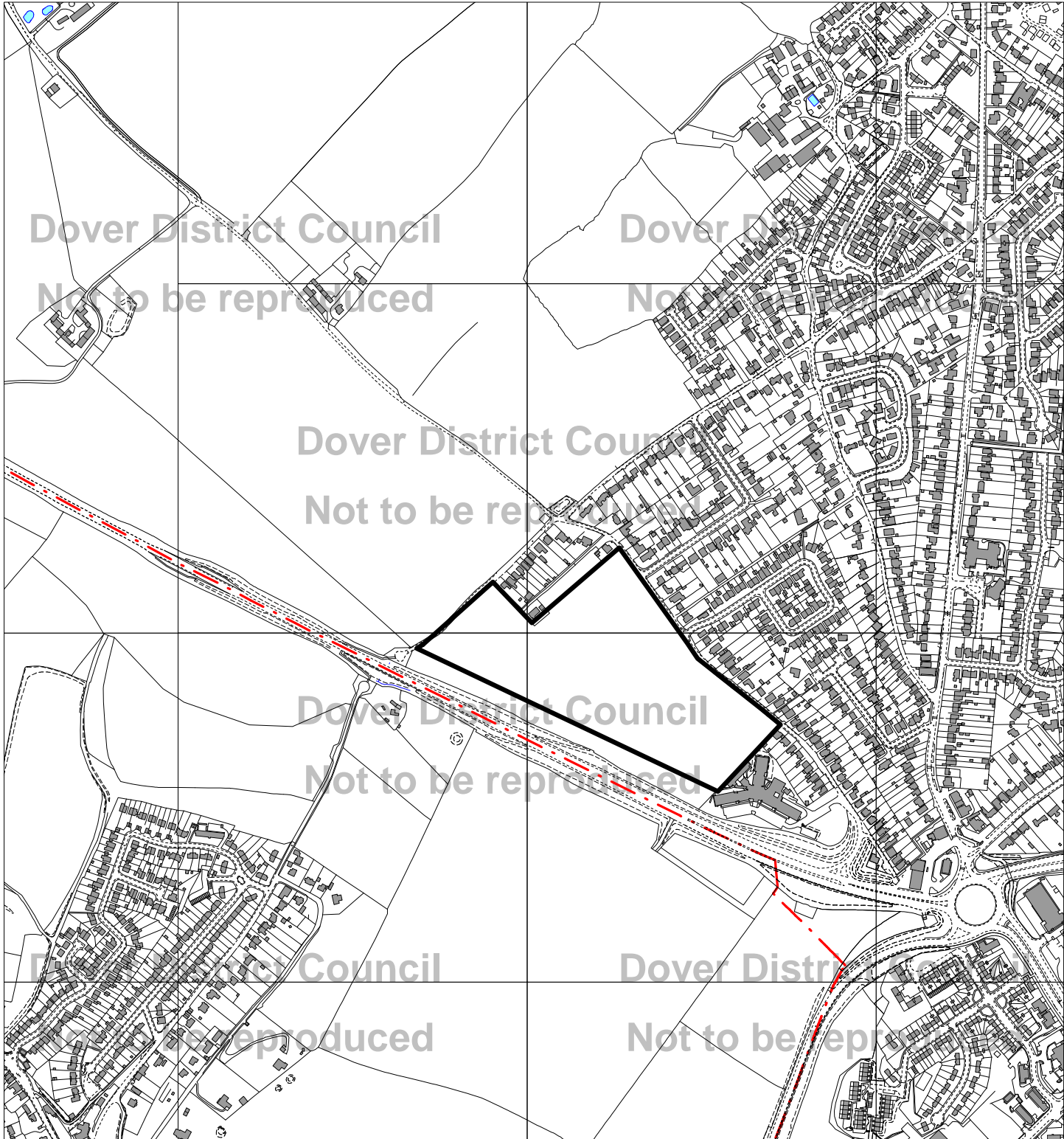
3. Development of this site within the settlement boundaries is acceptable in principle and is in accordance with Policies DM1 and CP1 of the Core Strategy and the NPPF. The site layout is unlikely to give rise to any adverse impact on the adjoining landscape character, open space provision, residential or visual amenity, drainage or highway considerations subject to conditions. The proposed development is therefore an acceptable form of development for this site and accords with relevant development plan policies and the NPPF. Consequently it is recommended for approval, subject to conditions.

### **4. Recommendation**

- I PLANNING PERMISSION BE GRANTED subject to the following conditions to include:
- (1) Approved plans list (2) Samples of external materials (3) Retention of parking spaces (4) Construction Management Plan (5) Details of external lighting (6) Landscaping scheme submitted for approval (7) Removal of permitted development rights for extensions of Units 1-6 (8) Details of drainage and SuDS measures in accordance with the submitted details (9) Sections through the application site and adjoining land, floor levels and thresholds,
- 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**

Lucinda Roach



**Not to scale**

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

**Application: DOV/17/00546**

**Land on the south side of Singledge Lane**  
**Whitfield**  
**CT16 3ER**

**TR 9602 4947**



- a) **DOV/17/00546 – Erection of 100 dwellings (including 30 affordable homes), new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 3.3 hectares of open space, including a locally equipped area for children's play – Land south of Singledge Lane, Whitfield**

Reason for report – Number of comments contrary to the recommendation (50).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP4 – Housing quality, mix, density and design.

CP6 – Infrastructure.

CP7 – Green infrastructure network.

CP11 – The managed expansion of Whitfield.

“The site to the west, north and east of Whitfield is allocated for an expansion of Whitfield comprising at least 5,750 homes supported by transport, primary education, primary health and social care, utility services and green infrastructure together with retail, financial and professional offices, eating and drinking establishments (Use Classes A1 to A5).”

Part of this policy requires that a masterplan is produced and that development accords with that masterplan. The Whitfield Urban Expansion Masterplan Supplementary Planning Document was adopted by the council in 2011.

DM5 – Provision of affordable housing

DM11 – Location of development and managing travel demand.

DM12 – Road hierarchy and development.

DM13 – Parking provision.

Whitfield Urban Expansion (WUE) Supplementary Planning Document (SPD) (2011)



The WUE SPD was adopted by the Council on 6 April 2006 (Minute 534) after an intensive period of exhibitions, drafting and consultation. It sets out a broad framework for how the proposed expansion of Whitfield should be undertaken. It provides a masterplan in accordance with policy CP11 of the Core Strategy, which required, amongst other things for the SPD to be in place before any planning permission could be granted.

The SPD sets out that development should be carried out in a comprehensive and cohesive manner and to this end, has identified a set out criteria which applications for development are expected to comply with.

The SPD effectively sub-divides the entire Whitfield expansion area into three districts – north, east and west, and these are further sub-divided into six neighbourhoods. The Council's preference is that planning applications be submitted for nothing less than a neighbourhood, in order that comprehensive planning can take place, and that due regard can be had to the cumulative impacts of the proposals. This approach seeks to resist ad hoc and piecemeal development of small sites which could not financially contribute towards required and identified infrastructure provision. The SPD also sets out the Council's preferred anti-clockwise development phasing order, starting from the south-east corner. It also sets out that small parcels of land (defined as 'village extensions') within the proposed expansion area have the potential to be brought forward independently of the larger districts or neighbourhoods, subject to evidence showing that related infrastructure be resolved.

Table 6.2 sets out the required phasing of development and proposed yields/capacities as well as the required infrastructure.

The application site comprises an area of land designated in the SPD as suitable for an edge of village extension – as set out within paragraph 5.143.

Page 55 of the SPD relates specifically to the development on land to the south of Singledge Lane, and sets out matter such as access, and building heights. It does however state that the site can be delivered independent of the 'Temple Whitfield' phase (which is the final phase of the urban extension) as a village extension. It states, amongst other things, that the village extension must be able to:

- Be contained within the existing landscape;
- Must lead directly to and be readily served by the existing highway network; and
- The land must be recognised as a natural progression of the existing built form.

#### Saved Dover District Local Plan (2002) policies

Policy TR4 – Land safeguarded for A2 dualling and A256.

#### Dover District Land Allocations Local Plan (2015)

DM27 – Providing open space.

#### National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental...

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

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...

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

- ... 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... infrastructure 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...
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources
- contribute to conserving and enhancing the natural environment...
- ... 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...

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

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.

156. Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver...

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk...
- the provision of health, security, community and cultural infrastructure and other local facilities...

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk...
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

#### **OTHER CONSIDERATIONS**

DDC Affordable Housing SPD.

Kent Design Guide.

d) **Relevant Planning History**

DOV/16/00136 – Erection of 133 dwellings including 40 affordable homes, new vehicular access, internal access roads, car parking, landscaping, provision of open space (4.17ha) and a locally-equipped children's play area (LEAP) – REFUSED.

DOV/16/00424 – Screening opinion for residential development – EIA REQUIRED.

DOV/16/01137 – Screening opinion for residential development – EIA NOT REQUIRED.

(The screening opinion under DOV/16/01137 was provided on the basis that suitable alternative natural green space (SANG) mitigation could be provided within the application site, and that the matters of including land safeguarding for the A2 could be accommodated as part of this mitigation. The weighting of Policy TR4 is a planning matter which falls outside of the remit of assessing this screening opinion. Were this land not be available for mitigation then an EIA would be required.)

e) **Consultee and Third Party Responses**

**DDC Regeneration and Delivery – No objection** – Site is allocated under Core Strategy policy CP11, which is further expanded on in the WUE SPD. Subject to meeting the provisions of the policy and the SPD, the development is acceptable.

**DDC Environmental Health Officer – No objection, subject to conditions** – Contaminated land, air quality, noise, construction management plan.

**Environment Agency – No objection, subject to conditions** – Contamination, drainage strategy.

**DDC Strategic Housing – Comment** – The application is for 100 units of which 30 are to be provided as affordable homes. This is in compliance with the Council's planning policy which aims to secure the provision of 30% of homes as affordable housing. The Planning Statement advises that the affordable house types will comprise 6 two bedroom flats, 10 two bedroom houses and 14 three bedroom houses and I am satisfied that this is an acceptable mix of house types... the Council's normal position would be to... secure 70% of the affordable housing for affordable rent and 30% for shared ownership.

**DDC Ecology and Landscape Officer – No objection.**

**Natural England – No objection** – Subject to appropriate mitigation being secured – Based on the plans submitted and integral mitigation measures, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Suitable Alternative Natural Greenspace (SANG) is included, which is designed to provide recreational space for residents as an alternative to visiting Lydden and Temple Ewell Downs Special Area of

Conservation (SAC). In addition, subject to appropriate financial contributions being made to strategic mitigation to address recreational disturbance, the proposal is unlikely to have a significant effect on the Thanet Coast and Sandwich Bay SPA/Ramsar, and can therefore be screened out from any requirement for further assessment.

**Kent Wildlife Trust – Object** – Insufficient ecology information. Recommends condition for lighting strategy.

**DDC Trees Officer – No comment received.**

**KCC Highways – No objection, subject to conditions (below) –**

I refer to the amended plans submitted for the above and note that these resolve our outstanding issues. The proposals are likely to generate approximately 62 additional two-way movements during the morning peak hour (46 leaving Singledge Lane and 16 entering). I note the comments by Highways England and concur that the proposals are unlikely to result in a severe increase in queues and delays. Whilst queues on the A2 eastbound approach to the Whitfield roundabout in the morning peak hour can at times extend beyond the Singledge Lane junction, vehicles joining the A2 from Singledge Lane are able to do so without significant delay and the additional movements are unlikely to have a severe impact that would warrant a refusal on highway grounds. There is no pattern or cluster of recorded personal injury crashes at the Singledge Lane/A2 junction (only 1 slight crash in the five years to the end of 2016) to indicate there is an existing problem or that the additional movements cannot be accommodated.

Whilst all the additional trips will pass along Singledge Lane, this is currently not heavily trafficked and these trips can therefore be accommodated with the proposed improvements in Singledge Lane. These improvements include formalising the existing informal single-way working arrangements; preventing drivers from the application site using the unsuitable sections of Singledge Lane and Nursery Lane to the north of the site; and provision of footways giving pedestrian links to the existing footway network in both Sandwich Road and Singledge Avenue, enabling pedestrian access to bus stops and local services/amenities. The proposed improvements include the provision of necessary parking restrictions to maintain the safe flow of traffic and prevent obstruction of the highway and whilst this may remove four existing on-street parking spaces, each dwelling in Singledge Lane has off-street parking available and two on-street spaces will still be available. Delivery vehicles will still be able to utilise the short section without parking restrictions or they can stop briefly on double yellow lines to load/unload without obstructing the highway. The highway alterations have been subject to an independent safety audit and the works would be carried out by the developer through a section 278 agreement with the highway authority.

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 dismiss erroneous objections and 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.

The internal site layout is acceptable and includes a secondary emergency access to

Singledge Lane with lockable bollards to prevent unauthorised use by other vehicles. The existing public footpath ER182 connection to Singledge Lane from the site is maintained, with an additional section of paved footway provided in Singledge Lane to connect this path to the existing footway in Castle Drive. The amount of car parking provided within the site (excluding garages) is 234 spaces, in excess of the 203 required under Policy DM13, and there is therefore unlikely to be any overspill parking from the development in Singledge Lane. Construction traffic access, associated parking and any temporary traffic management measures required can be managed through a Construction Management Plan. Taking all of the above into account, on balance I would not recommend refusal on highway grounds. The following are requested to be secured by condition/s106:

#### Highways – proposed conditions

- Completion of the alterations to Singledge Lane shown on drawings numbers E3462/708 Rev. H and E3462/703 Rev. P prior to first occupation of a dwelling.
- No occupations until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) prohibiting street parking in Singledge Lane as shown on drawings numbers E3462/708 Rev. H and E3462/703 Rev. P.
- Completion of the footway link to Castle Drive as shown on drawing number E3462/710 Rev. B prior to first occupation of a dwelling.
- Provision and permanent retention of the vehicle parking spaces shown on drawing number P1139.105 Rev. C prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto 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 maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Implementation of a Travel Plan 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).
- Construction Management Plan to include the following:
  - a) Routing of vehicles between the site and the A2;
  - b) Timing of HGV movements to/from the site;
  - c) Temporary traffic management measures required;
  - d) Site access point arrangements;
  - e) Parking and turning facilities for delivery vehicles and site personnel,
  - f) Wheel washing facilities.

**Highways England – No objection** – Having reviewed the modelling assessment, we do not entirely accept the ‘without development’ modelling results for the Whitfield Roundabout. Our own data and calculations indicate that the roundabout will be under significantly more pressure in the future forecast year than modelling indicates. However, notwithstanding the accuracy of the absolute figures presented, the assessment does indicate that the net increase in delays and queues due to the

proposals themselves will not result in a 'severe' increase in queues and delays on the SRN (the test set out in C2/13 para 9).

While it is recognised that the A2 around Whitfield can become congested, it is not predicted that the impact of these particular proposals are so great and the periods of congestion are not sufficiently long lasting to be able to justify an objection.

**Stagecoach – No comment received.**

**KCC Local Lead Flood Authority – No objection subject to conditions –** Surface water drainage scheme, Approval of infiltration measures required.

"We note that this application is largely a resubmission of a previously refused development; however, we also note that our previously raised concerns pertaining to the location and management of soakaways have been addressed within the revised drainage strategy, with a strong preference for individual plot soakaways now proposed for the majority of the units across the site. Where this is not possible, it is intended for the drainage infrastructure to remain within the control of the management company tasked with the site's general management and maintenance.

Provided this overall system is designed appropriately and is demonstrably capable of accommodating the runoff generated by the climate-change adjusted critical storm, we have no objection to this proposal. It must also be ensured that overland flow from adjacent sites is adequately and appropriately managed without exacerbating the on/off-site flood risk."

**DDC Principal Infrastructure Delivery Officer – No objection –** The DDC infrastructure officer has commented in relation to the infrastructure requests made of the development, considering each of them to be justified. The officer has confirmed that the proposed open space provision is satisfactory.

**KCC Infrastructure – Seeks the following planning obligations:**

Primary education – £433,094.00 – Primary School 1 WUE.

Secondary education – £225,360.90 – Dover Christ Church phase 1 expansion.

Community learning – £2563.87 – Dover Adult Education Centre relocation.

Youth service – £7009.00 – Whitfield Childrens Centre adaptations for evening use.

Library book stock – £7865.70 – Dover Library.

Social care – £7975.00 – Dover Adult Social Care hub; and 1x wheelchair adaptable home within on site affordable homes.

**CCG/NHS – No objection, subject to contribution –** £2,785 for fit out of primary care facility, WUE.

**KCC Archaeology – No objection subject to condition –** Written specification and timetable for programme of archaeological work.

