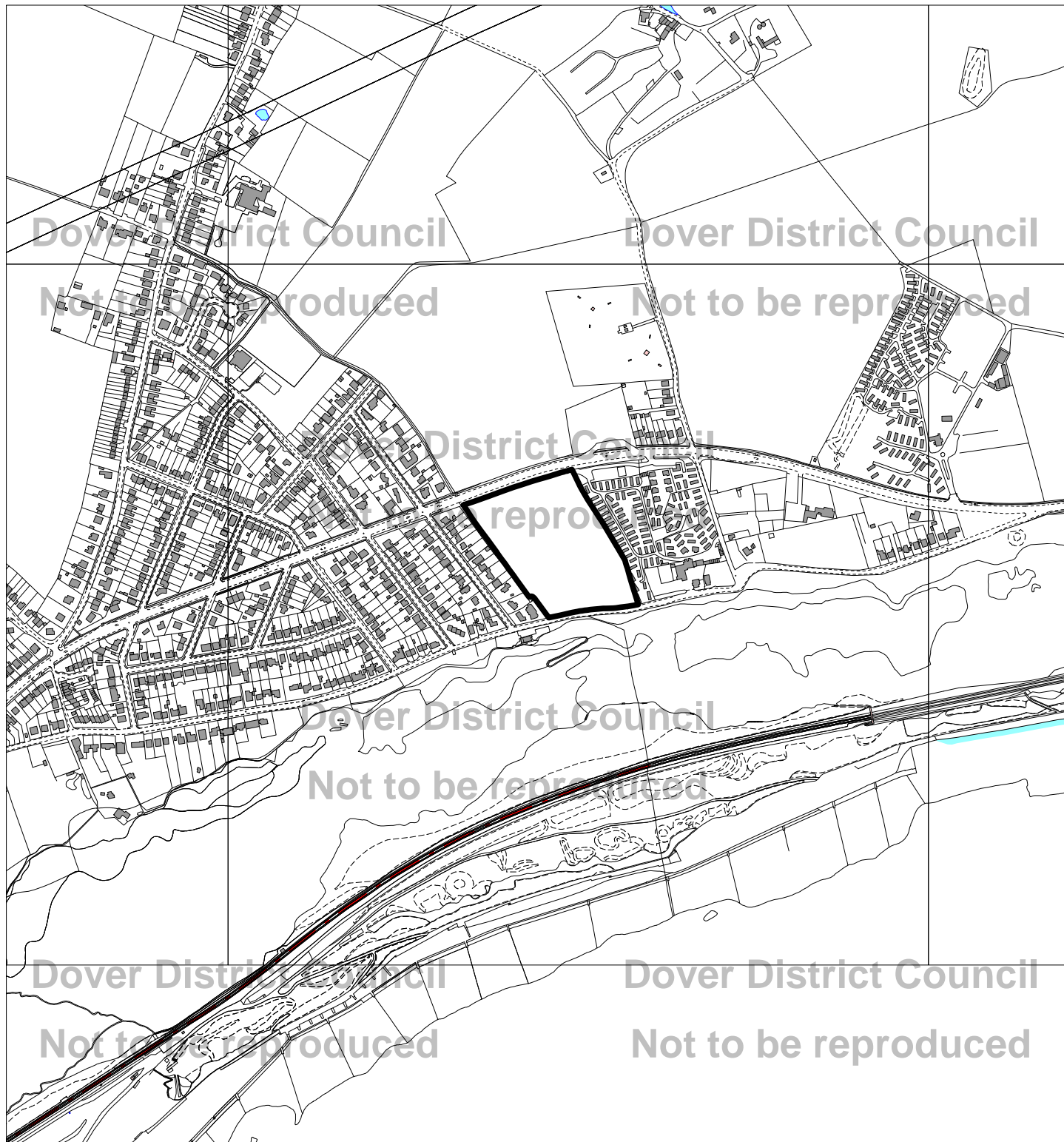


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Application: DOV/15/00525

Land south of New Dover Road

Capel-Le-Ferne

TR25463860



a) **DOV/15/00525 - Erection of 40 dwellings, creation of access, associated parking, landscaping and open space – Land South of New Dover Road, Capel-Le-Ferne**

The number of third party contrary views.

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policy and Guidance**

Dover District Core Strategy

Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies of ancillary development.

Policy DM5 seeks to secure the provision of 30% affordable housing on sites of fifteen or more dwellings, or in exceptional circumstances, a financial payment towards provision off-site.

Policy DM11 considers the location of development and managing travel demand. Development that would generate travel outside of rural settlement confines will not be permitted unless justified by development plan policies.

Policy DM13 sets out parking standards for dwellings and identifies that it should be a design led process.

Policy DM15 seeks to protect the countryside and identifies development that would be acceptable, provided that measures are incorporated to reduce any harmful effects on countryside character.

Policy CP1 identifies Capel as a local centre, Secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.

Policy CP2 identifies the requirement for allocating land for houses and employment.

Policy CP3 identifies the distribution of housing allocations, stating that land to be allocated to meet the housing provisions of CP2 will include land for 1,200 homes in rural areas.

Policy CP4 relates to housing mix, density and design on sites of 10 or more dwellings.

Policy CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development.

Policy CP7 seeks to protect and enhance the existing network of Green Infrastructure, and states that integrity of the existing network of green infrastructure will be protected and enhanced.

Dover District Council Local Plan 'saved' policies (DDLPP)

Policy C08 seeks to protect hedgerows from being adversely affected by development.

Policy C05 seeks to protect the designated Heritage Coast

Policy ER6 sets standards for external lighting.

Land Allocations Local Plan (LALP)

Policy DM27 sets out standards for providing open space to meet the additional need generated by residential development of 5 or more dwellings. It also requires that a minimum of 15 years maintenance be demonstrated. Where it is impractical to provide open space on site, consideration will be given to accepting a commuted payment to providing and maintaining improvements to existing facilities.

Policy LA24 - Land adjacent to New Dover Road is allocated for residential development with a maximum estimated capacity of 50 dwellings. Planning permission will be permitted provided that:

- i. long term management arrangements of the chalk grassland on the southern part of the site are delivered to improve the biodiversity quality. The precise boundary between the developed and undeveloped parts of the site will be established on the basis of ecological evidence;
- ii. Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside;
- iii. a landscape buffer of planting is created along the southern boundary;
- iv. If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB;
- v. Bridleway ER252 is retained and enhanced;
- vi. development should ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vii. a financial contribution is secured to mitigate the impact on the Thanet Coast and Sandwich Bay SPA; and
- viii. vehicular access is achieved from New Dover Road which is designed to minimise the loss of existing trees and vegetation, in order to screen the site from the adjacent AONB located to the north of the site.

Material considerations

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to main issues associated with development.

Other documents

- Affordable Housing Supplementary Planning Document - the purpose of this SPD is to alert developers to the scale and need for affordable housing, including outlining measures for how it will be secured.
- The Kent Design Guide sets out design principles of development.
- Manual for Streets (2007) and Manual for Streets (2010) provide guidance and case studies in residential street design, to encompass both rural and urban locations.
- Building for Life (2015) provides advice to include local communities in planning, to create attractive, functional and sustainable places.

Natural England's standing advice - Protected species and sites: how to review planning proposals

Biodiversity and geological conservation: circular 06/2005

The Kent Downs AONB management plan

d) Relevant Planning History

There is no relevant planning history.

e) Consultee and Third Party Comments

Environmental Health (Environmental Protection Officer): There are no contaminated land issues on this land; however a safeguarding condition is suggested 'just in case'. A condition requiring a construction management plan should be submitted for approval by the Local Planning Authority.