**Southern Water – No objection, subject to condition –** Foul and surface water sewerage disposal; SUDS in proximity to sewer, rising main, water main or public apparatus.

**Affinity Water – No objection, subject to contribution –** Network reinforcement.

**Southern Gas Networks – No comment received.**

**Crime Prevention (Kent Police) – No objection, comments on design aspects of proposal –** Suggests condition or informative.

**Whitfield Parish Council – Object** – Based on the following:

1. Contrary to WUE SPD (out of phase).
2. Lacks information required to determine.
3. Lacks supporting infrastructure.
4. Scale of development.
5. Transport and access.
6. Water resources and flood risk.
7. Social and community infrastructure provision.
8. Local disruption from development.
9. Air quality and noise impacts.
10. Landscape and views.

**Dover Town Council – Object** – Increases pressure on the existing traffic. The Rapid Bus Transit System should be introduced before any further housing development takes place at Whitfield. The road access to the A2 and Whitfield Village bringing cars from 100 homes will cause increasing pollution and congestion; making access to and from Dover even worse than it already is at peak times

**River Parish Council – Object** – Whilst noting the reduction in the number of units, River Parish Council believe that concerns, previously expressed, about traffic management outside the immediate area remain valid. This is particularly at the Crabble Road junction, the Alkham Road junction and along the Alkham Valley Road, where increasing numbers of vehicles seeking to access the A20 at peak times will only exacerbate existing problems.

**Shepherdswell with Coldred Parish Council – No objection** – We have no objections to this application provided the design and layout of access prevents traffic turning left into Singledge Lane

**Sutton by Dover Parish Council – No comment received.**

**Temple Ewell Parish Council – No comment received.**

**Tilmanstone Parish Council – No comment received.**

**Guston Parish Council – No comment received.**

**Lydden Parish Council – No comment received.**

#### **Public comments – Objections x50**

##### Objections

- Traffic issues created by development on Singledge Lane and at the Whitfield roundabout. Not enough capacity.
- More suitable sites elsewhere.
- Site is susceptible to surface water flooding.
- General infrastructure cannot cope with the development.
- Loss of wildlife, hedgerow.
- Disturbance caused during construction.
- Overlooking of dwellings on north side of Singledge Lane.

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

1.1. Site

- 1.2. The site lies towards the south west of Whitfield and is allocated in the Core Strategy as an area within the Whitfield Urban Expansion. The site area is 7.13 hectares and is currently used as arable land with the main field access located in the eastern corner.
- 1.3. The majority of the north eastern boundary is formed by mature trees and hedges that run along the southern edge of Singledge Lane – a narrow, unmarked lane. This hedge line has a number of gaps for farm access and a pedestrian access that forms part of a public right of way (footpath ER182) leading across the site to the A2.
- 1.4. The boundary to the south east is partially formed by timber fence to an adjoining dwelling and the remainder defined by a 2m high chain link fence with the Ramada Dover Hotel beyond. The boundary to the south west is defined by further mature hedging that obscures the A2 dual carriageway.
- 1.5. To the north east of the site lie residential properties which are all single storey bungalows. The residential properties on Singledge Lane front the proposed site.
- 1.6. The proposed site is approximately 0.5km away from the nearest shops and restaurants. It is approximately 1km from Whitfield and Aspen Primary School.
- 1.7. Dimensions of the site are:
  - Width – 445 metres (at widest point).
  - Depth – 125 (east) to 250 (west) metres .
- 1.8. Application DOV/16/00136 for the erection of 133 dwellings, including 40 affordable homes, was refused at planning committee for the following reasons:
  1. Due to the proximity of the site to the Lydden and Temple Ewell Downs Special Area of Conservation the Suitable Alternative Natural Greenspace (SANG) mitigation is required to be provided on site to address the impact on this designation. The mitigation proposed within this development includes land that is safeguarded for future road widening by virtue of policy TR4 of the Dover Local Plan and as such cannot be guaranteed to be safeguarded in perpetuity. If this development were permitted it could preclude future road widening which would be contrary to the Whitfield Urban Extension Supplementary Planning Document and Policy TR4 of the Dover Local Plan.
  2. The applicant has failed to provide sufficient information with regards to surface water drainage and as such a full assessment of the impact of the development cannot be made. Without this assessment it cannot be ascertained as to whether the proposal would adequately address surface water drainage, which may also result in harm to foul water drainage provision. This would therefore prove contrary to the Whitfield Urban Extension Supplementary Planning Document and Policy CP6 of the Dover District Core Strategy.
- 1.9. The land safeguarded for A2 widening is now outside of the site.
- 1.10. Proposal
- 1.11. The proposed application is for the development of the site for residential development to provide 100 new homes, including 30 affordable homes (30%), together with the provision of 3.3 hectares of Suitable Alternative Natural Green space (SANG) open space, including a locally equipped area for play (LEAP).



- 1.12. The total amount of open space provided on the site including the LEAP is 3.33 hectares. Accommodated within this land would be 1.08km of walking track.
- 1.13. The proposal would include a new vehicular access to be provided at the eastern corner of the application site. This access would see the priority of the highway change so that from the south, Singledge Lane would naturally follow into the development site, whereas the lane north of the site would join at a T junction. The layout of the junction would be such that vehicles exiting the development would find it difficult to turn left along Singledge Lane toward Nursery Lane and Coldred. Highways works are proposed to formalise passing spaces on Singledge Lane. This would also mean the loss of four parking spaces – this would be enforced through a Traffic Regulation Order (TRO).
- 1.14. Internally the site would be laid out roughly in a block and grid formation, with a mix of road types, lanes and shared driveways. The hedgerows along Singledge Lane would be retained and a pedestrian access and emergency access formed into the site.
- 1.15. A large infiltration basin would be provided to the east of the application site, adjacent to the access. It is proposed that this would not permanently contain water, only during periods of significant rainfall.
- 1.16. The proposed housing mix is as follows:
- 1.17. Market dwellings
- 3 bed x 1 – C51 house type.
  - 3 bed x 7 – C5 house type.
  - 3 bed x 2 – 903 house type.
  - 3 bed x 11 – 978 house type.
  - 3 bed x 6 – 1006 house type.
  - 4 bed x 8 – 1138 house type.
  - 4 bed x 7 – 1202 house type.
  - 4 bed x 15 – 1324 house type.
  - 4 bed x 1 – 1366S house type.
  - 4 bed x 3 – 1366 house type.
  - 4 bed x 9 – 1559 house type.
  - **TOTAL – 3 bed x 27, 4 bed x 43, all x 70.**
- 1.18. Affordable dwellings
- 2 bed x 10 – HA3 house type.
  - 2 bed x 6 – 2BF apartment (Block A).
  - 3 bed x 14 – HA1 house type.
  - **TOTAL – 2 bed x 16, 3 bed x 14, all x 30.**
- 1.19. The affordable dwellings would be spread within the development with some located upon the main through route and then clustered within the north-west corner of the site.
- 1.20. All dwellings within the development would be two storeys (or two and a half storeys) with the exception of the flatted element in the south eastern corner, which would be a three storey building.
- 1.21. The majority of the detached dwellings would be located around the edge of the application site, facing out towards the open space or towards the inside of the retained hedge running along the south side of Singledge Lane.

1.22. Proposed building ridge heights are as follows:

- C51 house type (x1) – 7.9 metres.
- C5 house type (x7) – 7.9 metres.
- 903 house type (x2) – 9 metres.
- 978 house type (x11) – 8.9 metres.
- 1006 house type (x6) – 8.2 metres.
- 1138 house type (x8) – 9.7 metres.
- 1202 house type (x7) – 9.1 metres.
- 1324 house type (x15) – 8.7 metres.
- 1366S house type (x1) – 8.4 metres.
- 1366 house type (x3) – 8.4 metres.
- 1559 house type (x9) – 8.6 metres.
- HA1 house type (x10) – 8.5 metres.
- HA3 house type (x14) – 8.5 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (double) – 4.4 metres.
- Garages (single) – 4.3 metres.
- Garages (double) – 4.7 metres.
- Sub-station – 4.2 metres.

## **2. Main Issues**

2.1. The main issues to consider are:

- Principle
- Highways
- Ecology
- Flooding, drainage, water supply
- Design and layout
- Residential amenity
- Affordable housing/planning obligations
- Archaeology/cultural heritage

## **3. Assessment**

3.1. Principle

3.2. The whole application site is addressed by policy CP11 of the Core Strategy, which refers to the managed expansion of Whitfield, where at least 5,750 dwellings are proposed to be built. It is further defined in the WUE SPD, which is a requirement of policy CP11. The SPD includes a phasing programme for the expansion, starting to the east of Whitfield and developing anti-clockwise around the village, with the proposed site being located adjacent to the final development stage on the western side of the village.

3.3. To date, development has begun at phase 1 (east of the village, including a new roundabout on the A256), and phase 1A (opposite the Forge Lane junction with the Sandwich Road). Concerns have been raised that bringing this site forward now does not accord with the wider proposed phasing of the WUE, however, within the SPD it is identified as a village extension that is able to come forward in isolation subject to individual criteria being met.

3.4. In principle, the proposed development is therefore considered to be acceptable, subject to meeting the individual requirements for village extensions. Appendix 2

of the SPD sets out requirements of the village extensions, relating to the following: 4.74ha of on-site SAC mitigation. 0.76ha outdoor sports, 0.05ha children's play space, 0.12ha community gardens (based on a non-restraint tested assumption of 250 units).

- 3.5. Page 55 of the SPD considers the immediate character of the site and its surroundings, noting the need for acceptable highway arrangements, retention of the hedgerow fronting Singledge Lane, the scale and form of the development in relation to the existing built character, green infrastructure and noise considerations, particularly in respect of the nearby A2.
- 3.6. The site area, including the land set aside as SANG, does not impinge on the land safeguarded for A2 widening, therefore, there is no in principle objection in that respect.
- 3.7. These policy and infrastructure requirements and considerations are addressed further below, however, subject to these details being adequate, the proposed development is acceptable in principle.
- 3.8. Highways
- 3.9. A significant concern of local residents relates to the highways arrangements of the development and how in the longer term that might affect them and their ability to access their homes as well as in safety terms. Singledge Lane is an unmarked road with a rural character that acts as the estate distributor road at this location, it is narrow and tends to work on an informal give way basis. Accordingly, ensuring that it can continue its role, while maintaining safety, is of key importance.
- 3.10. In order to accommodate the proposed development, the applicant has proposed the following engineering works, informed by a transport assessment:
  - Formalisation of the existing single-way working arrangements.
  - No left turn from the site into Singledge Lane and onwards to Nursery Lane.
  - Provision of new footways providing pedestrian links onward to Sandwich Road and Singledge Avenue, including public transport and local amenities.

In addition to:

- Parking restrictions on Singledge Lane, secured by a Traffic Regulation Order (TRO), which would remove four existing on-street parking spaces.
- 3.11. The KCC Highways officer has commented that the proposals are likely to generate approximately 62 additional two-way movements in the morning peak hour (46 out and 16 in). Highways England have commented that, "while it is recognised that the A2 around Whitfield can become congested, it is not predicted that the impact of these particular proposals are so great and the periods of congestion are not sufficiently long lasting to be able to justify an objection".
  - 3.12. A developer, currently erecting homes at phase 1, east of Whitfield, has submitted an objection to the KCC Highways and Highways England analysis of the highways proposal, however, having re-contacted each of the consultees regarding this objection, they have maintained their positions. Given that they are the relevant statutory consultees and they have re-assessed the proposals, I am satisfied in this regard.

- 3.13. In terms of the site layout and internal parking arrangements, the applicant submitted amended plans showing accessibility within the site for larger vehicles, such as refuse lorries, which the KCC Highways officer considered to be acceptable.
- 3.14. Some individual parking arrangements make use of garages as the second parking space. Typically KCC Highways does not accept garage spaces as counting towards the wider provision in any given development, however, the relatively limited use of this, combined with their locations on parts of the highway which would remain private, means that as a reason for refusal this would not bear scrutiny.
- 3.15. Accordingly, the proposed development is considered to be acceptable on highways grounds.
- 3.16. **WUE SPD/NPPF compliance.** The highways proposals meet with the objectives of the WUE SPD. The SPD notes that this site has the potential to be directly served from Singledge Lane if it comes forward separately of the Temple Whitfield expansion phase. In terms of the NPPF, the transport arrangements of this proposal have been adequately evidenced and the requirement for a travel plan would be conditioned as part of any grant of permission.
- 3.17. Ecology
- 3.18. As part of the WUE SPD preparation, a habitat regulations assessment was undertaken on behalf of the local authority (April 2011). It is a requirement of EC Habitats Directive (1992) and the Conservation of Habitats and Species Regulations (2010) that land use plans are subject to 'appropriate assessment' if it is likely that they will lead to significant adverse effects on a Natura 2000 site (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)).
- 3.19. Because of the location of the WUE, with RAMSAR sites and SSSIs in close proximity, a Habitat Regulation Assessment (HRA) was prepared. This document undertook an appraisal of the likely effects of the proposal, which was effectively a screening of the site, then an appropriate assessment to define the environmental conditions and criteria fundamentally important for the persistence and favourable conservation status of the interest features for which the site was designated. The third task was to identify the necessary mitigation required as a result of the proposed development.
- 3.20. The Lydden and Temple Ewell Downs Special Area of Conservation (SAC) lies almost adjacent to the WUE, and to the application site, on the southern side of the A2. The SAC is acknowledged to contain some of the richest chalk grassland in Kent, with significant assemblages of plants and invertebrates.
- 3.21. The proposed WUE has the potential to see the population of the Whitfield settlement more than double, and as such there would undoubtedly be additional pressure upon the SAC for recreational purposes. It is for this reason that the SPD sets the objective of seeking to 'avoid and mitigate direct and indirect effects of development on Natura 2000 sites.'
- 3.22. For this reason, the SPD requires for suitable mitigation to be provided within any development – an area of SANG (suitable alternative natural green space) that would accord with the calculator as set out within the Representations on the Habitats Regulations Assessment.

- 3.23. Under DOV/16/00136, a reason for refusal was that the proposed SANG coincided with the land safeguarded for the dualling of the A2 (Dover Local Plan 2000 policy TR4). This meant that the SANG could not be provided in perpetuity. Under the application now being considered, the two areas do not coincide. Accordingly, the DDC Ecology and Landscape Officer has concluded that the application is now acceptable in this respect, as has Natural England – the statutory consultee. The SANG would be secured in perpetuity as part of any legal agreement.
- 3.24. The DDC Ecology and Landscape Officer has concluded that the proposal is acceptable in all other respects relating to ecology, and as such, the proposal is now considered to be acceptable on this basis.
- 3.25. Kent Wildlife Trust objected to the application on the basis that insufficient ecological information was provided. The DDC Ecology and Landscape officer did not share this view and neither did Natural England, accordingly, the objection has not been pursued. However, the Kent Wildlife Trust did request a condition for a lighting strategy, which is considered to be an acceptable and pragmatic approach to helping ensure the effects of development can be directed and mitigated.
- 3.26. A developer, currently erecting homes at phase 1, east of Whitfield, has objected to the nature of the SANG proposal, suggesting that the applicants in this case do not understand how it should be designed. Given that the DDC Ecology and Landscape officer, and Natural England, do not share these views it is unclear what exact point is being made, however, it is considered prudent to condition in detail the final design and layout of the SANG area in addition to requiring an appropriate management plan.
- 3.27. **WUE SPD/NPPF compliance.** The SPD seeks 4.74 hectares of on-site SAC mitigation; however, this is based on the original site estimate of 250 dwellings. The submitted application for 100 dwellings is informed by site constraints and has a reduced requirement for 3.33 hectares of on-site SAC mitigation. The DDC Ecology officer is satisfied that in broader terms, the proposal meets with the requirements of the NPPF.
- 3.28. Flooding, Drainage, Water Supply
- 3.29. Members will recall that the drainage arrangements proposed under DOV/16/00136 constituted a reason for refusal based on a holding objection from the statutory consultee – KCC as the local lead flood authority. A particular aspect of the KCC objection related to shared soakaways. The proposal now incorporates more generally individual soakaways and where this is not proposed the drainage infrastructure would remain within the control of the management company. Accordingly, KCC no longer objects to the proposal, subject to conditions for a surface water drainage scheme and the approval of any infiltration measures proposed.
- 3.30. Southern Water has stated that it cannot accommodate the needs of this development without the development providing additional local infrastructure. It states that the proposed development would increase flows into the waste water sewerage system and as a result increase the risk of flooding in and around the existing area. It recommends that if permission is granted a condition be imposed upon the development that would ensure that the necessary improvements be made.

- 3.31. As such, there are now no objections from the relevant drainage bodies. A letter has been received on behalf of a developer currently erecting dwellings at phase 1, east of Whitfield. The concern raised is that all developers are treated equally with respect to drainage arrangements with the WUE. The letter proposes a revised condition seeking that a timetable for the provision of works is also required. It is considered that words to this effect are reasonable, or that as an alternative, the works are completed prior to occupation.
- 3.32. Affinity Water has commented that the water supply network for the area needs to be reinforced and that the developer would need to contribute a proportion of this – typically £700 to £1000 per property. These contributions will be met outside of the planning system.
- 3.33. **WUE SPD/NPPF compliance.** Surface and foul water drainage are both identified in the infrastructure requirements section of the WUE SPD. As considered above, these have been addressed to the satisfaction of the relevant statutory consultees. This is in compliance with the relevant requirements of the NPPF.
- 3.34. Design and Layout
- 3.35. The SPD sets out broad parameters for any development within this site, specifying the use of predominantly two storey properties, as well as the retention of the hedge that runs along Singledge Lane. The applicant has largely incorporated these elements into the proposal, with all dwellings either two or two and half storeys, with only a small apartment block that would be three storeys in height.
- 3.36. The properties are a mix of terraced, semi-detached and detached dwellings, with the majority being detached, and of a variety of house types. The terraced properties are located upon the main access road through the site and in the northern corner, with the detached properties providing a lower density responding to the openness beyond.
- 3.37. In terms of the layout, the proposal is relatively simple, with a single point of access at the north-eastern corner of the site, running through the site with a central spine road and loop within the western section. There is a perimeter road/private drive that is of a 'softer' nature, which is well related to the adjacent open space (the turning heads that serve them would need to be to an adoptable standard). Due to the access point being located within the north-eastern part of the application site, and because the site is very linear in nature, there is little in terms of layout that could be varied. This does limit permeability into and out of the site, but this is required to be balanced against the requirement to retain the hedge along the lane frontage, which is a featured part of the proposal.
- 3.38. Accordingly, the applicant has adopted a pragmatic approach to the layout, and has sought to include a variety of road surfaces and landscaping to ensure that the development retains interest. Distances from the highway are varied (to a degree) and this would also assist with providing active and varied road frontages. It is considered that the layout is broadly acceptable, making good use of the land but also ensuring that there would be suitable back to back distances between properties within the development.
- 3.39. There is an element of variation in the building lines throughout the development, and the varied building heights assist in adding interest. The proposal adequately

addresses the retention of the hedge on Singledge Lane, and properties fronting the open space do so appropriately. All roads have active frontages.

- 3.40. In terms of the individual buildings within the site, it is considered again that the proposal is well designed. The applicant proposes a relatively limited palette of materials but given the existing built form within the locality, this simplicity of approach is considered to be in context, and helps to reinforce the identity of the development, integrating it into the locality.
- 3.41. The apartment block within the eastern parcel of the site is acknowledged as the tallest of the proposed buildings. Accordingly, its location adjacent to the Ramada Hotel is considered to help integrate it into the existing built form. The Ramada is not of the same height, but does have a substantial footprint meaning that it is expected that these buildings would co-exist successfully.
- 3.42. The proposed SANG incorporates 1.8km of walking track and a LEAP. There is suitable permeability through the site, which makes these facilities easily accessible for new and existing residents, providing extra value and quality to the development.
- 3.43. Overall, the dwelling types proposed are of a scale and form that would be expected on a development of this nature. The layout works well and the mix of materials means that the development retains a sense of interest and place. The proposal acts well to integrate existing development and the SANG which would now become formally accessible and managed open space for the benefit of the local community.
- 3.44. **WUE SPD/NPPF compliance.** The retention of the established hedgerow fronting Singledge Lane is sought within the SPD, as is the single access point for the development site. Pedestrian footpaths are retained within and throughout the development. Parking is provided primarily by way of individual driveway access points with parking courts kept to a minimum. Accordingly, the development is considered to comply with the SPD. In terms of the NPPF, the direction is that the development plan provides the primary means for determining an application – in this case a clear direction for the form of development is given.

3.45. Residential Amenity

As with the consideration under DOV/16/00136, the application site is very much stand-alone. The site is bound only to the north by residential properties, and these are all positioned beyond a hedge which is sought to be retained, and a public highway.

- 3.46. The proposed dwellings would all be a sufficient distance from the existing dwellings to ensure that there would be no overlooking, overshadowing nor the creation of a sense of enclosure to the existing residents.
- 3.47. Concern has been raised with regards to the additional vehicular traffic that would be generated and the potential for additional noise and disturbance. While the proposal would clearly generate both, given that this is part of a strategic allocation within the Core Strategy, is addressed more specifically within the SPD, and given the relatively small number of units proposed, these issues have in effect been considered at the time of allocation (2010) and at the time the SPD was prepared and then adopted (2011). Additionally, bearing in mind the comments of the KCC Highways officer it is not considered that there is sufficient

grounds to warrant a refusal.

- 3.48. **WUE SPD/NPPF compliance.** The WUE SPD does not specifically address how to take into account the amenity of existing residents – this is rather a key aspect of all planning decisions. Where the WUE SPD does comment is in relation to the use of Singledge Lane to serve the development and what is of particular relevance is that when the estimated capacity was 250 dwellings, it was still considered potentially suitable to serve the development. The proposal under consideration is now for 100 dwellings, which is substantially fewer. In terms of the NPPF, necessary consideration has been given to the amenity of existing residents. It is important to bear in mind that the development is in compliance with adopted policy and policy guidance.

3.49. Affordable Housing/Planning Obligations

- 3.50. **Affordable housing.** Policy DM5 of the Core Strategy seeks the provision of affordable housing at the rate of 30% for developments of 15 and above. For 100 dwellings, this equates to 30 – the amount which is proposed on site. The DDC strategic housing officer has not objected to the provision, noting that DDC usually seeks a tenure split of 70% social rented and 30% shared ownership. The officer is satisfied with the proposed housing/size mix.

- 3.51. **Planning obligations.** The circumstances under which planning obligations, or contributions, can be sought, or indeed offered, are restricted by regulation 122 of the Community Infrastructure Levy (CIL) regulations 2010. The restrictions are that the obligation must be:

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

- 3.52. Regulation 123 further stipulates that the obligation cannot be used towards an infrastructure project or type, where five or more obligations have already been entered into.

- 3.53. The following planning obligations have been requested:

- 3.54. **Primary education – £433,094** – Towards provision of Primary School 1 within the WUE. The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

- 3.55. **Secondary education – £225,360.90** – Phase one expansion Dover Christ Church Academy. The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

- 3.56. **Community learning – £2,563.87** – Relocation of Dover Adult Education Centre. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.

- 3.57. **Youth service – £7009.00** – Adaptations to Whitfield Childrens Centre so that it can be used for older children in the evenings. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.

- 3.58. **Library book stock – £7,865.70 – Dover Library.** The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.

- 3.59. **Social Care – £7,975.00 – Dover Adult Social Care Hub (new).** The applicant



has agreed to the request. The request is acceptable and is within the five obligation limit.

- 3.60. **NHS – £2,785 – towards fit out of WUE Primary Care Facility.** The principle of contributing towards the capital costs of NHS related projects is well established. The applicant has agreed to the request. The request is considered to be acceptable and is within the five obligation limit.
- 3.61. **Thanet Coast and Sandwich Bay SPA mitigation contribution – £5991.48.** The applicant has agreed to contribute to the SPA mitigation scheme. This is a standard approach to mitigate the impact of new development on an internationally designated wildlife habitat. This contribution falls outside of the definition of infrastructure and accordingly is not subject to the five obligation limit.
- 3.62. **Sports contribution – £21,367.52.** In accordance with policy DM27 included in the LALP 2015. This applicant has agreed to contribute towards off site formal sports provision.
- 3.63. The total contribution requested is: **£714,012.47**, all of which is considered to be justified. The applicant has agreed to meet the requested contributions in full.
- 3.64. In addition, the applicant has agreed to fit out one affordable dwelling as being wheelchair adaptable, to include the provision of the SANG in perpetuity, and the provision of the LEAP within the section 106 legal agreement.
- 3.65. **WUE SPD/NPPF compliance.** The application is broadly in compliance with the infrastructure requirements of the WUE SPD. It proposes delivery of on-site SAC mitigation (the SANG land) at a rate appropriate for 100 dwellings, it contributes towards formal sports provision and provides children's play space in the form of a LEAP. In terms of the NPPF, the provision of infrastructure is a key element of forward planning, and as such, is an acceptable and justified part of the requests made of this development.
- 3.66. Archaeology/Cultural Heritage
- 3.67. There are no scheduled ancient monuments, registered parks and gardens, listed buildings or conservation areas lying within or in close proximity to the application site.
- 3.68. It is therefore considered that there are no grounds to object to this proposal on this basis.
- 3.69. KCC Archaeology requires a condition seeking a written scheme of investigation. This is considered to be reasonable.
- 3.70. **WUE SPD/NPPF compliance.** Archaeology is not addressed per se in the WUE SPD, but beyond anything that is of particular note at this location, the expectation would be for archaeological measures to be dealt with in a standard manner based the comments of the statutory consultee.
- 3.71. **Conclusion**
- 3.72. The proposed development is considered to be acceptable and meets the aspirations and objectives of the WUE SPD.

- 3.73. It is important to reemphasise the basis for decision making, which is set in statute at section 38(6) of the Planning and Compulsory Purchase Act 2004 and reiterated at paragraphs 11, 14 and 196 of the National Planning Policy Framework – that is to say, decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 3.74. The NPPF also directs local planning authorities to boost the supply of housing.
- 3.75. The proposed development is an amendment to a previous application for 133 dwellings on the same site. The reasons for refusal in that case related to an adequate drainage solution for the development, and the ability to retain the proposed SANG in perpetuity. This application is considered to have adequately overcome both previous reasons for refusal.
- 3.76. In addition, the applicant has worked to address the key transport issue and has evolved a scheme that is accepted by both KCC Highways and Highways England.
- 3.77. These factors, taken together with agreed infrastructure contributions in the form of planning obligations and on site provision of affordable housing, means that any material considerations that might previously have given contrary indications are now considered to have been satisfactorily addressed.
- 3.78. The proposed development is considered to represent a good example of design for a larger scheme and this should be recognised.
- 3.79. The development therefore is considered to be in accordance with the development plan and should be granted permission, as guided by the National Planning Policy Framework.

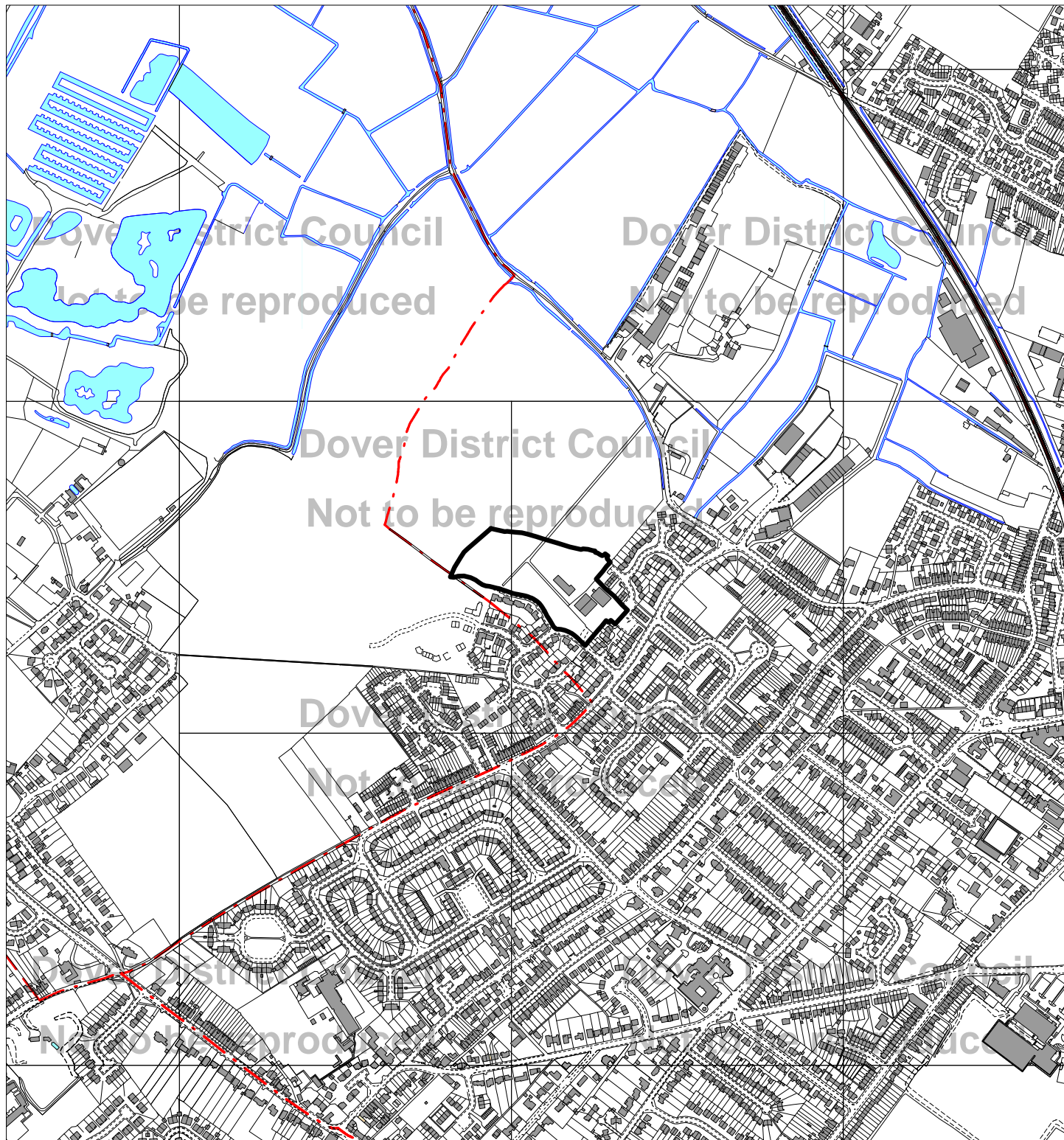
g) **Recommendation**

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions and use of SANG land in perpetuity, PERMISSION BE GRANTED, subject to conditions to include: (1) time limit (2) approved drawings (3) samples (4) delivery of affordable housing (5) ecological enhancement measures (6) SANG layout and management plan (7) details of LEAP (8) lighting strategy (9) earthworks (10) retained hedgerow (11) foul drainage (12) surface water drainage strategy (13) approval of infiltration measures (14) contaminated land (15) highways – completion of alterations to Singledge Lane (16) highways – TRO (17) highways – vehicle parking spaces (18) highways – bound surface 5 metres from edge of highway (19) highways – discharge of surface water (20) highways – cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (21) highways – pedestrian visibility splays – each private access (22) highways – implementation of a travel plan (23) highways – completion of works between a dwelling and the adopted highway (24) highways – no more than 234 parking spaces (25) air quality (26) noise assessment prior to occupation (27) construction management plan, including – routing of vehicles between the site and the A2; timing of HGV movements to/from the site; temporary traffic management measures required; site access point arrangements; parking and turning facilities for delivery vehicles and site personnel; wheel washing facilities; hours of working; noisy machinery/plant; no burning on site.
- II. Powers to be delegated to the Head of Regeneration and Development to settle the Section 106 legal agreement, any other agreements, and any

necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett



**Not to scale**

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

**Application: DOV/16/01476**

**Land to the rear of Hyton Drive and Roman Close**  
**Church Lane**  
**Sholden**  
**CT14 9QG**

**TR 6545 2729**



- a) **DOV/16/01476 – Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) - Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden**

Reason for report – Number of contrary representations (29).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.  
CP3 – Distribution of housing allocations.  
CP4 – Housing quality, mix, density and design.  
CP6 – Infrastructure.  
DM1 – Settlement boundaries.  
DM5 – Affordable housing.  
DM11 – Location of development and managing travel demand.  
DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA13 – Land between Deal and Sholden.

The site is allocated for residential development with an estimated capacity of 230 dwellings. Planning permission will be permitted provided that:

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;

- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;
- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vi. footways are preserved, and where necessary enhanced and integrated into the development; and
- vii. measures provided to mitigate against impacts on the wider road network including sustainable transport measures.

#### 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.

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...

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, business and industrial units, infrastructure 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...
- 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...

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

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 following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

## **OTHER CONSIDERATIONS**

Flood zone 3a

### **d) Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including

roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

**DDC Regeneration and Delivery (Planning Policy) – No objection** – The application site is within the boundary of land allocation LA13. Subject to highways and flooding/drainage issues being satisfactorily addressed, the proposal would likely be policy compliant.