Principal Ecologist: (08/07/15)

Ecological Assessment

This is competent and comprehensive. Of particular note were the commentaries on migrant birds, bats, invertebrates and reptiles. None of the findings militated against development, but it is clear that the retention and enhancement of the southern section of the site is important in sustaining biodiversity on the site.

Ecological and Landscape Management and Maintenance Plan

This document provides a useful analysis of the site and describes the site 25 years after it was classified as a mixture of chalk grassland and scrub by Phase 1 methodology. The ecological succession that has inevitably taken place with abandonment allows a certain relaxation in the ecological constraints on the site, although AONB protection is of equal, if not greater significance.

The proposed layout of the development is considered satisfactory from an ecology and landscape perspective and the submitted plan is competent and reflects the interests identified in the Ecological Assessment.

It is concluded that subject to the Ecological and Landscape Management and Maintenance Plan being carried in full, approval can be recommended on ecology and landscape grounds.

Thanet coast spa mitigation strategy

Cost per House, Depending on Bedroom Number

Number of bedrooms in house ^a	Bond (£)	Monitoring etc. (£)	Total (£)
1	12.33	5.46	17.79
2	24.67	10.91	35.58
3	37.00	16.37	53.37
4	49.34	21.83	71.16

(08/12/15) The proposed amended landscaping plans are good.

Corporate Estate and Coastal Engineer Officer: No objection, the development is unlikely to impact on the stability of the cliffs.

Principal Infrastructure and Delivery officer: - The expected number of people arising from this development is approximately 117 and this gives rise to an additional need for equipped play space (LEAP) of 0.0007ha.

The commuted cost of providing a LAP is £43,512. Given that we would expect 0.007 ha of play provision to support this development and the average play area size in our district is 0.01 ha, we can calculate an appropriately scaled contribution as £30,460. This could be used as the figure for our request to deliver increased capacity for equipped children's play by means of improving the access to an existing facility.

Housing Initiatives Manager: (14/07/15) Initial queries were raised in respect of the number of affordable units, confirmation that the units would be provided on site, and the suitability of the house types, and whether there have been any discussions with a potential Registered Provider partner, confirmation of the proposed 70:30 tenure split (rented:shared ownership) is acceptable. The starting point is the Affordable Housing SPD.

(20/01/16) Southern Housing Group has made an offer to Jarvis Homes in respect of the affordable housing required as part of the S.106.

Final agreement on the provision of the affordable homes has been subject to a financial viability appraisal. This has been concluded and our viability consultant is recommending that we accept a reduced quota for the site which would amount to 6 units (15%) in total. I believe these may be 2 bed houses on plots 1-6, with 3 to be for Affordable Rent (say Nos.1-3) and 3 for Shared Ownership. The alternative would be to accept a commuted sum payment.

The preferred option would be to accept a reduced quota as this helps maintain the integrity of the planning policy which seeks on-site contributions.

(12/02/16) – Confirms that the provision of affordable housing (partly on site and off site commuted payment) accords with the Preferred Principle 2 in the Council's SPD.

Whilst there is not a site in Capel which would benefit from the off site contribution there are several affordable housing schemes in Dover that the money could be usefully be put towards which would be fully in accordance with paragraph 5.38 of the SPD.

Savills (Independent Viability Assessor (IVA)): (06/12/15) concluded that the site can financially support the inclusion of 30% on-site affordable housing with a ratio split of 70:30 affordable rent and shared ownership. The significant difference of opinion lies with the assessment of the land value and construction costs.

Further negotiations conclude that the site is viable for the inclusion of a lesser amount at 15% (6 units) on site affordable housing with a ratio split of 50:50 affordable rent and shared ownership. Together with all other financial contributions that are sought.

The Council is advised to accept this offer.

(11/02/16) Turner Morum's assessment included contribution at £300K and the IVA reflected the inclusion of £354K towards S106 contributions. As actual financial contributions only amount to £58,192.43 the extra £295,807.57 can be secured for the off-site provision of affordable housing.

County Highways: (15/06/2015)

Access

1. The visibility splays at the access should be calculated from measured speeds using Manual for Streets 2.
2. The apparent provision of a pedestrian crossing island opposite the Bridleway would be in an inappropriate location due to the existing bus stop location.
3. Clearing the narrow section of Bridleway to the North of the site, between New Dover Road and Beatrice Road would improve the route to and from the School and therefore encourage its use.
4. The connection between the internal site access road and Old Dover Road should be a shared footway/cycleway of minimum 2.5 metre width. At the connection to Old Dover Road visibility splays of 2 metres x 43 metres x 43 metres are required unless measured speeds indicate otherwise.
5. The speed restraint narrowing adjacent to plot 20 should also incorporate a raised table to be effective. The narrowing adjacent to plots 24/27 is unnecessary and should be removed.
6. The refuse swept path analysis should track a refuse vehicle of 11.2 metres not 9.9 metres.
7. The adoptable turning head adjacent to plots 36/41 is unnecessary and should be removed. A private drive can be used to serve plots 36-41, accessed from a vehicle crossing.
8. A plan scaled at 1:200 should be submitted showing dimensions of carriageways, footways, cycle ways, service margins, radii, visibility splays/envelopes (including around the bends in the access road), extent of proposed adoption areas and an indication of gradients/finished levels.
9. The numerous private footway connections to New Dover Road may encourage on-street parking on the same.
10. The parking numbers are acceptable however, the visitor parking bays should be distributed more evenly throughout the site and be readily accessible.
11. Parking bays should measure a minimum of 5 metres long x 2.5 metres wide. Layby car parking bays should measure 6 metres x 2 metres wide, increased to 2.5 metres wide, when the bay is not abutting a footpath.

12. Independent access is required to the cycle parking in the rear gardens of plots 1-12, and this should not be obstructed by parked cars.

13. The measured speeds in the Transport Assessment indicate that the existing 40 mph limit and gateway in New Dover Road could be relocated to the eastern boundary of the site. This could not be secured by condition but could be included in the highway works under the Section 278 agreement along with the other highway alterations.

14. I note the site policy states that minimising lighting is required. The street layout could be unlit apart from the speed restraint feature adjacent to plot 20.

Holding objection until the above matters have been satisfactorily resolved.

(23/12/15) with reference to drawings 1311991/A/01, 131191/A07, no objections on behalf of the highway authority are raised. Suitable visibility based on measured speeds can be achieved to encompass the site. A formal right turn lane is proposed in New Dover Road to serve the access to the site and improvements are proposed to provide footway and cycleway links to existing routes. Adequate car parking is also provided in accordance with policy DM13 of the CS. A number of conditions are requested and are listed in the recommendation section of the report below.

(09/11/15) The following comments were made;

- the visibility splays demonstrated on plan 131191/A/01 Rev L are acceptable
- The swept path analysis is adequate shown on drawing 131191/AT/01 Rev E.
- The parking numbers are adequate for the proposals.
- The provision of the 2.5 metre footway/cycleway should extend from the bridleway to the Helena Road junction and extend to the west of the proposed access. A 1:200 engineering drawing is still required for the alterations to the highway including the right hand turn lane.
- The bridleway to the north of the site must be cleared as well as improving the surface as suggested by KCC PROW team. This will be of benefit to the residents connecting them to the village school.
- The pedestrian route from the site to Old Dover Road still requires a visibility splay of 43 metres by 2 metres by 43 metres to be provided. This must be 2.5 metres wide to accommodate cyclists as it connects to the local cycle network.
- The footway fronting Plot 17 and 18 is not required as it does not serve a purpose.
- The service margins within the turning head must extend across the dropped kerbs of plots 15 and 18.