**DDC Principal Infrastructure Delivery Officer – No objection** – The request for book stock for Deal Library exceeds the five obligation limit. The remaining infrastructure requests made of the development are CIL compliant and are therefore justified. The infrastructure officer comments that subject to a formal sports provision contribution, the open space requirements of the development have been satisfactorily met and that in relation to children's play space, there is existing satisfactory provision within the walking distance guidelines, such that no further provision is necessary.

**DDC Heritage – No comments.**

**DDC Environmental Health – No objection, subject to conditions** – Contaminated land, construction management plan, dust management plan (prior to commencement of development).

**DDC Strategic Housing – No objection, subject to provision of affordable housing.**

**KCC Highways – No objection, subject to conditions** – I refer to the amended plans and additional information submitted for the above.

The proposals are likely to generate approximately 35 two-way vehicle movements in each of the am and pm network peak hours, the majority of which are likely to route via Church Lane and Orchard Avenue and then be split and distributed further through the local highway network. Whilst the impact is therefore greatest at the Hyton Drive/Church Lane and Church Lane/Orchard Avenue junctions, these have been assessed and the proposals are unlikely to have a severe impact. The subsequent distribution of vehicle movements through junctions on the various routes available in the local highway network is such that they will amount to less than the typical variation in daily flow and are therefore also unlikely to have a severe impact. Whilst some on-street parking takes place on some of these routes and in some sections this reduces the carriageway to single-way working, intervisible and regular passing places are available and the additional vehicle movements across the peak hours are therefore unlikely to have a severe impact on the flow of traffic.

The proposed site access points off Hyton Drive and Corn Field Row are acceptable and provide suitable visibility. Corn Field Row itself and the streets within the development are to remain private and will not be adopted by the highway authority. The total amount of 129 car parking spaces provided within the site is in excess of the 122 required under Policy DM13 and unlikely to result in unacceptable parking on the highway. The four replacement parking spaces, required at the rear of 2 Hyton Drive



under the planning permission for the adjacent site, are retained in the proposed layout.

The site will benefit from the improved bus, pedestrian and cycle links being provided for the adjacent permitted site. However, there is a footpath connection to Southwall Road to be provided under the planning permission for the adjacent site, and the current proposals include a link to that footpath. Bearing in mind Southwall Road forms part of the cycle route towards Betteshanger Country Park and the town centre, I would wish to see the approved footpath connection improved to provide a route for cyclists between the proposed development site and Southwall Road.

Construction traffic routing, timing, associated parking and wheel washing facilities can be dealt with through a Construction Management Plan secured by condition.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a refusal on highway grounds

**Stagecoach – No comment received.**

**KCC Infrastructure – No objection, subject to following contributions –**

Primary education – Deal Parochial Primary School Phase 1 – £217,722.00.  
Secondary education – Sir Roger Manwood's Phase 3 Expansion – £154,566.90.  
Community learning – Deal Adult Education Centre IT equipment – £2,307.50.  
Libraries – Deal Library large print books – £3,361.11.  
Social Care – Meadowside Social Care Hub, Deal – £5,338.20.

Informative – fibre optic broadband provision.

**Environment Agency – No objection, subject to conditions** – Conditions as follows: unexpected contamination, infiltration drainage systems, piling/foundation designs, ground floor levels at 5m AODN. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event.

**KCC Local Lead Flood Authority (LLFA) – No objection, subject to conditions** – We have reviewed the latest Drainage Design Statement provided by GTA Civils, dated 7th September 2017, and consider this addresses all of our previous queries in relation to the proposed surface water drainage system. Accordingly we are able to remove our previous objections to the development. The submitted information is sufficiently detailed to recommend approval of the Drainage Design Statement. The surface water drainage should therefore be implemented as per these details.

We would note that the proposals indicate foul sewers beneath permeable pavements. This arrangement is generally not acceptable to the sewerage undertaker, therefore the foul drainage design could be subject to change. This should be discussed with Southern Water prior to finalising the foul drainage design. We would recommend details for the implementation, maintenance and management of the drainage system are secured by condition prior to occupation of the development.

In this instance, we would also strongly recommend the inclusion of condition for a verification report to ensure that the drainage system, as constructed, meets with the objectives contained within the drainage design statement. Areas downstream of the site are known to have a high risk of flooding, therefore it is important that the development is carried out in full accordance with its approved details.

**River Stour Internal Drainage Board (IDB)** – The River Stour IDB lodged objections to the development based on unsatisfactory evidence in relation to surface water drainage. These objections were largely in support of the position taken by the KCC SUDS team. However, where the SUDS team has now removed its objection, the IDB did not respond to the most recent consultation.

**KCC Archaeology – No objection, subject to condition** – Archaeological fieldworks and safeguarding measures to preserve important archaeological remains in situ.

**Rural adviser – Observation** – I note that the proposal relates to a 2.26 ha site (including buildings to be demolished) adjoining a much larger newly permitted housing development, immediately to the west.

The current site has been surveyed (along with the adjoining permitted housing site to the west) as lying within an area of Grade 1 agricultural quality.

However that was clearly not a bar, in itself, to development in this part of the District, and indeed I note that the current site already falls within Policy LA13 of the Council's adopted Land Allocations Plan.

I do not believe there is any further relevant agricultural advice I can provide in this case.

**KCC PROW – Observation** – Providing foot / cycle paths within green corridors or areas of open space to create a traffic free, safe environment to enjoy will encourage use of such routes for walking and cycling. Unfortunately the site layout has not included this type of provision for cycling and walking and has included footways next to the access roads, not in line with current design and planning guidance.

We would ask that the applicant includes a green corridor within the design layout, to accommodate walking / cycling movement across the site, to the open space area and linking to the Sholden Development site boundary path which facilitates access to the surrounding countryside. Such paths provide good opportunities to residents for recreation, active travel and exercise, making the proposed development a more desirable place to live.

**DDC Ecology – No objection, subject to condition and securing SPA contribution** – Condition to secure recommendations in ecology survey.

**DDC Trees – No comment received.**

**Natural England – No objection, subject to contribution and drainage details** – Contribution for Thanet Coast and Sandwich Bay SPA mitigation strategy, and drainage details to ensure no adverse effect on Ramsar site.

**Kent Wildlife Trust – No objection, subject to implementation of recommendations** – Permeability of gardens to outside areas, hedgehog access, consideration of existing hedgerow habitats, SPA mitigation contribution.

**Historic England – Considered, no comment.**

**NHS/CCG – No objection, subject to contribution** – Seeks contribution of £65,916 towards one or more local GP surgeries in Deal.

**The Coal Authority – Observation** – Informative relating to Coal Authority standing advice.

**Southern Gas Networks – Observations regarding safety in proximity to gas network.**

**Southern Water – No objection, subject to conditions and informatives** – Conditions: measures to protect public apparatus, means of foul and surface water sewerage disposal – Informatives: sewer capacity check, details of SUDS. Water supply to site is achievable.

**EDF Energy – No comment received.**

**National Grid – No comment received.**

**Crime prevention officer – No comment received.**

**Dover Town Council – Objection** – Object as site in the middle of Zone 3 high risk flood zone, additional 70 homes would put intense pressure on current drainage system; lack of provisions in place, shops, schools and surgeries. Lack of infrastructure, concerns over width of road and parking issues. Application is contrary to the Local Development Policy and Current Transport Statement re local traffic movement is dated March 2014 so not accurate record.

**Sholden Parish Council – Objection** – The application contravenes Policy LA13. The 70 homes on this site have been considered by DDC and rejected. There has been no change to the site or the surrounding infrastructure, we see no reason why these additional homes should go ahead now.

No upgrading of infrastructure has occurred despite the significant increase in development in the area of 500+ new homes. Highways data is not up to date and does not reflect the increase in traffic since the completion of Sholden Fields, the near completion of Timperley Place and other smaller developments in the area which have had a significant effect on the traffic in Sholden and Deal. A new traffic survey must be carried out that reflects the current situation.

Local roads are unsuitable for increases in traffic. Church Lane, Middle Deal Road, Orchard Avenue, Bowling Green Lane, Southwall Road are all affected. Access to the development site is via these small roads. A new road is needed before any further development is undertaken in Deal/Sholden/Walmer.

No new schools or GP surgeries have opened since the large-scale developments in the area have been populated. Residents travel to take children to school or visit their GP. This is unsustainable.

We note that the South Kent Coast Clinical Commissioning Group have requested s106 funds and have identified significant risks that will impact on medical care provision in Deal should further development go ahead.

Flooding regularly occurs in nearby Albert Road, located approximately 400m from the proposed development. The site is located on a flood plain. We note that KCC Flood & Water Management maintain their objection pending fuller information from the developer, this clearly indicates problems with the site in terms of flooding and this has always been the case in this area.

Wildlife bats in the barns. Persimmon tore up hedgerows of nesting birds when clearing the land for the Timperley Place development against the planning conditions set down by DDC.

**Public representations – 29 x objections, 1 x support, 1 x neutral.**

Objections

- Flood risk, provide drainage before homes occupied.
- Sewer capacity.
- Ecology information incorrect, bats, loss of established hedge.
- Policy for 230 dwellings, not 300.
- No to access from Homefield Avenue.
- Needs road infrastructure, investment, traffic, road safety concerns.
- Relationship to existing buildings, height, density.
- Noise and pollution, construction traffic.
- No capacity in local amenities.
- Direct development elsewhere.

Support

- Provision of new dwellings, should be for first time buyers.

Neutral

- New road development required.

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

1.1. Site

1.2. The application site is located to the rear (north-west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development (DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

1.3. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.

1.4. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.

1.5. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely residential on both sides. Some open countryside still separates middle Deal from Sholden.

- 1.6. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.
- 1.7. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.
- 1.8. Approximate dimensions of the site are:
- Width – between 80 and 120 metres.
  - Depth – 225 metres (from rear of Hyton Drive properties).
- 1.9. Proposal
- 1.10. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the reprovision of parking spaces for existing residents at Hyton Drive. All affordable dwellings would be located in this section.
- 1.11. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.
- 1.12. At the south eastern end of the perimeter road the carriageway stops approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.
- 1.13. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields.
- 1.14. The proposed housing mix is as follows:
- 1.15. Market dwellings
- 2 bed x 6 – Alnwick house type.
  - 2 bed x 12 – Hanbury house type.
  - 3 bed x 3 – Hatfield house type.
  - 3 bed x 1 – Hatfield Corner house type.
  - 3 bed x 2 – Clayton house type.
  - 3 bed x 4 – Clayton Corner house type.
  - 3 bed x 6 – Leicester house type.
  - 4 bed x 2 – Lumley house type.
  - 4 bed x 7 – Chedworth house type.
  - 4 bed x 6 – Corfe house type.
  - TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.
- 1.16. Affordable dwellings
- 2 bed x 7 – 2L house type.
  - 3 bed x 6 – 3L house type.
  - 4 bed x 2 – 4L house type.
  - 2 bed x 6 – 2BF flat type.

- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.17. Ridge heights of the proposed buildings are:

- Alnwick house type (x6) – 7.8 metres.
- Hanbury house type (x12) – 8 metres.
- Hatfield house type (x3) – 8 metres.
- Hatfield Corner house type (x1) – 8 metres.
- Clayton house type (x2) – 7.4 metres.
- Clayton Corner house type (x4) – 7.4 metres
- Leicester house type (x6) – 9.9 metres.
- Lumley house type (x2) – 9.4 metres.
- Chedworth house type (x7) – 8 metres.
- Corfe house type (x6) – 8 metres.
- 2L house type (x7) – 8.7 metres.
- 3L house type (x6) – 8.6 metres.
- 4L house type (x2) – 8.8 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (single and double) – 5.1 metres.

1.18. Parking provision comes in the form of allocated parking spaces. Some are located next to dwellings and some in front. Some spaces are covered by car barns. Visitor spaces are provided throughout the development. Footways are provided throughout the development area and tie up with the existing adjacent development off Hyton Drive to the south.

1.19. The applicant has indicated a range of soft landscaping throughout the development.

## **2. Main Issues**

2.1. The main issues to consider are:

- Principle
- Design, visual and rural amenity
- Residential amenity
- Highways
- Flooding, drainage and sewerage
- Utilities
- Affordable housing and planning obligations
- Ecology
- Employment uses

## **3. Assessment**

3.1. Principle

3.2. The proposed development is located within the Deal urban settlement boundary, as extended by housing allocation LA13 – Land between Deal and Sholden, adopted as part of the Land Allocations Local Plan (LALP) 2015.

3.3. Accordingly, the proposed residential development is in basic terms acceptable, subject to its details and to the extent to which these accord with the requirements of policy LA13. The land allocated under LA13 extends beyond the application site to the south west – now Timperley Place and to a lesser extent to the north east – towards Southwall Road.

- 3.4. Notably, the land allocation policy makes reference to an “estimated” capacity of 230 dwellings on the overall site, which when considering the area of allocation, have already been developed under the permission granted for DOV/10/01012. However, the policy acknowledges that the planning application informed the site allocation and at that time this was itself informed by flooding constraints on site.
- 3.5. Subject to these constraints being adequately addressed, there is no part of the policy which would preclude development beyond the estimated capacity. In that sense, the proposed development is acceptable in principle, subject to its details and any material considerations.
- 3.6. Design, Visual and Rural Amenity
- 3.7. The proposed estate layout is fed from Hyton Drive and Corn Field Row (the existing Timperley Place perimeter road). The layout of the estate roads is considered to be acceptable, and typical of a cul-de-sac arrangement, with dwellings arranged mostly in a perimeter formation looking out from the development.
- 3.8. Towards the north of the site, accessed from the edge of development road, is a close with dwellings facing in towards each other. Dwellings in the close are larger in size with sufficient parking spaces provided, such that enough space is provided for residents to live comfortably.
- 3.9. A further close is formed from Hyton Drive, however, the access and dwellings here are arranged more conventionally parallel or at right angles with one another.
- 3.10. At the western end of the development, open space is proposed, which provides amenity space and that can be used by the occupants of this and the adjacent development.
- 3.11. The development is laid out to achieve an acceptable degree of permeability as far as pedestrian links are concerned, and is typical of an edge of development layout arrangement.
- 3.12. The design of the development in terms of the dwellings incorporates a number of house types, with varying ridge heights, and combined with varying materials, with the effect being that there is a degree of interest when moving through the estate. The tallest of the buildings are located toward the centre of the development, meaning that seen from outside of the site, any prominence that they might have is reduced. Overall and seen in the context of the 70 dwellings proposed, as well as the 230 dwellings under construction, the development creates its own reference and is considered to be acceptable. The layout, scale, form and arrangement of the development physically and visually links the new development to adjoining and neighbouring development areas.
- 3.13. The edge of development layout arrangement is low key and has spaces and gaps to it, which would present a sufficiently soft edge where it meets the undeveloped area to the north.
- 3.14. The majority of dwellings offer parking to the side with a car barn, with the remainder offering frontage parking. This is a typical parking arrangement of suburban style developments. It is, however, considered necessary to restrict permitted development on hard surfaces to safeguard front gardens where they are proposed, enabling the local planning authority to control any proposed

changes that might cumulatively alter this edge of settlement development.

3.15. Residential Amenity

- 3.16. **Overlooking.** Units 10 to 14, due to their location, have the potential to overlook numbers 18, 16 and 8 Roman Close, being sited at a distance of approximately 10 metres from the dividing boundary and between 15 and 18 metres from the existing dwellings themselves. The existing dwellings are back to backs, meaning that there are no rear gardens as such and the front gardens are semi-private. The side garden of number 16 has been extended onto at ground level, and the side garden at number 18 forms a contiguous part of the semi-private front garden. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 10 and 11 in particular.
- 3.17. The rear elevation of units 13 and 14 face toward the side and front garden of number 8 Roman Close. This space is semi-private and incorporates the entrance into numbers 8 and 6. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 13 and 14 in particular.
- 3.18. **Interlooking.** The side elevations of 18 and 16 have flank windows at first floor level, which are to the rear of proposed units 10 and 11. Mitigating the potential for interlooking is that these are secondary/bathroom windows. At ground floor level in number 18 is a kitchen window. It is not considered that the effect of erecting units 10 and 11 would be materially harmful, such that it would merit a reason for refusal.
- 3.19. The rear of unit 14 faces toward the flank elevation of 8 Roman Close. There are no flank windows in number 8. The rear windows to a previous extension of number 6 Roman Close can be seen, however, the relationship between the rear of unit 14 and 6 Roman Close is oblique and would not give rise to any clear interlooking.
- 3.20. Unit 15 is sited oblique to a front projecting extension at 6 Roman Close. While the proposed and existing dwellings are in close proximity to one another, they are not directly opposite and such it is considered that the relationship between the dwellings is acceptable.
- 3.21. Concern has been raised by residents on Cornfield Row about the proposed siting of two and a half storey dwellings at plots 50 and 51 which are perceived as impinging on privacy. Front to front distances are 19.5 metres and it should be noted that these units are set back slightly from the neighbouring units at 49 and 52. Any views would be across the existing highway in a typical arrangement and no views are achievable into rear gardens. This is considered to be an acceptable arrangement.
- 3.22. **Overbearing.** At the rear of Hyton Drive/Court Lodge, unit 4 is in relatively close proximity with existing dwelling number 12. However, due to its side on arrangement with no side windows and the otherwise open nature of this location, this part of the proposal is considered to be acceptable.
- 3.23. **Overshadowing.** No undue harm from overshadowing is likely to occur from the new development due to distances involved and the location of new dwellings primarily to the north/north west of existing dwellings.
- 3.24. **Noise and disturbance.** No undue harm is likely to arise from the ongoing occupation of the new dwellings following the construction period.



- 3.25. **Air quality.** A particular aspect of concern raised by the environmental health officer related to dust emissions during not only the construction phase, but also during archaeological works. Accordingly, measures to prevent dust emissions during these stages of site investigation and development would be sought as part of any grant of permission.
- 3.26. The proposed development is considered to be acceptable in terms of residential amenity.
- 3.27. Highways
- 3.28. The highways officer has commented that the development itself would result in approximately 35 two way vehicle movements during the am and pm peak periods. This, however, is considered not to result in a severe impact on the highway network due to the likely spread of routes that the vehicles would take and the fact that this number of movements is within the existing daily variation of traffic flow.
- 3.29. The access points into the site are considered to be of an acceptable standard in visibility terms, while the internal site roads are recognised as not being proposed for adoption by the highway authority. Proposed parking is recognised as being in excess of the guideline (129 vs 122), however, the nature of parking guidance in suburban/edge of settlement locations is expressed as minimum rather than maximum, allowing for over provision, which in any event is relatively low at 5.7%. In any case, the highways officer concludes that this is unlikely to result in unacceptable parking on the highway.
- 3.30. In terms of the location of the development and the requirements of policy LA13, measures are required that mitigate against impacts on the wider road network, including sustainable transport measures. The applicant notes that a planning contribution has already been paid in connection with the permission granted under DOV/10/01012 to pump prime a bus service within Timperley Place for the purposes of mitigating any impact on the wider road network.
- 3.31. In general terms, the characteristics of the local road network are recognised and highway space is acknowledged as being at a premium, however, the transport study accompanying the application, and agreed by the KCC Highways officer, shows that regardless of the current status of mitigation measures i.e. the proposed bus service, movements generated by the proposal are within daily traffic flow variations. The impact of the proposed development itself is not considered to be severe and that is the test of any proposal. The scheme is therefore considered to be acceptable in highways terms.
- 3.32. Condition 39 of DOV/10/01012 required details of the peripheral footpath, including the link between the site and Southwall Road to be submitted before the development commenced. It is noted that these details have not yet been submitted. Condition 40 required the peripheral footpath and footpath link to be provided before the occupation of 110 dwellings. This matter has now been referred to the enforcement team to pursue. Notwithstanding this, KCC are requiring the upgrading of the footpath to a cycle link. This requirement can be conditioned to be provided (and will be pursued accordingly).
- 3.33. The Public Rights of Way (PRoW) officer has requested that the development includes a green corridor to accommodate walking and cycling movements across the site, similar to that shown within the indicative layout for

DOV/10/01012. No green corridor arrangement is included in this application, however, provision for movements across the site is inherent in the proposed layout and there is sufficient open/green space around the periphery of the site. At the western end of the site an amenity green space area is provided, which links this proposal to the existing Timperley Place development. The requirement of the PRow officer is considered to be adequately addressed by other means.

- 3.34. Similarly the PRow officer sought a separation of space between motor traffic and pedestrians and cyclists. The scale and layout of the site, in combination with the assessment above, is considered to be such that these requirements are not strictly necessary.

3.35. Flooding, Drainage and Sewerage

- 3.36. **Flood zone.** The original scheme under DOV/10/01012 was originally for 300 units. This was reduced at the time to take account of the flood zone.

- 3.37. The application site is within flood zone 3a. This means that nominally, it is at the highest risk of flooding, accepting that the government flood maps are based on a generalised risk analysis, rather than site specific assessment.

- 3.38. This means that for development to be permitted, the site needs to be subject to a sequential test and an exceptions test, both of which must be passed.

- 3.39. The applicant has submitted a sequential test, which rather than undertaking an analysis of other available development sites, which has been the standard approach adopted to date, seeks to justify the acceptability of the development on the basis that the purpose of the sequential test is to direct development away from areas at risk of flooding to areas not at risk/at less risk of flooding.

- 3.40. The conclusion of the test is that as a result of sea defence works undertaken along Deal sea front as far as Sandown, the site, as detailed in the site specific flood risk analysis (FRA), is safe from flooding up to a 1 in 300 year standard. The conclusion follows that there is no safer location to direct development to.

- 3.41. The approach adopted in the sequential test is somewhat unorthodox, however, the reasoning is considered to be sound.

- 3.42. The Environment Agency has not objected to the development and has indicated that subject to conditions for finished floor levels and sleeping accommodation, the proposal would pass the exceptions test. Therefore, in terms of its flood risk, the proposed development is considered to be acceptable.

- 3.43. **Surface water drainage and DOV/10/01012.** Kent County Council as the local lead flood authority, originally placed a holding objection against the development, having concern about the proposed surface water drainage, in particular relating to run off being directed to the existing infiltration pond and the Southwall Dyke. The applicant has worked with the comments from KCC and the River Stour Internal Drainage Board and submitted a site drainage scheme which is now considered to be acceptable by KCC, subject to the use of conditions on any grant of permission.

- 3.44. In flooding and drainage terms, the proposed development is therefore considered to be acceptable.

- 3.45. **Sewerage.** Southern Water has submitted a plan which shows the approximate

position of foul sewers crossing the site. They have not raised any objection to the scheme and have requested a condition seeking details of foul water sewerage disposal, to be agreed by the council, before development commences.

- 3.46. Accordingly, no objections are raised in relation to the potential sewerage arrangements for the development.

3.47. Utilities

- 3.48. No responses have been received which suggest that the development could not be served by any of the utilities providers. Southern Water, in its supply capacity, has noted that it can supply clean water to the site. Southern Gas has provided standard information relating to development in close proximity to its apparatus. Where responses have not been received e.g. National Grid/EDF, it is unlikely that they would be unable to serve the development.

3.49. Affordable Housing and Planning Obligations

- 3.50. **Affordable housing.** Policy DM5 of the Core Strategy seeks the provision of affordable housing at the rate of 30% for developments of 15 and above. For 70 dwellings, this equates to 21 – the amount which is proposed on site. The DDC strategic housing officer has not objected to the provision, noting that DDC usually seeks a tenure split of 70% social rented and 30% shared ownership. The officer notes that the final tenure split would be agreed with the DDC affordable housing officer. The provision of affordable housing would be secured by the use of planning condition on any grant of permission.

- 3.51. **Planning obligations.** The circumstances under which planning obligations, or contributions, can be sought, or indeed offered, are restricted by regulation 122 of the Community Infrastructure Levy (CIL) regulations 2010. The restrictions are that the obligation must be:

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

- 3.52. Regulation 123 further stipulates that the obligation cannot be used towards an infrastructure project or type, where five or more obligations have already been entered into.

- 3.53. The following planning obligations have been requested:

- 3.54. **Primary education – £217,722** – Expansion of Deal Parochial Church of England School (phase 1). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

- 3.55. **Secondary education – £154,566.90** – Expansion of Sir Roger Manwood's School (phase 3). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

- 3.56. **Community learning – £2,307.50** – Deal Adult Education Centre. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.

- 3.57. **Libraries – £3,361.11 – Deal Library (towards specialised large print books for specific borrowing needs).** The applicant has agreed to this request,

however, seven obligations have already been entered into in respect of book stock for Deal Library. Accordingly, this contribution will not be sought.

- 3.58. **Social Care – £5,338.20 – Meadowside social care hub, Deal.** The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.59. **NHS – £65,916 – towards the expansion of Balmoral GP surgery in Deal.** The principle of contributing towards the capital costs of NHS related projects is well established and the applicant has agreed the contribution. The request is acceptable and within the five obligation limit.
- 3.60. **Thanet Coast and Sandwich Bay SPA mitigation contribution – £3591.11.** The applicant has agreed to contribute to the SPA mitigation scheme. This is a standard approach to mitigate the impact of new development on an internationally designated wildlife habitat. This contribution falls outside of the definition of infrastructure and accordingly is not subject to the five obligation limit.
- 3.61. **Sports facilities contribution – £28,300.** This request is made in accordance with policy DM27. The contribution would go towards the refurbishment of one playing pitch at Marke Wood Rec. in Walmer. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.62. In round numbers, the total contribution requested is: **£481,102**. Of this **£477,741** is considered to be acceptable. The applicant has agreed to meet the infrastructure request, which in turn, satisfies the requirements of policy CP6.
- 3.63. Ecology
- 3.64. The DDC Ecology officer has commented that the proposed ecology mitigation and enhancement measures included within the accompanying ecology survey should be conditioned in any grant of permission.
- 3.65. The accompanying Habitat Regulations Assessment sought for the on site green space to be accepted as negating the need for the development to contribute to the Thanet Coast and Sandwich Bay SPA mitigation scheme. The mitigation payment is required from developments of 15 dwellings and above, regardless of the location and regardless of any on site open space provision. Accordingly, the mitigation payment of £3497.43 has been sought from the developer, who has agreed to pay.
- 3.66. The ecological implications of the proposal are therefore considered to have been adequately addressed.
- 3.67. Other Matters
- 3.68. **Compliance with policy LA13:**
- i. *The design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church.*  
This is addressed above – the design of the development is considered sufficiently low key with adequate landscaping to meet this criterion.
  - ii. *Views of St Nicholas's Church and the wider landscape are incorporated into any design and retained.*  
The proposed development at a sufficient distance with intervening development that views of St Nicholas's Church are not affected by this proposal.

- iii. *Community facilities are provided to benefit existing and new residents in the area.*  
The development permitted under DOV/10/01012 has adequately addressed this requirement of the policy – in addition to this, the applicant has agreed contributions towards sports facilities and the NHS.
- iv. *A mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives.*  
The applicant has agreed to contribute towards the now established Thanet Coast and Sandwich Bay SPA mitigation strategy.
- v. *The development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*  
Southern Water has indicated the presence of an existing public sewer and has not objected to the proposal. There is also grant of deed of easement pertaining to any future access.
- vi. *Footways are preserved, and where necessary enhanced and integrated into the development.*  
This is addressed above, no public footpaths cross the site, but footways are provided that link through the site and into the existing development to the south.
- vii. *Measures provided to mitigate against impacts on the wider road network including sustainable transport measures.*  
The existing Timperley Place development permitted under DOV/10/01012 included a payment towards the provision of a local bus service. KCC Highways has also requested a condition seeking a travel plan for the development.

3.69. The criteria set out under policy LA13 are shown to have been adequately addressed, therefore meeting the requirements of the policy.

3.70. **Employment space.** Loss of employment space/farmyard. Some concern has been raised in relation to the use of the farmyard and the displacement/replacement of any commercial floorspace which would be lost as a result of the proposed development. Policy LA13 of the LALP does not seek any compensatory provision of this space, which itself was not protected through any form of designation within the local plan. Accordingly, there is not considered to be any need for re-provision of this space.

### 3.71. Conclusion

3.72. The proposed development is considered to be acceptable.

3.73. It is important to reemphasise the basis for decision making, which is set in statute at section 38(6) of the Planning and Compulsory Purchase Act 2004 and reiterated at paragraphs 11, 14 and 196 of the National Planning Policy Framework – that is to say, decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

3.74. The NPPF also directs local planning authorities to boost the supply of housing.

3.75. The application site is allocated within the Land Allocations Local Plan 2015, that is to say it has been assessed at an independent examination as being suitable for housing development. The applicant has worked to address the key issues facing any further development at this location, these primarily being those related to flooding, the capacity of the highways network to accommodate further development, and the capacity of other local infrastructure. Therefore, it is

considered that any material considerations that may have precluded granting permission have been satisfactorily addressed.

3.76. The design of the development is considered to be acceptable and its relationship with the open countryside adjacent will soften with time, particularly as the landscaping scheme begins to take effect.

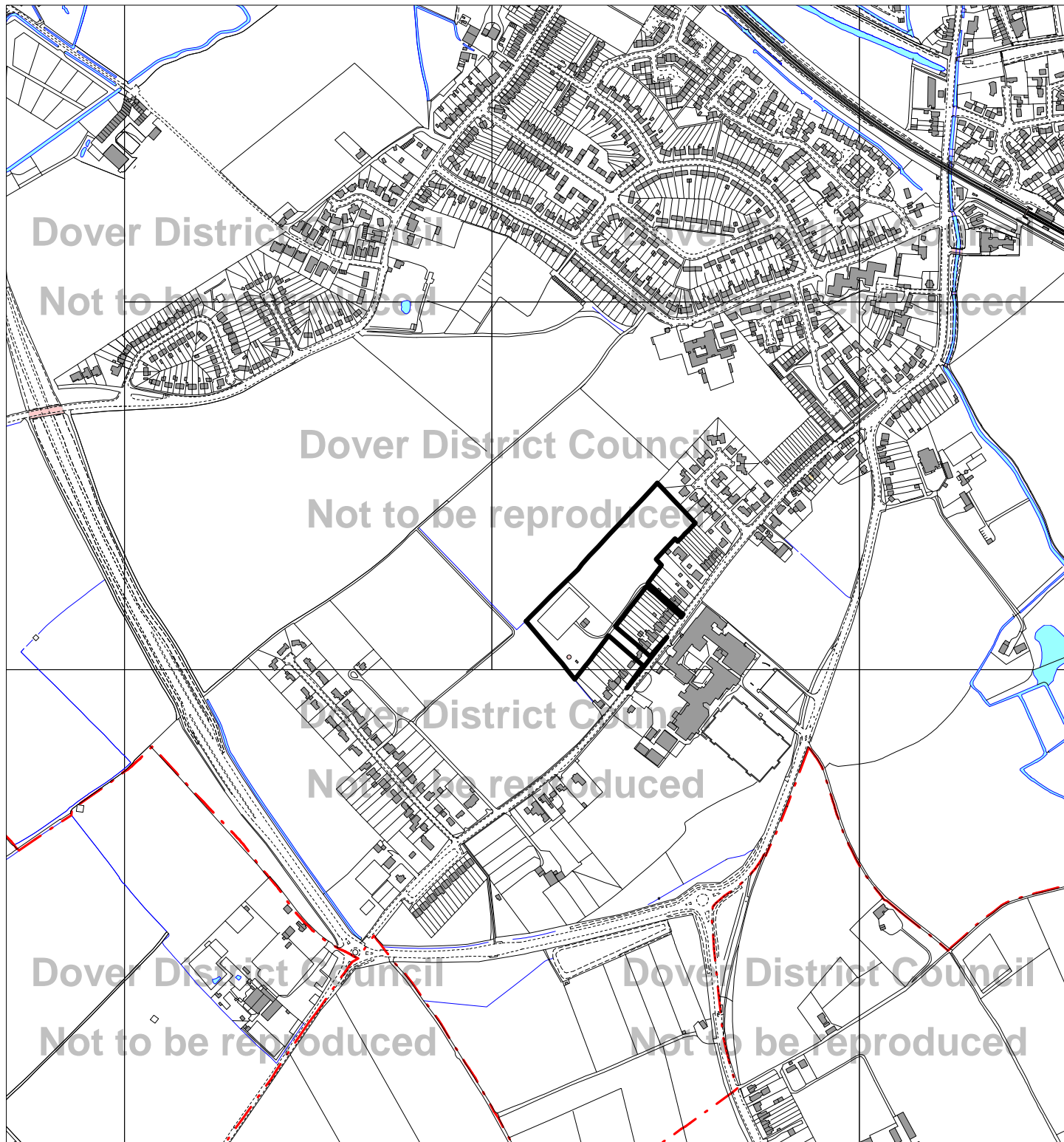
3.77. In overall terms, the proposal is of a good standard, that will fit well with existing development, and it meets all infrastructure requests that have been made of it.

g) **Recommendation**

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of species) (5) provision of affordable housing (6) management plan open space (7) units 10-14, first floor rear, obscure glazing level 4, non-opening up to 1.7 metres (8) permitted development restrictions to prevent parking in front gardens (where provided) (9) contaminated land (10) archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions (11) foul and surface water sewerage disposal (12) implementation of SUDS before occupation (13) verification of SUDS work (14) protection of public sewerage and water supply apparatus (15) penetrative foundation works to be agreed (16) ground floor finished levels 5m above ODN (17) sections and thresholds (18) ecology enhancement/mitigation measures, including hedgehog access (19) measures to prevent discharge of surface water onto highway (20) provision and retention of parking spaces (21) provision and retention of turning areas (22) bound surface 5 metres from edge of highway (23) provision of cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (24) travel plan (25) details and provision of pedestrian link to Southwall Road (26) completion of alterations to Hyton Drive and Corn Field Row before use of site commences (27) completion of works between a dwelling and adopted highway before occupation of dwelling (28) construction management plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop off and pick up times), parking and turning areas for site personnel, wheel washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site.
- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett



**Not to scale**

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

**Application: DOV/17/00280**

**Former Kumor Nursery and 121 Dover Road  
Sandwich  
CT13 0DA**

**TR 2662 7114**



- a) **DOV/17/00280 – Erection of 67 dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) – Former Kumor Nursery and 121 Dover Road, Sandwich**

Reason for report: Number of contrary views. The application has also been called to Planning Committee by Cllr. Carter who has commented that, whilst there is a need for housing in Sandwich, the proposal would provide inadequate access and inadequate car parking, which will impact upon the highway network. The application also provides inadequate facilities for the storage of refuse and has inadequate water and sewerage infrastructure.