Public Rights of Way (PROW): (19/06/15) No objection, but makes the following comments;

- The buffer of vegetation is retained to protect views and privacy to Helena Road, to encourage biodiversity and to maintain the enjoyment of the bridleway for equestrians.
- The enhancement of the bridleway
- We are currently working with the local school to provide a safe cycle/scooter route from the school to its junction with footpath ER242 this will entail preparing a tarmac surface.
- It is consider appropriate for the development to make a contribution to enhance the remainder of the bridleway from the Old Dover Road to the junction of footpath ER242 through constructing a tarmac surface.
- The width of the existing bridleway must be maintained to 2.5 metres although 3 metres would be an enhancement.

(04/11/15) The set standard figures for a new full tarmac surface (£45.00 per M2) at a width of 3 meters would work out around 54k. This would offer the greatest benefit to the public, particularly with its proximity to the primary school.

Environment Agency: Will have a low environmental risk and therefore no comments to make.

Southern Water: Foul sewage disposal can be provided at this site. A formal application for a connection to the public sewer is required. There are no public surface water sewers in the area to serve this development. Alternative means of drainage surface water from this development are required, this should not involve disposal to a public foul sewer. A condition is suggested requiring details of the foul and surface water disposal to be submitted for approval.

Lead Local Flood Authority: No objection in principal. The excess surface runoff will be disposed of by soakaway. While this is likely to be feasible, no details have been supplied to demonstrate this will be the case and the Flood Risk Assessment (FRA) prepared by Herrington Consulting and dated 19th May 2015, does identify some possible constraints with this method. Furthermore, we assume soakaways are to be restricted to stormwater drainage from individual dwellings but no detail has been included regarding road drainage. As insufficient information has been provided regarding means of surface water disposal, we recommend the following as a condition of planning: *'Development shall not begin until a sustainable surface water drainage scheme for the site, which is compliant with the Non-Statutory technical standards for sustainable drainage, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.'*

Kent Police: It has been projected that this development would result in a demand of police services that would equate to a financial contribution being sought from the developer of £6,332.

KCC Mouchel: (17/07/15) there is no requirement for either Primary or Secondary education funding. All other requests remain the same.

(08/07/15) Have identified the following requirements:

- Library Bookstock - there is an assessed shortfall in provision for this service of 1009 bookstock per 1000 population in Dover District which is below the County average of 1134, and both the England and total UK figures of 1399 and 1492 respectively. The capital cost of providing the additional stock to mitigate the impact of the additional demand from this proposed development upon the mobile Library bookstock that attends at 4 locations in Capel Le Ferne alone is £1968.65.
- Social care – delivery of 1 Wheelchair Accessible Home as part of the affordable housing on this site
- a Condition be included for the provision of Superfast Fibre Optic Broadband, namely:
'Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide

sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process'.

Kent Downs AONB Unit: (16/06/15) Object. The proposal would adversely impact on the setting of the Kent Downs AONB, by virtue of inappropriate design and lack of appropriate landscaping. The proposal has disregard for the primary purpose of the AONB designation and is contrary to paragraphs 114 and 115 of the NPPF.

Network Rail: No objections;

- 1) The location is away from areas we are currently monitoring for cliff instability
- 2) The loading is likely to be light
- 3) It's not our land
- 4) Drainage aspects are likely to be insignificant compared and coped with by the permeable chalk.

Parish Council comments: (09/10/15) the intention of the preamble to the Land Allocation Local Plan is not being reflected in the current application. The comments are summarised as follows;

- The intent for Policy LA24 was for development of under 50% of the site along the New Dover Road Boundary. The site plan appears to show approximately 70% - 75% of the site being developed, so leaving only 25% - 30% for the residents of Capel to enjoy the opportunity of a grassed open space.
- The Parish Council still do not support the planned development and amendments of additional housing in the village in its current format.
- It is disappointing that comments both previous and subsequent, have been mostly ignored. The following recommendations are suggested;
 - Limit of area to be developed to 50% of total site.
 - Maximum roof height of the development is reduced in keeping with the general street scene and characteristic of the surrounding area.
 - Privacy is preserved.
 - Chalk grassland area is officially designated as a protected open space,
 - Planting in the buffer zone on the north side of the site should include trees of sufficient height and depth to provide a visual screen from the adjacent AONB.
 - A visual screen should be planting in the buffer zone on the south side of the site to soften the view of the development from Old Dover Road,
 - 30mph speed limited is extended to the eastern end of the site on the Old Dover Road.
 - 40mph speed limited is extended at the eastern end of village to at least the Old Dover Road/New Dover Road (B2011). This should be a condition before any development is commenced under the basis of road safety.
 - Additional car parking is allocated.
 - The mix of houses is altered to decrease the size of the 3 bed units and number of 4 bedroom 2½ storey units.
 - Consideration should be given to a block of retirement apartments and increase the 2 bedroom properties or starter homes.
 - A range of materials should be used on the exterior of houses
 - To ensure that the work on developing the chalk grassland is undertaken, it is recommended that it commences once 50% of the development is constructed.
 - To investigate the monitoring of cliff movement adjacent to the site
 - The right hand turn lane for the development on the Dover bound side of the B2011 should be installed before development commences

- Restoration of land in the south should compensate for loss of the northern section.
- the area for development should be restricted to 50%
- Long term management plans need to include provision and maintenance of flora attractive to butterflies and insects.
- The amended document “Landscape Layout Plan” indicates “retained shrubs” on the eastern flank. Much of this has now been removed and requires replanting,
- To ensure long term protection of the chalk grassland the area should be designated a protected open space
- The proposed houses are higher than expected when compared with surrounding properties,
- As the majority of surrounding accommodation are bungalows or mobile homes, the height of the 2½ storey houses are unacceptably out of keeping,
- The number of 2½ storey units represents 40% of the total planned build which is not within the spirit of the policy.
- Some houses are built close to properties in Helena Road and the caravan park.
- Overlooking the caravans so invade the privacy of the residents of the Caravan Park.
- Planned planting should include trees high enough to screen the houses from the Heritage Coast, enhanced with appropriate hedgerows,
- The risk of accidents by children running from the grassland onto the Old Dover Road.
- The provision of a Blackthorn or similar hedge on the perimeter of the grassland flanking the Old Dover Road would act as a natural barrier against children or animals running into the road and also act as a windbreak for the site.
- The 30mph speed limit should be extended beyond the site, together with the white gates and planters.
- A chalk grassland buffer does not provide a visual screen.
- If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB;
- A frequent bus service but does not go to the doctors’ surgeries, train station or supermarkets that are used by the majority of Capel residents,
- Despite being designated as a local centre, the only facility in Capel is a shop which the current owners plan to sell/close in the near future. This results in many residents necessity of using cars and on street parking is limited.
- The parking spaces per unit quoted is too low for these conditions.
- There is a need for retirement flats and smaller housing units for residents.
- The development is unbalanced in terms; 4 bedroom (17 – 42.5% site total), 3 bedroom (11 – 27.5% site total),) and 2 bedroom (12 - 30% site total) of which 16 (40%) are 2½/3 storey houses.
- The number of 4 bedroom houses needs to be reduced and the number of 2 and 3 bedroom houses increased.
- The housing design is out of keeping. House design throughout the village is varied and 40 houses with identical exteriors do not fit.
- The site lacks architectural imagination by the over use of a shiplap type finish, which is not in keeping with the general street scene of Capel.
- Cliff Movement adjacent to the site