- 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 500 (around 5%) is identified for the Sandwich.
- 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 which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- 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.

#### 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: ensure that planning is genuinely plan-led; 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 and support thriving rural communities within it; support the transition to a low carbon future; 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, 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 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.

- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires 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**

There are a number of historic planning applications relating to the former use of the site as a plant nursery, together with a planning application from 1960 relating to the erection of 33 dwellings on the site (which was refused). However, it is not considered that any of this history is directly relevant to the determination of the current application

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

Crime Prevention Officer – The applicant has considered crime prevention within their application, but has not contacted Kent Police to discuss the scheme. It is recommended that the footpath be removed, as it may offer opportunities for crime and anti-social behaviour. However, if retained, it is recommended that the path is lit at both ends and provision be made for the future provision of CCTV, should issues arise. A condition or, if more appropriate, an informative is requested.

Natural England – No objection, subject to appropriate mitigation to avoid a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.

#### KCC Highways and Transportation –

*Initial response, received 24<sup>th</sup> March 2017:*

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

#### Transport Assessment

1. The trip generation rates for the development are acceptable, particularly bearing in mind the location of the site within reasonable walking distance of the railway station, bus stops, primary and secondary schools and the town centre. However, clarification is required as to how the distribution of trips has been calculated and assigned to the local road network, to support the percentage splits shown.

2. There appear to be some anomalies in the traffic count data submitted. It is unclear where the week-long counters were located in Dover Road and the peak hour flows recorded appear to be significantly different to the flows entering/leaving Dover Road

in the Dover Road/Deal Road junction count. The school have also identified that on the day of the junction count pupil attendance numbers were significantly below normal due to it being just before the summer holidays and many pupils having finished exams. New counts should therefore be carried out to clarify current traffic flows and these should be done when the school is operating as normal.

3. The reference to occasional driver delay in Dover Road due to parked cars is noted, however I consider that the additional traffic from the proposals generates the need to improve the existing passing opportunities for vehicles, particularly in the eastern section of Dover Road. There appears to be room to achieve this but the applicant should consider this in more detail and submit proposals to demonstrate how this can be satisfactorily achieved.

4. The proposed build-out and visibility splay plan does not appear to be accurate, as it is based on an Ordnance Survey plan and dimensions measured on site indicate a lesser width of retained carriageway available in Dover Road than shown. An accurate plan at 1:200 scale is therefore required for the proposed access and associated highway alterations, and the same base plan should be used to reassess the vehicle swept path requirements to demonstrate these are still achievable.

5. The pedestrian crossing point across the site access should be repositioned on the desire line, i.e. the line of the existing footway along Dover Road. The section of new footway around the western radius can be removed.

#### Site Layout

6. The provision of the new access onto Dover Road will displace up to 7 existing parked cars and therefore the proposed lay-by in the access road should be extended to accommodate 7 parking spaces.

7. I note that the internal streets are intended to be adopted by the highway authority and therefore the extent of adoption should be indicated on the plans. It should be noted that minimum 1.5 metre wide service margins are required around the entire perimeter of the adoptable shared surfaces shown, and these margins will form part of the highway (i.e. they will not be maintained by the proposed management company for the private areas) Dimensions of the adoptable streets should be shown including carriageways, footways, service margins, verges, radii and unallocated parking bays.

8. The proposed raised table is not a shared surface and therefore a footway is required along the northern side to serve plots 20-28.

9. Speed restraint measures are required at maximum 60 metres spacing for conventional streets. The proposed raised table should therefore be extended eastwards to the other end of the unallocated parking bays, to achieve the necessary spacing for the secondary access road shown.

10. The change to a shared surface outside plot 35 will require a ramp and footways to be extended 1.8 metres beyond it to allow pedestrian access to/from the shared surface. The location of the ramp shown immediately adjacent to parking spaces for plots 36 and 55 is therefore not acceptable and it moved to the west. The exact location will depend on the revised parking arrangements for plot 60 (see item 10 below).

11. As the proposed separate pedestrian connection to Dover Road is also intended to be a secondary emergency access route, it will need to be surfaced for a minimum

width of 3.2 metres. It should also be demonstrated that a fire service vehicle can suitably manoeuvre in/out at each end of the route.

12. The remote location of parking spaces from the front door of the dwelling and/or the tandem parking arrangements for plots 1, 2, 18, 19, 29, 33, 35, 43-45, 51, 60 and 67 are likely to lead to unacceptable and obstructive parking on the adoptable highway. The parking arrangements for these plots therefore need to be reconsidered.

13. Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be a minimum of 6 metres long x 2 metres wide, increased to 2.5 metres wide where not abutting a footway. Driveway parking spaces which also serve as the pedestrian route to the front door should be a minimum of 3.2 metres wide or a separate path provided.

14. Proposed private trees should not grow to overhang the adoptable highway, nor should the roots of private trees be allowed to undermine the adoptable highway. As such the trees adjacent to plots 1, 5, 7, 9, 20, 28, 29, 35, 40, 55, 60-64, 66, 67 and those behind the lay-by should be repositioned accordingly. Trees within the adoptable highway verge should be fastigate and positioned so the canopies will not overhang the footway or carriageway, and will attract commuted sums for maintenance. Adoptable highway verges/service margins must be grass only.

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

*Subsequent response, received 7<sup>th</sup> July 2017:*

I refer to the amended plans and Technical Note submitted for the above on 14 June and would comment as follows:

1. I note the proposed alterations to existing parking restrictions in the eastern section of Dover Road to provide improved passing opportunities for vehicles and these are acceptable. However, I consider that an additional alteration is required by way of an extension to the existing restrictions outside numbers 47/45. The existing double yellow lines should be increased to 15 metres in length at the northern end, improve this existing passing place. This would then provide suitable length passing places at regular intervals along Dover Road.

2. Vehicle swept paths for the revised site access do not appear to have been submitted and should therefore be provided, on an accurate 1:200 base plan as previously advised. It should also be noted that the proposed parking restrictions to the east of the access only need to extend as far as the access to no. 113 Dover Road.

3. I note the internal site roads are now to remain private and as such I would clarify that the highway boundary will remain at the back edge of the footway in Dover Road. Pedestrian visibility splays of 1 metre x 25 metres will be required into the access road from each side of the crossing point at the access junction.

4. As the internal roads are to remain private most of my previous comments on the internal layout are no longer highway issues. I note items 6 and 11 have been resolved and are acceptable. I note that some other amendments have also been made in relation to the previous comments and I am satisfied that the proposed

internal layout and parking arrangements are unlikely to result in an unacceptable impact on the highway.

*Subsequent response received 1<sup>st</sup> September*

I refer to the amended plans submitted for the above on 8th August, including the revised vehicle swept path assessment and proposed road markings plan which resolve the matters previously raised in those respects.

The proposals are likely to generate approximately 35 two-way vehicle trips in the network peak hours along Dover Road and through the Dover Road/Sandwich Road junction. Whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school. On-street parking takes place along Dover Road particularly in the eastern section which narrows the road to single-way working in places, although there are some passing places available through gaps in the parking and existing parking restrictions. In order to accommodate the additional trips from the development in the eastern section of Dover Road, the proposals include improvement of existing passing places and additional parking restrictions to assist with the flow of traffic particularly during the peak hours, as follows:

- i) Extension of the existing double yellow lines on the south side of Dover Road across the junction with Stone Cross Lees;
- ii) Provision of double yellow lines across the accesses to numbers 67 and 69 Dover Road but extended sufficiently to provide sufficient room for a vehicle to readily manoeuvre in/out of the passing place,
- iii) Extension of the existing double yellow lines outside numbers 45 and 47 Dover Road to provide greater room for a vehicle to readily manoeuvre in/out of the passing place.

These improvements will create better intervisible passing places at regular intervals to accommodate the additional traffic from the development, as well as providing improved visibility for drivers using the accesses to numbers 67 and 69. Whilst the proposals will remove 2 usable on-street parking places, this small number can be accommodated elsewhere on-street in the vicinity. It is also likely that some children from the proposed development will attend the nearby school and travel on foot, replacing pupils who will have come from further afield and travelled by car and therefore providing a reduction in vehicle trips associated with the school.

Whilst the footways at the eastern end of Dover Road are narrow, they are usable and have been in use for many years. Vehicle speeds in this section are low and there are no reported personal injury crashes in the five years to the end of 2016 in this section of the road.

The impact of the additional traffic at the junction of Dover Road with Deal Road has been assessed and is acceptable, with the junction still operating within capacity. The junction has acceptable visibility and there have been no recorded personal injury crashes at the junction in the five years to the end of 2016.

The western section of Dover Road leading to the site entrance has sufficient passing places already available and wider footways.

The site access arrangements include building out the kerb line in Dover Road to achieve suitable visibility and the provision of a pedestrian crossing point across Dover Road to provide suitable access to/from the nearby school. The access arrangements require double yellow lines to maintain appropriate visibility at the

proposed crossing point and site access. This removes up to 7 usable on-street parking spaces and these are replaced in a proposed lay-by in the initial section of the site access road. The proposed parking restrictions will also provide improved visibility for drivers using the accesses to numbers 111-119 and 123-127 Dover Road. A Traffic Regulation Order (TRO) would be required for all 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 dismiss erroneous objections and 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.

The proposed internal site roads are to remain private. The proposed site access arrangements can accommodate a suitable size of refuse, emergency and delivery vehicles. The development requires a total of 143 car parking spaces in accordance with Policy DM13 and 143 spaces are provided (plus 25 garages and the 7 replacement spaces in the site access road). The proposed internal layout and parking arrangements are therefore unlikely to have an unacceptable impact on the existing highway. Construction traffic and timing of HGV movements (to avoid school drop-off/pick-up periods), associated temporary traffic management measures, 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 considered on balance unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. The following should be secured by condition:

- 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 including unrestricted access to the 7 replacement parking spaces in the site access road lay-by, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the 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.
- Completion of the site access and highway alterations as shown on drawing number 11532 T-03 Rev. P5 or amended as agreed with the Local Planning Authority prior to the use of the site commencing.
- No occupations until all reasonable endeavours have been undertaken to implement Traffic Regulation Orders (TRO's) prohibiting street parking in Dover Road as shown on drawings numbers 11532 T-03 Rev. P5 and T-09 Rev. P3 or amended as agreed with the Local Planning Authority.
- Provision and maintenance of the visibility splays shown on drawing number 11532 T-03 Rev. P5 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Demolition and Construction Management Plan to include the following:
  - (a) Routing of construction and delivery vehicles to/from the A256;

- (b) Proposed site access point;
- (c) Timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
- (d) Parking and turning facilities for delivery and site personnel vehicles;
- (e) Wheel washing facilities,
- (f) Temporary traffic management (this will need to be agreed with our Streetworks Team and may need to include temporary parking restrictions, signage, etc.).

**INFORMATIVE:** It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

KCC Economic Development – The development will need to contribute towards infrastructure improvements to meet the needs generated by the development. These contributions comprise: £222,708 towards the new Discovery Park Primary School; £158,106.60 towards the Phase 3 expansion at Sir Roger Manwoods Secondary School; £1717.81 towards portable equipment for the new learners at classes within Sandwich; £3217.34 towards specialised large print books to meet the needs of borrowers at Sandwich Library; and £5201.21 towards the Age Concern Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

KCC Lead Local Flood Authority – KCC are generally content with the submitted Flood Risk Assessment and Drainage Strategy, but comment that the final surface water pipe should be kept beneath the area of public open space or, if this is not possible, in areas which will be kept clear from future development. The exact location of drainage features, together with detailed calculations to demonstrate that they are appropriately sized should be provided and the drainage scheme should be maintained by the developer. Two conditions are recommended to secure the provision of a detailed surface water drainage scheme and avoid inappropriate drainage.

NHS CCG – Request a contribution be provided of £56,520 to increase the capacity of the Market Place Surgery, Sandwich to meet the needs generated by the development.

Environmental Health – No objection, subject to conditions being attached to any grant of permission, in line with the recommendations of the submitted contamination report.

Principal Ecologist – I think that where protected species are being translocated to 3rd party sites, a S.106 agreement is needed to ensure the preparation of the

translocation site and the management for the long-term. That would accord with the UK government standing advice.

The following applies to those reptiles that are protected only under the Wildlife and Countryside Act 1981 (as amended): adder, grass snake, common lizard, and slow worm. It does not apply to those species currently (pre-Brexit) protected under EU legislation, for which an NE licence is required.

The requirements below accord with the standing advice (NE and Defra) and are specifically for translocation, which should only be considered as a last resort. The receptor site should:

1. Be as close as possible to that to be lost;
  2. Be as large as the habitat to be lost (larger if that to be lost is high quality; smaller if it is of substantially better quality);
  3. Serve the same function as the habitat to be lost;
  4. Contain similar habitat as that to be lost, including water bodies;
  5. Not currently contain the same species, unless the receptor habitat is improved to support increased numbers;
  6. Be prepared in good time to allow any manipulated habitat to become suitable;
  7. Be safe from future development and managed in the long term.
- (7) above should be supported by legal agreement (S.106 ) providing in perpetuity site protection and management.

It is suggested that the S.106 should specify the donor area receptor area, the number of reptiles to be moved, and any required habitat enhancements, a capture and translocation method statement (which could take one or more years, depending on the population to be moved) , a habitat maintenance regime.

Standing Advice: <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences#contents>

Environment Agency – No objection, subject to a condition being attached to any grant of permission regarding the reporting and remediation of any previously unidentified contamination encountered. A series of informatives are also suggested relating to the proper disposal of any contaminated waste; appropriate facilities for the disposal of surface water to ground; the design of areas for the storage of fuel, oils and chemicals; and the need to direct foul drainage to sewers.

Southern Water – Southern water can provide foul sewerage disposal for the site. The applicant will need to ensure that details are provided for the proposed SUDS scheme and its maintenance secured. A condition should be attached to any grant of permission requiring full details of foul and surface water drainage to be submitted for approval. Southern Water can provide a water supply to the development.

Sandwich Town Council – Strongly recommend refusal, due to highway safety, inadequate capacity of water and sewerage infrastructure and insufficient car parking.

#### Public Representations –

Sixty eight letters of objection have been received, raising the following objections:

- Dover Road is far too narrow to cope with the extra volume of traffic, with a bottleneck that restricts vehicle movements
- The proposed access would be hazardous to residents and pupils of the school
- Increased traffic noise



- Noise and disturbance during construction
- The visibility from the proposed access to the site is poor
- The increased surface water drainage from the site would put further pressure onto the water drainage system along Dover Road
- There is insufficient capacity in the sewerage network to meet the needs generated by the development
- Insufficient supply of fresh water to serve the development
- Phone lines in the area are already unreliable
- There are newts on the application site
- DDC already has an adequate supply of land for housing for the next few years
- The development is too dense and overcrowded
- Some of the dwellings are too tall and would be out of character
- Footpaths on Dover Road are extremely narrow and dangerous
- The traffic studies were carried out mid-week and in the middle of the afternoon which is not the busiest time of the day (early morning is). As such, the number of cars and vehicle movements have been understated
- The surrounding roads are not suitable for cyclists
- Overlooking and loss of privacy
- There are unsold houses on developments in the locality
- The application does not propose a buffer around the perimeters of the site
- Harm to habitats and ecology
- Loss of a view
- Loss of property value
- Loss of or harm to trees, which may be damaged during construction
- Loss of tranquillity
- Increased pollution

In addition, eleven letters of support have been received, raising the following comments:

- Dover Road currently has the fewer vehicle movements than any time in the last 40 years
- Other roads in Sandwich are more congested (Woodnesborough Road, St Barts Road)
- Dover Road is better suited to additional vehicle movements than other development sites
- There is a need for housing in Sandwich
- The development will provide much needed affordable housing
- People do not have the right to a view
- There are solutions to the highway problems

f)

## 1. **The Site and Proposal**

- 1.1 The application site is located outside of the settlement confines and, for the purposes of planning, within the Countryside. To the north and west, the surrounding area is predominantly in agricultural use. To the south and east, the site is bounded by residential development, namely Dover and Stone Cross Lees. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre. The land is relatively flat.
- 1.2 The site itself extends to approximately 2.4ha. It was previously used as a plant nursery, although it is evident that this use ceased some time ago. The site still contains some of the glass houses which were used in conjunction with that business, although much of the site is vacant of buildings. The site

has an existing narrow vehicular access. The application site also includes No.121 Dover Road and its garden, which is a residential property.

- 1.3 The current application seeks permission to erect sixty seven dwellings within the application site, together with a pedestrian access (utilising the existing access to the site) and a new vehicular access to the site (utilising the land which would be provided by the demolition of No.121 Dover Road). An area of open space would be provided to the north of the site. The dwellings would be predominantly two storeys in height, although some two and half storey dwellings are also proposed.

## 2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Impacts on heritage
- The impact on neighbouring properties
- The impact on the highway network
- Ecology
- Infrastructure and Contributions

## **Assessment**

### Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy seeks to focus development in sustainable locations and prevent urban sprawl. 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. 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.

### Housing Mix

- 2.5 The proposal would provide 67 dwellings comprising seven two-bed houses, forty-one three-bed houses and nineteen four bed houses. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

Number of Bedrooms	Percentages Proposed	Percentages Recommended
One (0)	0%	15%
Two (x7)	10.5%	35%
Three (x41)	61%	40%
Four (x19)	28.5%	10%

- 2.6 As can be seen from the above table, the proposal would be skewed towards larger three and four bedroom properties, at odds with the demand in the District. Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the Authority Monitoring Report for 2015-2016 advises that over the monitoring period, one bedroom dwellings have been under-provided and the number of two and three bedrooms dwellings provided broadly accords with the required need. However, the number of four bedroom dwellings significantly exceeds required need, with 25% of new homes being four bedroom units against a recommended provision of 10%. The proposed bias towards larger dwellings, approximately 28.5%, would increase this disparity and would not provide the size of dwellings which are required to meet the needs of the District. It is considered that this adds weight to the in-principle objection to the development.

#### Character, Appearance and Heritage

- 2.7 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.
- 2.8 The development in the area is largely linear and street fronting, with a ribbon of development along Dover Road and, further to the south west, along Johns Green. To the west of Dover Road, Stone Cross Lees provides a variation to the character, being arranged as a cul-de-sac, although the development continues to front onto the street. Properties are typically set back from the road behind front gardens, although some more historic properties are closer to, and in some cases abut, the road. The scale and design of buildings varies along the length of the road, although in many cases dwellings appear as distinct groups or clusters of similarly designed dwellings. The non-residential uses are also important in establishing the character of the area. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre, which depart quite markedly from the character of the rest of the road, being formed of large two and three storey buildings which are linked together. Another important element to the character of the area are the undeveloped agricultural fields, which provide a visual reminder that the site is located on the fringe of the town and provide an attractive semi-rural character where breaks in build development occur.
- 2.9 The site itself is largely screened from views from Dover Road, being set behind the continuous development to the northern side of the road. Further to

the south west, the south western boundary of the site is visible across an agricultural field which occupies the land between No135 Dover Road and No.165 Dover Road. To the north of the site the north western boundary of the site is seen from a Public Right of Way (ES8) which runs from St Bart's Road to the A256 and is located around 190m from the site. The site is also visible in longer views from Woodnesborough Road and another Public Right of Way (ES10). At present, from these vantage points, the site provides a soft transition between the open fields and the settlement confines. As such, any development of the site would need to retain and enhance the boundary planting and ensure that the layout of the development minimises the prominence of buildings in these views.

- 2.10 The application proposes the erection of 67 dwellings on the site, which measures around 2.4 hectares. The resultant density, around 28 dwellings per hectare is of significantly higher density than the majority of the development on Dover Road, although this density varies considerably along its length and is almost 45 dwellings per hectare further to the north east (closer to the town). Whilst it would be undesirable to replicate such a high density on this rural fringe site, it is not considered that a density of 28 dwellings per hectare is unreasonable, striking a balance between allowing for the efficient use of land whilst also allowing for the density to reduce towards the peripheries of the site and for the provision of a retained and enhanced landscape buffer.
- 2.11 The layout of the development comprises a series of short private drives accessed via a central access road which runs along the length of the site. This pattern of development departs somewhat from the more regimented development along Dover Road, although it is not considered that a looser pattern of development would appear out of place in this rural fringe location. Furthermore, the site itself, which would generally be concealed in views from Dover Road, would form a cohesive character of its own. A landscape buffer is to be retained and enhanced to the south western boundary of the site, which would be visible from Dover Road, with properties set away from this boundary. Whilst the roofs of buildings, which would be two storeys in height (although No.12 would have rooms within its roof), would be visible over the boundary vegetation, it is considered that these views would be sufficiently filtered and screened to retain a soft rural edge character. As such, it is not considered that the pattern of development or layout would cause any unacceptable harm to the character of the area, when viewed from Dover Road.
- 2.12 In longer views from the north, it is again proposed to retain and enhance the existing boundary vegetation. The majority of properties would also be set away from the boundary, such that they would not appear prominent in views. Some dwellings would, however, be closer to the boundary (in particular plots 15, 24, 32 and 42). As a result, these dwellings, which would also be two storeys in height, would be plainly visible over the boundary vegetation and would, to a degree, detract from the verdant, undeveloped character of the site in these views. Whilst the development would therefore reduce the contribution that the site makes to the character of the area in views from the north, this must be balanced against the distance at which views would be taken. The harm caused is also tempered by the separation between the buildings which would be most visible, retaining significant gaps between the built elements which would be visible. Whilst the visual harm caused is consequently considered to be limited, it will be necessary to weigh this harm in the planning balance.

- 2.13 The scale of buildings across the proposed scheme is relatively consistent, with all dwellings being two storeys in height or, in the case of thirteen dwellings, two and a half storeys, having rooms in their roofs. In addition to the dwellings, single storey garages are proposed.
- 2.14 The scheme includes 10 house types which, whilst providing a common design language across the development, provide visual interest. The design of the buildings takes a traditional form, with canted bay windows, splayed and arched brick headers over windows, canopies and open porches around doors and windows and barge boards around gables, whilst the buildings are finished with pitched or hipped roofs. Whilst the development proposes the use of a limited palette of materials, producing a unity to the development, there would also be a degree of variety, with a mixture of multi-stock red brickwork and decorated and plain hanging tiles, under either slate or plain red tiled roofs.
- 2.15 For the above reasons, it is considered that the height, design and use of materials would create a cohesive and distinctive character, referencing elements from the wider area.
- 2.16 The application has been supported by a landscaping plan, which shows that the access road and footpath would be bounded by a swathe of meadow seed grass, heavy standard trees and native hedging. Within the site, the main road would be bounded with a mixture of native and ornamental hedging and shrub planting, whilst a significant number of trees along this route would provide structure. Adjacent to the main access road into the site and the central access within the development would be a 'green'. This 'green', which would largely be planted with grass, with heavy standard trees, spring bulbs and shrubs to its peripheries, would be the main focal point as you travel along the access road. The existing dense boundary vegetation to the south western boundary will be retained, whilst the boundary vegetation to the north west will be retained and complemented by standard trees and native hedging. Overall, it is considered that the landscaping proposals are of a high quality and will help to reduce the visual impact of the development from outside the site. Within the site, the landscaping will soften the appearance of the development. Should permission be granted, it is considered that it would be reasonable to secure, by condition, full details of how boundary trees and hedges will be protected during construction, retained and enhanced.
- 2.17 In most instances, where boundary treatments would be visible from within the site, 1.8m high brick walls are proposed, with less attractive closed boarded fences being confined to less prominent locations. No hard boundary treatments (walls or fences) are proposed to the peripheries of the site, where the introduction of such features would produce a visually harsh character. Should permission be granted, it is considered that it would be reasonable to remove permitted development rights for the erection of boundary treatments to properties which abut the south western and north western boundaries, to avoid such a visual impact.

#### Heritage

- 2.18 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Stone Cross House, which lies opposite Stone Cross Lees and is Grade II Listed. In addition Katescott and No.62 Dover, located further to the north east are also Grade II Listed. 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.

- 2.19 The development would not be visible from the nearby listed buildings. Furthermore, it is considered that, with subsequent development having been built up to and around these listed buildings, their settings are relatively constrained. As such, having regard for the requirements of the Act, the development would cause no harm to these listed buildings or their settings.
- 2.20 The application has been accompanied by a desk based archaeological assessment. Whilst the report does not provide the level of detail, structured assessment, or consideration of the site's archaeological interest which is usually provided, KCC Archaeology have advised that they have been able to undertake an assessment of the site potential based on other sources. The site is located in a favourable position for activity, being on elevated ground on the edge of a former inlet of the Wantsum Channel. The site is adjacent to Dover Road, which is at least Anglo-Saxon in origin. There have been archaeological finds of between Romano-British date and early medieval date in the locality. It is therefore considered that there is a reasonable likelihood that the site contains features of archaeological significance and, as such, it is recommended that a condition be attached to any grant of permission requiring that a programme of archaeological work take place.

#### Impact on Residential Amenity

- 2.21 The existing dwellings on Dover Road are set a significant distance away from the site, due to their long rear gardens. As such, the vast majority of dwellings would be located in excess of 40m from the nearest of the proposed dwellings. As such, those dwellings would not suffer an unacceptable loss of light, sense of enclosure or overlooking. An exception to this is No.91A Dover Road, which is in a 'backland' location behind No.91. The closest of the proposed dwellings to No.91A is plot 48, which would be located around 13m away to the north west. Due to its orientation and separation distance, it is not considered that any loss of light or sense of enclosure would be caused. Also, whilst the proposed dwelling would include a first floor window this would serve a bathroom and, as such, could be obscure glazed and non-opening. The next nearest property with a window which would face towards No.91, plot 52, would be around 22m away. Consequently, it is not considered that No.91A would be overlooked to an unacceptable degree. It is also noted that between No.91 and plots 48 and 52, there is a significant area of vegetation.
- 2.22 Properties on Stone Cross Lees would be located at least 22m from the proposed dwellings and, as such, it is not considered that unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.23 The access road to the development would be located between No.'s 119 and 123 Dover Road, following the demolition of No.121. As a consequence, the development would cause vehicles to pass along the sides of these properties and their gardens. Whilst this would create some additional noise and disturbance, it is noted that the road would be separated from the

neighbouring dwellings by at least 8m, whilst hedging would be provided to either side of the road. By virtue of the separation distances and vegetation proposed, it is not, therefore considered that the development would cause an unacceptable degree of noise and disturbance.

- 2.24 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, the demolition involved, its proximity to neighbouring residential properties and the likely sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled (including a demolition method statement).
- 2.25 The proposed dwellings themselves would all be of a reasonable size, providing their occupants with natural light and ventilation. Each would be provided with a private garden. The proposed dwellings would be set around 21m from each other where they are orientated back-to-back and at least 11m where the houses are orientated at 90 degrees. Whilst, in some instances, the rear gardens of dwellings would be overlooked to a modest degree, it is not considered that this overlooking would be such that it would warrant the refusal of the application.
- 2.26 Third parties have objected to the application on the grounds that the development would result in the loss of property value and the loss of views. Neither of these matters are material planning considerations and, as such, cannot be attributed weight in the planning balance.

#### 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 site was considered for allocation in the Land Allocations Local Plan. Whilst land further to the north (land West of St Barts Road, adjacent to Woodnesborough Road) was allocated, allocation of the application site was discounted due to concerns regarding access and the increased use of Dover Road. Indeed, the preamble to the allocation at Land adjacent to Sandwich Technology School states that "Dover Road is not suitable to serve any further large scale development due to the number of accidents at the junction of Dover Road and Deal Road". In assessing whether to allocate the application site, it was commented that:

"Dover Road is unsuitable for handling traffic generated from the whole development area or from a smaller area such as the nurseries site. The southern end of the road has been blocked off and, at the north eastern end, it is fairly narrow with a poor junction onto Deal Road, which has known problems. Reopening the access to Dover Road from the A256 roundabout would not be possible".

- 2.29 The application proposes one main vehicular and pedestrian access onto Dover Road, together with a second access which would provide pedestrian and cycle access to Dover Road. Dover Road is blocked to its south western end and, as such, all vehicles travelling onto the wider road network must travel north east to the junction with Deal Road. Dover Road is, for most of its length, wide enough to accommodate two vehicles; however, this width reduces closer to the junction with Deal Road and, in parts, is only of sufficient width for one vehicle to pass, particular where cars are parked. Concerns have been raised by third parties that the development would exacerbate traffic on Dover Road, which is already considered to suffer from congestion, particularly at peak times due to the location of a secondary access to the rear of Sandwich Technology School opposite the proposed vehicular access. There is also a children's nursery on Dover Road, albeit beyond the application site to the south west. It therefore considered that the potential impacts of the development on local road network must be carefully considered.
- 2.30 KCC Highways have commented that "whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school". KCC, in agreement with the applicant's Transport Statement, consider that the development would produce 35 two-way vehicle movements between 8:00 and 9:00. Having visited the site on numerous occasions, and having had regard for third party responses, it is clear that this is the busiest time of the day for vehicular traffic and coincides with significant pedestrian traffic, with groups of school children walking and cycling to the rear access to Sandwich Technology School.
- 2.31 A strong concern of third parties has been the narrowness of existing footpaths on Dover Road. Whilst footpaths to the west of the road, and around the accesses to the site are reasonably wide, footpaths to the east (in the direction of the town centre and its facilities, services and public transport links) decrease in width, particularly to the southern side of the road. In places the footway is less than 1m wide, allowing only single file pedestrian traffic, inhibiting the use of wheelchairs and prams and often causing groups of school children walk partly in the road. KCC have commented that, despite their width, the footpaths are usable. Whilst KCC's position is accepted, with the footpaths being of sufficient width to function most of the time, it is also considered that the footpaths function poorly during peak times. The usability of footpaths, resulting in some pedestrians walking on the vehicular carriageway, must be considered when assessing the likely impacts of the development.
- 2.32 There have been no reported personal injury crashes on Dover Road in the five years up to the end of 2016, whilst vehicle speeds along the road are relatively low, likely due to the narrowing of the road. Third parties have commented that, whilst there may not have been any crashes, there have been near misses. This concern is acknowledged. The narrowing of the road and footway occurs towards the eastern end of the road where, at present, vehicles travelling west are required to pull into relatively small passing places to allow west bound vehicles to pass.
- 2.33 It has been recommended that additional yellow lines are provided to the southern side of Dover Road and the double yellow lines to passing places are extended to ease the manoeuvring of vehicles into and out of the passing places. The provision of improved facilities for vehicles to pull in and allow oncoming vehicles to pass will assist traffic flow during peak times. These



changes would allow better inter-visibility between passing places, as well as improving the visibility from the accesses of No.'s 67 and 69. Whilst these changes would result in the loss of two on-street car parking places, KCC have advised that there is sufficient capacity to accommodate the cars which would be displaced; however, it must be recognised that this would cause a degree of inconvenience to road users.