- Old Dover Road is an iconic spot which attracts many visits and any access to the site should be enforced to be from New Dover Road and not Old Dover Road.
- The access from New Dover Road would require the creation of a right hand turning lane,
- The access should be designed to minimise the loss of existing trees and vegetation along New Dover Road as this screens the site from the adjacent AONB to the north of the site.
- The speed data is considered to be flawed, it is known that 22% of vehicles speed through the 40mph area.
- Maximum recorded speed from the data being 93 mph.
- This value is significantly different to speeds considered in paragraph 4.10 of the Transport Assessment data which were taken outside the 40mph limit.
- the B2011 is a designated diversion for Port of Dover traffic, including heavy goods vehicles.
- Capel-le-Ferne is 560ft above sea level, known as “The Village in the Clouds”, giving rise to frequent low cloud which severely impairs visibility.
- Concerned about the road safety aspects of the development access as it is on a bend of the B2011.
- If the 40mph is not extended, the entry and exit should be designed for a speed of 60mph rather than 47.2 mph.
- Vehicular access right turn lane and extension of the 40mph should be in place before development commences.
- A slip road for Folkestone bound traffic would be beneficial
- Inclusion of footpaths and cycle-ways is welcomed, including safe pedestrian crossing points adjacent to the site on the B2011.
- If the grassland portion on the southern part of the site that flanks the Old Dover Road is designated protected open space, the 30mph speed limit should be extended beyond the eastern boundary for road safety purposes.

(20/08/15) The following projects should be identified as a result of any proposed development, due to increase in capacity.

These are prioritised in order of preference.

1. Enhancement and redevelopment of entire length of Bridleway ER252, subject to liaison with Kent County Council Public Rights of Way on feasibility and maintenance. This would be to include the section from Old Dover Road adjacent to the “Grasslands” site to New Dover Road (B2011) and also, the section from New Dover Road (B2011) to Capel Street, Capel-le-Ferne.

This will give ease of access for all residents, new and existing, by various means of alternative travel, including disabled use, to access the following:

- Coastal footpath to Folkestone and Dover, including a restaurant, café and the National Memorial to the Few at the Battle of Britain Memorial Trust site.
- Various sport and play amenity facilities, including junior play area, multi-use goal area, gym equipment, skate-park, zip wire, petanque court and green field play surfaces,
- The Village Hall,
- Primary School rear gate entrance,
- Reduce vehicle usage on the already congested rural roads, especially in the vicinity of the Playing Field, Lancaster Avenue and the Primary School main entrance in Capel Street.

2. Enhancement and/or resurface of football pitch, giving the village the possibility of generating and maintaining a league and/or other football team use. This could possibly lead in the future to construction of adjacent changing room facilities. This will give an extra dimension to the sport facilities in this area on the playing field and encourage competitive matches and/or individual play.

(24/06/15) Object to this application unless the following amendments are made;

- Limit of area to be developed to 50% of total site.
- Maximum height of development is reduced to the average height of the houses in Helena Road.
- Privacy to residential caravans and housing adjacent to the development is preserved.
- Roof heights are varied.
- Chalk grassland area is protected as a public open space,
- Planting in the buffer zones should include trees of sufficient height to provide a visual screen,
- 40mph Speed limited is extended to the eastern end of village to at least Old Dover Road/New Dover Road (B2011) junction, due to evidence of vehicle travel at 70mph and safety issues, but also to make the development part of the village and not just an annex.
- The village white gates and planters need to be moved
- Additional car parking is allocated. There is serious concern that spaces planned are insufficient.
- The mix of houses is altered to increase the number of 2 and 3 bedroom houses and to decrease the number of 4 bedroom houses.
- A range of materials should be used on the exterior of houses to fit in with the range of finishes elsewhere in Capel,
- To ensure that the work on developing the chalk grassland is undertaken, it is recommended that it commences once 50% of the development is constructed,
- A Construction Management Plan should be produced prior to development.

Third party representations:

A total of 39 representations have been received. A number of persons have submitted more than one representation. The comments are summarised as follows;

- Thoughtless clearance of trees before permission has been granted,
- The land has been decimated without any regard to wildlife,
- Harm to protected species,
- No visual screening,
- The trees on the southern boundary should've been retained,
- Views of the AONB should be protected,
- The site will need long term management,
- There should be a higher proportion of affordable housing,
- There should be no access from Old Dover Road,
- Speed limits on New Dover Road are too high,
- Speed restrictions should be extended,
- There is already cars parking on the grass verge on New Dover Road,
- Three storey houses are not in keeping,
- The material pallet is not in keeping,
- No landscape screening from the Heritage Coast,
- Caravan park is over looked,
- The mix of housing is wrong,
- There is a need for smaller more affordable housing,

- Retirement flats are needed,
- The local primary school is full,
- How will crime prevention be integrated into the design?
- Is there sufficient supply for gas and water?
- What boundary treatment will be erected on the East boundary (with the caravan park)?
- The development is too close to the cliffs,
- Will the new development impact on cliff stability?
- Development will cover 75% of the site
- Properties 1, 37 and 38 are too close to Helena Road,
- Properties 18, 25 – 29 are too close to the caravan park,
- Capel does not comply with Local Centre definition, there is no post office or primary healthcare provider,
- Capel is a village,
- There is no mention of water or energy efficiency measures,
- The houses should be made smaller, the density of the site increased,
- The removal of trees will lead to surface water flooding and will destabilise the cliff,

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

1.1 *The Site*

1.2 The site lies on the eastern edge of Capel-le-Ferne and is sited between new Dover Road to the north, Old Dover Road to the south with Helena Road to the west and the caravan park to the east. A bridleway (ER252) abuts the western boundary separating the rear gardens of Helena Road from the application site.

1.3 The site is allocated for development under policy LA24 of the LALP (refer to the policy section above for the full details). The site is a regular rectangular shaped parcel of land, the northern part of the site will be developed with housing, the southern end of the site will be re-instated grass chalk land.

1.4 The whole of the site is classifies as chalk grassland which is of national importance for biodiversity. The biodiversity interest, is however restricted to the southern part of the site located nearest to the cliffs but the lack of management over many years has led to it becoming scrubbed over.

1.5 At present the site consists of mature tree and vegetation along the northern boundary, at the time of allocation the site had extensive tree cover over the majority of the site. During the process of this application the majority of the trees, within the site, have been scrubbed out. Vegetation remains on the north, east and west boundary.

1.6 The cliffs and the coastline, located to the south are designated as heritage Coast, AONB and SSSI. In addition the land is protected open space. The land to the north of the site is located in the AONB and New Dover Road this results in extensive views over the AONB.

1.7 *Proposed Development*

1.8 The scheme has been amended since its first submission further to concerns raised by your officer. Originally the scheme proposed 41 dwellings with a mix of 12 x 2 bedroom; 4 x 3 bedroom and 25 x 4 bedroom.

- 1.9 The amended plans include changes to the layout of the site (houses and internal road), design of the dwellings, house numbers and mix of unit sizes. Off-site highway works are proposed which includes a right hand turn splitter lane and road island into the site on the New Dover Road. The proposal is now for 40 dwellings with the following mix of bedroom numbers; 12 x 2 bedrooms, 14 x 3 bedrooms and 14 x 4 bedrooms.
- 1.10 The application was re-advertised and four site notices were displayed around the site dated 15/09/15.
- 1.11 *Plans will be displayed.*

2.0 **Main Issues**

- 2.1 The main issues relate to:
- The principle of residential development and the housing land supply.
 - Impact on the countryside and street scene.
 - Impact on existing community facilities.
 - Accessibility and highways matters.
 - Flood risk and water management.
 - Affordable housing and housing Mix.
 - Ecology and green infrastructure.
 - Open space;
 - Residential amenity;
 - Development Contributions; and
 - The sustainability overview and planning balance.

3. **Assessment**

- 3.1 *Principle of residential development*
- 3.2 The general principle of development is considered to be acceptable by virtue of the land allocation. The policy makes reference to an estimated capacity of 50 dwellings and therefore 40 dwellings is considered a reasonable number of units.
- 3.3 The development is located on the northern part of the site, where the vehicle access will be achieved from the New Dover Road, in accordance with criterion viii of LA 24.
- 3.4 The policy proposals map indicates that the southern half of the site lies beyond the dedicated urban confines, thus this means that a small proportion of the built development (approximately 20m) is beyond the confines and technically within the countryside. Concern has been raised by third parties regarding the exact developable proportions of the site. The policy pre-amble and criterion I, state that the 'precise boundary between the developed and undeveloped parts of the site will be established on the basis of ecological evidence'. The application was accompanied by a detailed ecology survey and the proportion dedicated to the grass chalk land has been supported by the Council's Principal Ecology Officer. The ecological evidence provided indicates that the creation of chalk grassland to the south is based on a small remnant core area to the south-east corner only. The additional chalk grassland proposed will require significant soil stripping to create suitable low nutrient base. It is advised that the existing chalk grassland on the southern part of the site is relatively small and that the additional proposed extension more than reasonably adds to the existing chalk grassland resource. It is therefore considered that the proposal complies with criterion I of LA24. The pre-amble does

confirm that to ensure the long term protection of the chalk grassland it will remain outside of the settlement confines.

- 3.5 The application proposes 40 dwellings, considerably less than the maximum indicated, but over a larger area than 1.42ha. Based on the ecological evidence on the extent and value of the existing chalk grassland it is considered unnecessary to request a much denser residential layout to safeguard a very restricted areas of identified existing chalk grassland. A higher density in a more restricted area would result in a cramped form of development which would be at odds with the spatial character of the area.
- 3.6 *Five year housing land supply*
- 3.7 As a small proportion of the houses fall beyond the confines, due regard has to be given to the 5 year housing land supply. The Council does not currently have a 5 year housing land supply, the lack of a 5 year supply of deliverable housing does not provide an automatic 'green light' to grant planning permission; the NPPF is a significant material consideration and it's requirements must be considered. In particular, paragraph 14 of the NPPF states that: "At the heart of the NPPF is a presumption in favour of residential development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:
- Approving development proposals that accord with the Development Plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
- 3.8 Where a five year housing supply cannot be demonstrated, paragraph 49 of the NPPF is engaged and 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*". As a consequence of paragraph 49 of the NPPF, part of paragraph 14 (*italicised*) of the NPPF above will apply.
- 3.9 The above means that policies in the Development Plan relating to the supply of housing, specifically policy DM1 of the CS will have significantly reduced weight. Insofar as policies are concerned with the protection of the countryside (specifically policy DM15 of the CS) they continue to attract weight in accordance with paragraph 215 of the NPPF which states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".
- 3.10 It follows that it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal when weighed against the policies in the NPPF when taken as a whole and whether there are specific policies in the NPPF that would indicate that development should be restricted. In assessing the impact of the application against the policies in the NPPF, the Committee must be satisfied that the proposal would constitute sustainable development, where in line with paragraph 8 of the NPPF, economic, social and environmental gains are achieved jointly and simultaneously

through the planning system. In respect of other advice in this framework, these would particularly include matters in respect of highways and accessibility, residential amenity and conserving and enhancing the natural environment.

- 3.11 In view of the aforementioned, policy DM1 which restricts residential development outside of confines, in addition to other Core Strategy policies, including policy DM11 and CP1 have considerably less weight than they would if the Council did have a five-year housing land supply. Policy DM15 still attracts considerable weight. In respect of policy DM1, this means that the location of the application site, which is in part outside of the designated settlement boundary for Capel is not a reason in itself to refuse planning permission for the proposed scheme. It needs to be borne in mind that the slight encroachment beyond expected site area would not lead to ecological and landscape harm.

3.12 *Landscape character*

- 3.13 Given the edge of centre location and the proximity to the AONB and Heritage Coast, the site is sensitive in the landscape. Old Dover Road has an open rural character which is dominated by the cliffs, the open space and the views of the coast line. The approach to the site from the south east along Old Dover Road, has loose knit sporadic development consisting of the public house and the caravan park, beyond the caravan park the chalk grassland will be present, this will retain the sense of openness and the rural character before the built residential form starting at Helena Road commences.

- 3.14 The chalk grassland will act as a landscape buffer strip, softening the built impact of the new development and setting it away from the New Dover Road to the south, together with specimen tree planting which is proposed on the southern boundary of the housing site and the native shrub planting on the southern boundary of the chalk grassland, the proposal will ensure that the natural beauty and integrity of the area will remain when viewed from the south.

- 3.15 The character of the site from the New Dover Road (to the north) is significantly different and is characterised by the main artery road running through Capel. The approach from the east along this road is still open and bounded by the AONB to the north, but the character quickly changes from rural to urban. The site boundary is well screened by mature vegetation and provides visual separation between the caravan park and the start of residential properties. This landscape buffer would be further enhanced with additional landscaping as a result of this application.

3.16 *Visual impact and Design*

The development site will be visible from a number of public vantage points, particularly the bridleway which abuts the western boundary, views from New and Old Dover Road and from the private dwellings in Helena Road and the adjacent caravan park.

- 3.17 The layout of the site has evolved during the course of pre-application discussions and the evolution of this application. The plans originally submitted showed plots 15 – 18 would have a frontage facing onto New Dover Road, which proposed several pedestrian access points onto the main road, however the main negative impact of this layout was with the internal arrangement of the site, which would have resulted in a ring road dominated by rear gardens, garages and side boundary treatments. These inactive frontages would have resulted in a highway dominated layout, lacking a sense of character and place.