- 2.34 Further to the provision of additional yellow lines, the application proposes a slight buildout of the footpath to the south west of the proposed vehicular access, to improve visibility, and dropped curbs to provide a new, designated pedestrian crossing to the north east of the proposed vehicular access.
- 2.35 The development would also increase the use of the junction of Dover Road and Deal Road. The applicant's modelling of the impacts of the development on this junction shows that the junction will continue to operate well within its capacity, with no significant increase in queue lengths. KCC have agreed with the applicants conclusions. During site visits within peak hours (and during times when the gates at the level crossing to the train station would have been closed), it was noted that vehicles were able to leave the junction without having to wait for significant periods and no queuing was observed, correlating with the findings of the submitted report. Furthermore, visibility from this junction is reasonable in both directions. Again, there are no reported personal injury crashes at this junction over the five years to the end of 2016.
- 2.36 It is considered that, whilst the development would increase the number of vehicle movements along the road, the development would provide for the increased length of passing places and increased visibility for vehicles travelling along the road. Furthermore, it is not considered that waiting times at the Dover Road Deal Road junction would be significantly affected. Overall, it is considered that whilst there would be an increase in vehicle movements on Dover Road, these would be balanced against the benefits of increasing the usability of passing places. Whilst the conclusions of KCC's advice is therefore adopted, it is also recognised that the development would have a negative impact on the convenience of road users, removing nine on-street car parking spaces and reproviding seven spaces in a layby adjacent to the access to the site. As such, there would be an overall decrease in on-street car parking of two spaces, whilst the reprovided spaces would be further from the properties on Dover Road. This harm to the convenience of road users must be weighed in the planning balance; however, it is relevant to note that the test for refusing permission on highways grounds is whether the development would result in a severe cumulative impact. On balance, it is not considered that such a level of harm would result.
- 2.37 The proposed access to the site would be of sufficient width to allow for two vehicles to pass each other and vehicles to enter and exit the site concurrently without having to wait on the highway. Swept path diagrams have been provided which demonstrate that refuse and emergency vehicles can access the site, manoeuvre and exit in a forward gear safely. Finally, the access, subject to the buildout and double yellow lines being secured, would provide a reasonable level of visibility in either direction. As such, it is considered that the access road from Dover Road and the internal accesses would provide for the safe and convenient access to and around the site.
- 2.38 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a 'suburban

edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The vast majority of dwellings would be provided with two car parking spaces. Whilst three properties would only be provided with one space, these dwellings are smaller two bedroom dwellings. Equally, two of the larger four bedroom dwellings are provided with three spaces. It is also noted that, whilst car parking spaces are typically provided side by side, some spaces are provided in tandem, reducing the usability of these spaces. In total, a further 27 visitor spaces are proposed. Seven of these would replace parking spaces lost due to the proposed build out and double yellow lines on Dover Road adjacent to the access to the site; however, the remaining 20 visitor spaces would still exceed the 13.4 which would be required. Overall, it is considered that provision of one car parking space each to three dwellings and the provision of some car parking spaces in tandem, is outweighed by the generous provision of visitor spaces and, consequently, the parking provision is acceptable.

- 2.39 The development would provide a second pedestrian access towards the north east of the site. This, combined with the layout of the development would provide for a permeable site which prioritises more sustainable forms of transport. The development also proposes the provision of cycle parking.
- 2.40 To conclude, it is acknowledged that substantial concern has been raised from third parties regarding the impacts of the development on the local highway network, including the safety of children walking to school and parents taking their children to nursery. Consequently, it is agreed that, whilst the number and frequency of vehicle movements on Dover Road is relatively low, the road would be particularly susceptible to changes which would harm highway safety. Whilst the development will increase the use of the road, it is concluded that such an increase would not be considerable, whilst the development would provide for alterations to the highway which would improve vehicular visibility and improve the efficient movement of traffic. Whilst the development would increase the number of vehicles using Dover Road, it is not considered that this would result in unacceptable delays to vehicles and would not cause harm to highway safety or the free flow of traffic. It is acknowledged that loss of parking spaces towards the north east of the road would cause greater inconvenience to road users and this harm must be weighed in the balance. However, it is not considered that this inconvenience would be sufficient to cause a 'severe cumulative impact' on the network.
- 2.41 KCC have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network.

#### Ecology

- 2.42 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.
- 2.43 It is considered that the methodology and findings of the ecological report are acceptable. The report identifies that there is a Badger sett, which appears to be in use, close to the site, whilst the site is considered to provide foraging opportunities for Badgers. Whilst no setts were identified by the survey within

the site, the possibility cannot be excluded. The site does not include any trees or hedges which would provide suitable habitat for bats, being too young (semi-mature) and lacking features such as cracks, crevices, holes and loose bark. All of the buildings on site were assessed and there were no signs of bats, whilst the structures lacked suitable features for bats. The site does, however, have potential for bat foraging and commuting. It is therefore recommended that any external lighting be sensitively designed and ecological enhancements include the provision of bat boxes. The site is not suitable for hazel dormice. The scrub and hedgerows may provide habitat for breeding birds, although the applicant's ecologist did not observe any nests. The site has a high potential to support reptiles, with tussocky semi-improved grassland, scrub and hedgerow habitats likely to attract reptiles. Third parties have also commented that they have observed reptiles in the immediate area. Three common lizards were observed by the applicant's ecologist. Due to the lack of standing waterbodies, the site does not offer suitable habitat for great crested newts. The site is likely to support a diverse range of invertebrates.

- 2.44 Having regard for the potential habitats and species on site, the applicant's ecologist had made a number of recommendations. Firstly, a specific reptile survey has been recommended to establish the size of the reptile population on site, such that a suitable mitigation strategy can be developed. A lighting strategy should be agreed to avoid impacts on bats and on the woodland belt to the east. A landscaping plan should be devised to include a range of native species (particularly plants used for foraging by bats) and existing hedgerows should be retained wherever possible. Any scrub clearance should be undertaken carefully and in the presence of a qualified ecologist to avoid any impact to badger. Whilst not recommended by the ecologist, it is considered that it would be proportionate given the close proximity of a badger sett to the site, to require by condition details of groundworks (and other works which may cause noise and vibration) close to the off-site badger sett. Removal of the greenhouse structures and vegetation should be undertaken outside of the breeding bird (nesting) season, unless the timing of the works are accepted by a qualified ecologist, following a check of the site. Finally, any loss of habitat should be compensated for by the installation of bird and bat boxes.
- 2.45 Subsequent to the recommendations of the habitat survey, a reptile survey was undertaken. Following the laying of artificial refugia, at a density of at least 10 per hectare, the site was visited by the ecologist on seven days over the course of around two weeks. On each occasion Viviparous (Common) Lizards were encountered, with a maximum count of 14 adults. On four of the visits a single slow worm was observed. No Grass Snakes were seen. Whilst these results are indicative of a low population, the ecologist is of the view that the population may be higher due to the vegetation density. As such, it is concluded that the site supports a medium population of Common Lizard. It is also established that there is a low population of Slow Worm. The survey advises that given the population size, the appropriate mitigation will be to trap reptiles on site for translocation. Further, given the size of the site, it would be impractical to translocate to another part of the site and, as such, a suitable off-site location will be required. The Councils Principal Ecologist has agreed with this approach, but has confirmed that the receptor site should: be as close as possible to that to be lost; be as large as the habitat to be lost (larger if that to be lost is high quality; smaller if it is of substantially better quality); serve the same function as the habitat to be lost; contain similar habitat as that to be lost, including water bodies; not currently contain the same species, unless the receptor habitat is improved to support increased numbers; be prepared in good time to allow any manipulated habitat to become suitable;

and be safe from future development and managed in the long term. In order to secure these requirements, on land which does not form part of this planning application, it will be necessary to enter into a Section 106 Agreement.

- 2.46 Consequently, subject to the proposed mitigation, safeguards and enhancements being secured by condition and Section 106 Agreement, it is not considered that the development would cause any harm to habitats or species.
- 2.47 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. Should permission be granted, a contribution towards this mitigation will need to be secured by legal agreement. The applicant has confirmed that they are willing to provide this mitigation. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

#### Contamination, Drainage and Utilities

- 2.48 The site lies outside of any ground water protection zone, but it does lie close to surface drainage features which are susceptible to contamination, as is the proposed residential use. The previous use of the site, as a plant nursery, may have resulted in chemicals (such as pesticides or oils and petrol from vehicles or machinery) leeching into the ground, whilst there are also areas of made ground, the composition of which must be evaluated. The application has been supported by a 'Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report' to establish likely risks of contamination on the site. The Phase I report identified that the site has the potential to have significant levels of contamination; however, when the soils were laboratory tested, the vast majority of the site was found to be uncontaminated. One area was found to have slightly elevated levels of lead and benzopyrene. Although the levels recorded were not considered to pose a risk to controlled waters they would pose a low/moderate risk to human health. Consequently, the report recommends remediation take place. The report also recommends that further investigation takes place within areas which are currently inaccessible.
- 2.49 The Council Environmental Health team have advised that any grant of permission should be accompanied by a suite of conditions, requiring further assessment and remediation takes place, in order to ensure that the site is decontaminated such that it poses no unacceptable risk to human health or the environment. In addition, the Environment Agency have recommended that any proposed areas for the storage of fuel, oil or chemicals (for example materials stored during construction), including details of how these areas which will be made safe, should be approved by the Local Planning Authority.
- 2.50 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.

- 2.51 The application has been supported by a Drainage Strategy Report, which confirms that, at present, a small area (around a drainage ditch which runs along the south western boundary of the site) may be at risk of surface water flooding in extreme weather, although the report also confirms that investigations have confirmed that groundwater was not recorded at a depth of 3m, whilst the natural topography of the site would direct any surface water flows into the existing drainage ditch and away from the site (and other properties in the locality).
- 2.52 The development would significantly increase the amount of impermeable area on the site and, as such, without appropriate surface water drainage, would be likely to cause surface water flooding. The Drainage Strategy Report confirms that this risk would be mitigated through the provision of permeable pavements for all access roads (other than the small area immediately adjacent to Dover Road which is to be offered for adoption). Runoff from roofs and other impermeable areas will be conveyed to underground storage systems, which will comprise a mixture of oversized pipes, crates and open features. Subsequent discharge to the existing drainage ditch would be restricted to levels which would not impact upon the drainage ditch, or its ecology.
- 2.53 KCC, the Lead Local Flood Authority, have advised that they are generally content with the principles of surface water drainage, as proposed; albeit, the detailed design should route pipework through the open space. They have recommended that, should permission be granted, a condition should be attached which requires full details of surface water drainage, including calculations for infiltration rates, the designs of infrastructure and details for the maintenance of systems.
- 2.54 The Environment Agency have commented that where infiltration drainage is proposed, it should include pollution prevention methods (such as oil interceptors), although clean water can enter the system without passing through such methods. Water should also be prevented from passing through contaminated areas, whilst there should be no direct discharge to groundwater, with a layer of unsaturated soil maintained. Shallow SUDS features are also preferred to deep features, such as deep bored soakaways. The proposed methods of surface water drainage has the potential to appropriately manage drainage; however, it is considered that the precise locations for drainage features and their detailed design will need to ensure that any contaminated water, or any drainage through contaminated soil, is sufficiently treated to avoid harm to ground water. Subject to a condition being attached to any grant of permission requiring full details of surface water drainage, together with details of the maintenance of such drainage, the development would not increase the risk of surface water flooding or pollution.
- 2.55 The application proposes to connect the development into the foul sewers which runs along Dover Road. The Environment Agency have commented that they support this method of drainage, whilst southern water have confirmed that their investigations have shown that this network has adequate capacity to meet the needs of the development. It is considered that, subject to a condition being attached to any grant of permission requiring full details of foul water disposal being submitted, the site would be properly serviced, without increasing the risk of flooding on the site or elsewhere.
- 2.56 Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

## Contributions

- 2.57 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.
- 2.58 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the potential locations for 20 affordable dwellings (30%). These dwellings would be provided in two groups, to the south east and south west of the site respectively. These properties would provide sixteen three-bedroom dwellings and four two-bedroom dwellings, which responds reasonably well to the mix identified by the Core Strategy as being required to meet the districts identified needs. The applicant has also confirmed that discussions have taken place with registered social landlords and a preferred partner has been identified. Subject to the details of the affordable housing provision being secured by condition, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing.
- 2.59 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 not requested any Open Space provision. It is noted that the proposed development would include an area of open space, described as a 'green' centrally within the development. Whilst this would not provide any play equipment or other apparatus, it would provide opportunities for informal play. Within a relatively short distance of the site are Poulders Gardens, The Bulwarks and The Butts public open spaces. On balance, it is not considered that a contribution towards off-site open space provision could be supported in this instance.
- 2.60 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. The development would increase the number of school children within the area. Projects have been identified which would increase the capacity of school place provision to meet the needs generated by the development. In relation to primary school places, £222,708 has been requested towards the construction of a new Discovery Park Primary School whilst, in relation to secondary school places, £158,106.60 has been requested towards Phase 3 of the expansion of Sir Roger Manwood Secondary School. Both of these identified projects are close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development. The development would also increase demand for community learning services in the locality. A project has been identified which would meet this demand, relating to the provision of £1,717.81 towards equipment for the new learners at classes within Sandwich. The development would also increase the demand for library services and, in this respect, KCC have requested a contribution of £3,217.34 towards the provision of large print books at Sandwich Library. Finally, a request of £5,201.21 has been made towards the provision of social care, specifically towards the Age Concern Centre in Sandwich. KCC have confirmed that there is no current requirement

for contributions towards youth services in the area, although they have not confirmed whether this is due to there being sufficient capacity to meet the needs of the development or the lack of an identified project. The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted.

- 2.61 The Canterbury and Coastal CCG have submitted a request for contributions from the development. It is advised that the development will increase the demand for primary healthcare provision within the locality and, due to capacity issues, there will be a need invest in local services. In this instance the CCG have advised that this investment would take place at the Market Place Surgery in Sandwich, which is closely related to the development, being less than one mile away. Given the scale of the development, the CCG have advised that a proportionate contribution would be £56,520. The applicant has advised that they would be happy to meet this request and, should permission be granted, it is considered that this contribution could be secured by legal agreement.
- 2.62 It is considered that the above contributions are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In each case there is an identified project for which no more than 5 contributions would be sought.

#### Other Material Considerations

- 2.63 The principle of the development is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.64 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.
- 2.65 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).
- 2.66 The site is approximately a 1.3km walk from the centre of Sandwich. Sandwich is defined as a Rural Service Centre, which are intended to provide

the main focus for development in the rural area and are suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. The site is also around a 1km walk from Sandwich train station, which provides links to mainline stations including London and international stations, whilst the nearest bus stops are around 500m away, which provide regular services to Canterbury, Deal, Dover, Ramsgate and the surrounding villages. Furthermore, the site is adjacent to Sandwich Technology School and around 750m from Sandwich Junior School. Finally, the site is well linked to the aforementioned facilities and services by footpaths (albeit some of these footpaths are narrow). As such, it is not considered that the site is isolated, for the purposes of Paragraph 55, whilst overall the development would be located such that it would facilitate use of a range of modes of transport, according with paragraph 29. These conclusions add weight in favour of the development.

- 2.67 The site is not considered to be previously developed land, being largely vacant of buildings and, where buildings do or did exist; these buildings were used for agricultural purposes. The land which is occupied by No. 121 Dover Road is, however, considered to be previously developed.
- 2.68 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.69 In terms of the social role, the proposal would contribute towards the supply of housing supply and would accord with the aim of significantly boosting the supply of housing, albeit the site does not fall within the definitions of previously developed land or a windfall site. However, this benefit must be considered in the context of the Council's demonstrable 6.02 years of housing land supply, whilst the mix of housing proposed would not meet the mix which has been identified as being required by the district. 30% of the total number of housing units would be affordable units, a benefit which is given significant weight. The development would cause some harm to the character and appearance of the area, albeit this harm would be reduced by the imposition of conditions regarding details of materials and landscaping. The development would be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being; however, the development would cause some harm to the convenience of road users along the relatively constrained Dover Road.
- 2.70 In terms of the environmental role, the proposal would cause some harm to the character of the area, as set out above. It has been established that the site provides habitat for protected species, which will be translocated off-site, should permission be granted. The development would also include other ecological mitigation and enhancements, which will be secured by condition. The development would also facilitate the remediation of low levels of contamination on the site.
- 2.71 Overall, it is considered that there are a number of benefits and disbenefits to the scheme which must all be attributed due weight. It is considered that the assessment of whether the scheme is sustainable, as defined by the NPPF, is a balanced one. Whilst overall, weighing up the various dimensions of sustainable development, it may be concluded that the development is



'sustainable', given the close balance of the judgement it is considered that the NPPF provides only limited and qualified support. Furthermore, it is not considered that this support is sufficient to set conflict with the development plan aside.

#### Overall Conclusions

- 2.72 The principle of the development, being located outside of the settlement confines of Sandwich, is contrary to the development plan. It is considered that this is a very balanced case; however, 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 clear in principle objection to the erection of new dwellings in this location, which is contrary to Core Strategy Policies CP1, and DM1. It is therefore recommended that this application is refused permission.

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#### **Recommendation**

- I PERMISSION BE REFUSED for the following reason:
- (1) The site is located outside of any urban boundaries or rural settlement confines on non-previously developed land. The development would fail to provide a mix of housing to meet the identified needs of the district, would cause harm to the character of the area, in particular in views from the south west and north, and would cause inconvenience to road users. Consequently, the development would be contrary to Dover District Core Strategy Policies CP1, CP4 and DM1 and National Planning Policy Framework paragraphs 17 and 64.
- II Powers 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

Luke Blaskett