- 3.18 The amended scheme, allows for plots 15-18 to be accessed from within the site. The rear elevations would front New Dover Road but there would be a significant distance setting them back from the road edge. A landscape buffer strip of at least 5m, would fall outside of the curtilage of each dwelling and would separate the gardens from the road. The management of this buffer strip allows for existing planting to be retained (where appropriate) and for new planting to be provided, this will enhance biodiversity and will ensure connectivity for wildlife along the site frontage. The management of this buffer strip will be secured by a section 106 agreement.
- 3.19 The circular route throughout the site has been replaced with a cul-de-sac arrangement (this is acceptable to KCC Highway services). By removing this connection, greater separation between plots 13 – 21 has been achieved which will improve the visual appearance of the site entrance and will allow for additional planting between plots.
- 3.20 The main route through the site has also been enhanced through officer negotiations by siting car parking at the rear of plots 7 – 12. This allows for the dwellings to be sited closer to the street frontage and removes the dominating hard surfacing.
- 3.21 The open chalk grassland towards the south is an important focal point for the site and the wider area. A fundamental principle of urban design is to ensure that views of the grassland is incorporated into the layout, this has been achieved by visually linking the main access route into the site with the footpath across the grassland, this entrance onto the grassland from the houses has also been framed with a landscape buffer.
- 3.22 Plots 29 – 37, will front onto the chalk grassland, with a pedestrian path between the frontage of the dwellings and the grassland. This will ensure that there is natural surveillance and an attractive frontage when viewed from Old Dover Road. The development proposals due to the road and footway links are considered to be suitably permeable in terms of links to surrounding roads and footpath networks.
- 3.23 Consideration has been given to the relationship of the proposed dwellings to the existing dwellings adjacent to the site and the adjacent countryside. The proposed dwellings do not significantly vary in height, the tallest has a ridge of 9m (type G, F1 and F3), and these are two storey dwellings. The 3 storey properties, which have rooms in the roof space have a ridge height of 8.5m (Type D1 and D2 - plot number's 14, 19, 20, 22, 26, 27, 38 and 39 and 13, 21, 23, 24, 25 and 40). Through negotiations the height of the dwellings have been reduced by approximately 1m since the submission of the original plans.
- 3.24 Section drawings have been submitted to show the relationship between the existing dwellings at Helena Road and the proposed dwellings (see plan number's CAP 2014/27, 28 and 29 Rev B received 15th September 2015). It is accepted that the height of the dwellings would exceed that of the height of some the houses/bungalows on the Helena Road.
- 3.25 For example section BB/BB shows the proposed dwelling Plot 1 relative to no. 16. This degree of separation, approx. 30m is characteristic of the relationship of the new dwellings with existing dwellings, separated by the rear gardens, the bridleway and side gardens.

- 3.26 The design of the dwellings in the amended scheme have been altered. There are now ten different house types, which are of different designs but have similar characteristics such as the steeply pitched roofs and fenestration proportions. The mass of the dwellings are broken up by having projections which have a lower ridge line and by changing the axis of the ridge e.g. some have gable front facing ends. On balance the general design of the houses are acceptable.
- 3.27 The applicant has submitted material samples which are to be used;
Roof: Marley Eternit Rivendale slate (synthetic slate),
Boarding: Hardie plank (man-made composite board), five different colours are proposed (Arctic white, sail cloth-cashmere, light mist, Boothbay blue, Monterey taupe) and;
Brickwork: Yellow stock bricks (Hanson: Village Golden Thatch) with feature red/orange brickwork.

The applicant has advised that the smooth composite boarding has been chosen to compliment the contemporary design of the dwellings, they advised that the wood grain effect boarding would be pastiche and not suitable. The chosen boarding has a deep profile and would be overlapped, this would create texture and interest in the dwellings.

- 3.28 Whilst there is third party concern that the proposed development would be at odds with the existing pattern of development, due to its height, it is acknowledged that there is variety in the design and height of dwellings to the west of the site, such that there is scope for the variety in the height and scale and design of the development proposed. Overall gaps and spaces between and around dwellings would mitigate their height and relationships between existing and new built development. It is not considered that the development would appear over dominant in the wider landscape or at odds with the existing development along New and Old Dover Road, given the distance from existing dwellings.
- 3.29 It is accepted that a significant amount of vegetation on the site has already been removed, this however has been necessary in order to restore early the chalk grassland. Third parties have raised concerns regarding the removal of the trees along the southern boundary, whilst criterion iii of policy LA24 requires a landscape buffer on the southern boundary, it does not specify in what form. The ecologists have confirmed that in order for the restoration of the chalk grassland to be successful trees could not remain on the southern boundary.
- 3.30 Furthermore, the Planning Policy Manager has provided clarification of the intent of criterion iii; it was not envisaged that the chalk grassland would be screened from the AONB, more the development itself and the screening was not intended to 'hide' the dwellings but allow it to blend into the existing urban form.
- 3.31 It has been negotiated that some native shrub planting will be provided along the top of the southern bank, this will soften and frame the appearance of the site, whilst providing a visual barrier (see landscaping plan 13404 – TLP -400 received 4/12/15). It has also been agreed that some specimen tree planting will be provided on the southern boundary of the built development. Details of this can be secured by a planning condition.
- 3.32 The landscaping on the western boundary abutting the bridleway will be managed and maintained (secured by a section 106 agreement) and replanted in accordance with the landscaping plan.

- 3.33 Third parties have raised queries relating to the boundary treatment on the eastern boundary (shared with the caravan park), the chalk grassland will have an area of retained natural scrub on the eastern side, where the rear gardens of the dwellings abut the caravan park, it is expected that a new boundary will be erected to replace the existing chain link fence. A condition should be imposed to require details of the boundary treatment to be submitted prior to the first occupation of the dwellings.
- 3.34 The provision of external lighting is also a very important consideration due to the detrimental impact that light pollution could have on the AONB and protected species such as bats. No details have been submitted therefore in order to accord with criterion iv of policy LA24 a condition requiring details should be imposed.
- 3.35 It is advised that the development would not adversely affect the character of the local landscape (AONB and Heritage Coast), given the location of the site, the proposed layout in its amended form, with the landscaped buffer to the north and south boundaries.
- 3.36 The enhanced planting to the north boundary and the chalk grassland to the south will retain a soft edge to the village, and provide a development that would integrate well with the wider context and the fringe location.

3.37 *Impact on existing community facilities*

Capel is a designated local centre and has a number of services and facilities including a local shop, village hall, public house, church, primary school, childrens play area and a bus route. A number of residents have questioned Capel's position in the settlement hierarchy (see policy CP1). Whilst it must be acknowledged that Capel has unfortunately, lost facilities since the Core Strategy was adopted, Policy CP1 is still part of the Development Plan and in this respect the proposed development is fully in accordance with the settlement hierarchy in the Adopted CS.

- 3.38 The status of Capel was considered at the Examination in Public as the Parish Council, at that time, stated that they would support Capel as being recognised as a 'Local Centre' and not a 'Village'. At the time of adopting the CS the Parish were supportive of additional development and specifically asked us to change them from a 'Village' to a 'Local Centre'.
- 3.39 Paragraph 55 of the NPPF states that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby"*. Given the connectivity of the site to the urban area and the role of the Local centre, it is considered that this development is sustainable.
- 3.40 New housing development can also support existing services and facilities by an increase in the population of rural settlements. Jobs will also be provided during the construction stage of the development. The provision of homes would provide the opportunity to enhance the vitality of the existing community.
- 3.41 It is considered that the development would be in a 'local centre' location that can accommodate the development in respect of services and facilities
- 3.42 The development would promote healthy communities, and support economic development, through the provision of family homes, contributing to addressing the deficit of housing, offering employment during construction and being close to

employment opportunities. This would be consistent with the NPPF that seeks to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

3.43 KCC as the Local Education Authority, have confirmed that the development would not increase the need for further primary school places and have not sought a financial contribution towards education provision.

3.44 *Accessibility and highways*

3.45 Capel is located to the north east of Folkestone and south west of Dover. The A20 is located to the north and east of Capel and can be accessed via an interchange with the New Dover Road (B2011).

3.46 A footpath exists on both sides of New Dover Road to the west of the site, with the footpath on the southern side terminating approximately 15m to the east of the junction with Helena Road, where a central island is provided to assist pedestrians crossing New Dover Road to access the footpath on the northern side of the road. The footpath on the northern side of the road continues east for approximately 1km and provides access to the eastbound bus stop.

3.47 The proposal includes an extension to the footpath on the southern side of New Dover Road from its current location to the east of Helena Road to cover the frontage of the site. This will ensure a safe link is provided to the west of Capel and the westbound bus stop. The site is within 650m of the local shop and 500m of the primary school.

3.48 A footpath will also be provided through the site to Old Dover Road. Some local facilities such as the café are provided on Old Dover Road.

3.49 A public bridleway runs the length of the site boundary and continues north across the New Dover Road and terminates at the primary school. This bridleway is currently quite restrictive due to overgrown vegetation and the surfacing. The bridleway on the southern side of New Dover Road is within the ownership of the applicant and the maintenance and management of the vegetation along the route will be controlled by the section 106 agreement. The resurfacing of this part of the bridleway is considered not necessary as a new footpath through the site and across the grassland (just a mown pathway) will run parallel with it.

3.50 KCC Public Rights of Way and the Parish Council, have expressed a need for the bridleway on the north side of New Dover Road to be resurfaced with tarmac in order to promote it as a pedestrian route to the play area, village hall and primary school. A financial contribution of £54,000 to carry out these works have been sought by KCC and the applicant has agreed to pay this amount. This payment will be secured by way of a legal agreement. This is a positive enhancement, which will improve connectivity and permeability of the area. This is in accordance with criterion v. of LA24.

3.51 There is a bus stop located directly opposite the northwest corner of the site. The stop is for those travelling in an easterly direction. The west bound stop is located at around 200m west from the entrance of the site. There are two regular services that serve these stops. These services combine to provide a 15 minute frequency in both directions on weekdays, Saturdays and a 30 minute frequency on Sundays. These bus routes provide a link to Folkestone and Dover Town Centre as well as providing a route to a number of other towns and villages including Lydd-on-Sea, Hythe,

Dymchurch and New Romney. There are two further services that run once daily as school buses.

- 3.52 The site is situated within an accessible location. Frequent bus connections can be made from a stop immediately opposite the site to a number of key destinations including Folkestone and the railway station and Dover. Pedestrian and cyclist provision within and surrounding the site is sufficient, providing accessibility to the surrounding public transport modes and local facilities.
- 3.53 Paragraph 35 of the NPPF advises that developments should be located and designed, where practical, to give priority to pedestrian and cycle movements and to have access to high quality public transport facilities. However, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 35 of the NPPF advises that developments should be located and designed, where practical, to give priority to pedestrian and cycle movements and to have access to high quality public transport facilities. However, paragraph 29 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 3.54 Turning to matters of detail regarding the access and parking. The site does benefit from frontage onto New Dover Road and Old Dover Road. Due to the width and character of Old Dover Road, it is not considered appropriate to provide vehicular access to the site from Old Dover Road and therefore in accordance with criterion viii of policy LA24, the access will be from New Dover Road.. As the proposed site access is within the existing 60mph speed limit, a right turn lane will be provided at the junction a splitter island will also be provided at the eastern end to prevent overtaking manoeuvres.
- 3.55 Initial concerns raised by KCC Highway Services have been satisfactorily addressed, with amendments to the crossing points, right hand turn splitter lane, the footpath extension and visibility splays on the New and Old Dover Road.
- 3.56 The visibility splays are 2.4m x 133m to the east and west and are based on measured traffic speed surveys. The Parish Council have requested that the traffic speed restrictions be extended on both the New Dover Road and the Old Dover Road in order to increase safety. The Highway Authority do not consider this to be necessary as measured speeds indicate traffic to be moving slower than 60mph.
- 3.57 Concern has been raised by third parties at the level of car parking provided. All 3 and 4 bedroom houses have a driveway with space to park two vehicles side-by-side. Garages are also provided for these properties but these are not considered as part of the parking provision. The 2 bed units will be provided with 1.5 car parking spaces plus 4 visitor parking spaces. The amended scheme provides an adequate level of parking that accords with Policy DM11 of the Core Strategy and does not dominate the street scene, reflecting advice in Building for Life 12. Parking would also be well related to the dwellings that it serves. KHS are satisfied with the level of parking provided, and parking will be required to be provided prior to first occupation, by imposition of a condition.
- 3.58 The development is considered to be acceptable in respect of highway safety and access, in a location where the highways network has the ability to accommodate the development. The site is also considered to be in a safe, sustainable location, being adjacent to the existing centre, well placed for employment opportunities, and providing good connectivity to public transport links.

3.59 *Flood risk and water management*

- 3.60 Development that increases the amount of impermeable surfaces can result in an increase in surface water run-off, particularly the development of greenfield sites. This in turn can result in increased flood risk both on site and elsewhere within the catchment.
- 3.61 The Environment Agency guidance is that when considering site drainage in Flood Zone 1, the focus should be on flood risk management of surface water run-off, but the use of SUDS should also seek to maximise opportunities for water quality and amenity benefits. It is not a requirement for development proposals to rectify existing flooding problems, but the NPPG (paragraph 50) advises that opportunities should be taken to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems. The development of this site provides opportunities for such measures to be incorporated. The Environment Agency have not commented on the drainage aspect of this application.
- 3.62 Southern Water advise that there are no public surface water sewers in the area to serve this development. Alternative means of drainage surface water from this development are required and this should not involve disposal to a public foul sewer. They suggest a condition is suggested requiring details of the foul and surface water disposal to be submitted for approval.
- 3.63 Kent as the Lead Local Flood Authority advise that they have no objection in principal to the drainage proposals and note that the excess surface runoff will be disposed of by soakaway. They confirm that this is likely to be feasible but no details have been supplied to demonstrate this will be the case and the Flood Risk Assessment (FRA) does identify some possible constraints with this method. Furthermore, they assume soakaways are to be restricted to stormwater drainage from individual dwellings and no detail has been included regarding road drainage. As insufficient information has been provided regarding means of surface water disposal, they recommend the following as a condition: *'Development shall not begin until a sustainable surface water drainage scheme for the site, which is compliant with the Non-Statutory technical standards for sustainable drainage, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.'*
- 3.64 It is not considered that the surface water run off generated from the site would exacerbate the surface water flooding as it is intended that all run off would be captured on site.
- 3.65 Southern Water have confirmed that foul sewage disposal can be provided at this site. A formal application for a connection to the public sewer is required. Further details of foul water disposal are not required but details relating to the disposal of surface water should be sought via a condition.

3.66 *Affordable housing and housing mix*

- 3.67 The Council seeks to incorporate 30% affordable housing into residential developments of fifteen or more dwellings (CS Policy DM5). It states that the exact amount of affordable housing or financial contribution to be delivered from any specific scheme will be determined by economic viability, having regard to individual site and market conditions. The Council's Delivering Affordable Housing SPD states that the Council will have regard to the particular costs associated with development and whether the provision of affordable housing would prejudice other planning objectives that need to be given priority.
- 3.68 The Council's preferred provision is for 30% (12 units) to be provided on site, however the applicant claims that the site is not economically viable if the full provision is provided. The SPD advises that in these circumstances the Council will expect 'open book' negotiations and that specialist independent advice in assessing the economic viability of development will be sought. In this instance the Council has instructed 'Savills' to carry out the assessment.
- 3.69 After lengthy negotiations on several variables the main relating to residual land values and specific build costs, Savills have recommended that the development can afford to accommodate 15% (6 x 2 bed units) affordable housing units on site with a tenure ratio split of 50:50 affordable rented and shared ownership.
- 3.70 The applicant has also received an offer from Southern Housing Group (register provider) to purchase these properties. Therefore there is a very strong possibility that the affordable housing will be provided on site imminently. The applicant advises that the 6 units numbered 1 – 6 on the layout plan will be allocated as the affordable housing.
- 3.71 Savills have identified that a commuted payment for off site provision could be provided, the sum of which is £295,807.57.
- 3.72 This provision of affordable housing (partly on site and off site commuted payment) accords with the preferred principle 2 in the SPD. The Housing Manager advises whilst there is not a site in Capel which would benefit from the off site contribution there are several schemes in Dover.
- 3.73 Affordable housing provision will be secured and provided in perpetuity through a S106 agreement.
- 3.78 The housing mix proposed on the site will provide 12 x 2 bedrooms (30%), 14 x 3 bedrooms (35%) and 14 x 4 bedrooms (35%). Policy CP4 of the Core Strategy requires housing developments of 10 or more dwellings to reflect the broad mix of housing identified in paragraph 3.40 of the Core Strategy. The Core Strategy indicates that 35% of the dwellings should be 1 bed roomed, 40% of the housing should be 2 bed roomed, 20% should be 3 bed roomed and 5% should be 4 bed roomed. The proportions setting out the housing mix set out in the Core Strategy should be used to inform decisions, and needs to be adjusted by market information on the housing needs and preferences of people moving into the District, and any specific site and design considerations.
- 3.79 However, given the lack of a five year housing supply, this policy relating to housing supply has reduced weight.
- 3.80 The Core Strategy identifies that the 2008 Strategic Housing Market Assessment indicated that resident's aspirations lie more towards semi-detached and detached

housing, and that there should be an emphasis on the provision of detached and semi-detached housing in the mid and upper price ranges. The provision of this is crucial to broadening Dover's housing base and making it a more attractive offer.

- 3.81 It is expected that in urban locations that developments should include one bedroomed units as these can be provided within flatted developments, and at higher densities. The provision of one bedroomed units and a greater proportion of the two bedroomed units would necessitate a higher density of development that would be incompatible in design and layout terms, with the edge of confines location, where a looser grain of development would be expected.
- 3.82 Hence the proposed mix of housing in this location would provide the type of homes that would meet the aspirations identified in the 2008 Strategic Housing Market Assessment, and reflect the rural character of the area.
- 3.83 The proposed development would meet an identified social and economic need by providing 15% provision of affordable housing on site and a mix of the type of units that would appeal to the market in this location, which would weigh in favour of the development.

3.84 *Ecology and green infrastructure*

- 3.85 Paragraph 109 of the NPPF identifies that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, where possible. In decision making, paragraph 118 states that local authorities should aim to conserve and enhance biodiversity, and encourage opportunities to incorporate biodiversity in and around developments. Where significant harm would arise that cannot be avoided, adequately mitigated, or as a last resort compensated for, the NPPF states that planning permission should be refused.
- 3.86 The Council's Ecologist has commented on the application and has concluded that the scheme will enhance biodiversity. The development in its amended form, will allow for a substantial landscaped buffer along the northern boundary, with improved connectivity here and along the bridleway. The creation of the chalk grassland makes a significant contribution to biodiversity.
- 3.87 An ecological assessment of the site was carried out and the survey identified that the site was of importance to reptiles, with three species recorded (adder, slow worm and common lizard). The site is used by foraging and nesting common birds, resting migrant birds, foraging and commuting pipistrelle bat. A number of mitigations are suggested and where they have not already been carried out they should be secured by a planning condition.
- 3.88 It advises that the provision of external lighting should follow current Bat Conservation Trust guidelines and vegetation along the western boundary of the site should be retained with no light spill onto the public bridleway. This is especially important for the south-west corner of the site with pipistrelle suspected of roosting in the adjacent property (London House). The applicant has advised that the only external lighting will be on individual dwellings and will be controlled by a PIR sensor, however a condition requiring details of external lighting to be submitted should still be imposed. The applicant's ecology report also recommended that 6 bat boxes should be erected in retained trees. The applicant has confirmed that this has already been done and therefore a condition to require the retention of the bat boxes should be imposed.

- 3.89 With regard to reptiles the assessment advises that the grassland and scrub habitat to the south should be retained and expanded upon to promote the expansion of local reptile populations. The proposed landscaping plan shows a large area of scrub retained adjacent to the east boundary. It was noted by your officer during a site visit that a temporary reptile holding area had been created whilst the trees were being scrubbed out, your officer also met on site the applicant's ecologist whom was supervising the works and translocating the reptiles if found.
- 3.90 The Habitat Regulations Assessment Screening of likely significant effects on European Sites has been undertaken by the Councils Ecologist. The main impact pathway of residential development on European sites is recreation. The nearest European site, Lydden and Temple Ewell SAC. Given this, it is considered that development here can be screened out in respect of potential recreational impacts on SACs. Likewise, due to distance it is considered that potential impacts of urbanisation (e.g. cat predation) can also be screened out. As with all sizeable development in the district, there is a concern regarding cumulative impact on the Thanet Coast and Sandwich Bay SPA and RAMSAR sites. A contribution of £2,223.78 will be secured towards the District wide Thanet Coast and Sandwich Bay SPA Mitigation Strategy, through the S106 agreement, which can allow for this development to be screened out.
- 3.91 The proposed development will provide opportunities to enhance the natural environment through strengthening planting improvements to the existing poor species, gappy, boundary hedge along the bridleway, provide a landscaped buffer to the open countryside to the northern boundary, provide new trees, and improve habitats for bats and birds. The development would accord with the requirements of the Development Plan and the provisions of the NPPF in respect of green infrastructure and ecological enhancements, offering benefits to the natural environment.
- 3.92 *Open space*
- 3.93 Policy DM27 of the Land Allocations Local Plan requires developments of five dwellings or more to meet the additional need for accessible green space generated by the development. Proposed standards in the Land Allocations Local Plan Document require that a play space should be located within 600m of new residential development. The existing play area in the village, which is managed by the Parish Council, appears to be about 600 m from the centre of the development. The play area is accessible along a safe route from the development site.
- 3.94 The Councils Principal Infrastructure and Delivery Officer has been in discussion with the Parish Council and has advised that since there is an existing facility within 600 m of the site an off-site contribution to improve the access to the existing children's play area (which is well equipped) would meet the aims of this policy. An appropriately scaled contribution would equate to £30,460. Improvements to the access would involve the resurfacing of bridleway to the north of the New Dover Road. It however would be unreasonable to seek this contribution on top of the £54,000 identified by KCC PRoW to carry out the same work.
- 3.95 The proposed development will satisfy the Development Plan policy requirement for open space, and provide both the social and environmental benefits afforded by enhanced play space being in close proximity of the new family dwellings, and the location close to existing public rights of way networks.

3.96 *Residential amenity*

- 3.97 One of the core principles of the NPPF is to secure a good standard of amenity for existing and future residents. Further to initial concerns relating to overlooking from the three storey dwellings, as well as wider concerns about the design and layout approach of the whole development, amended plans were submitted.
- 3.98 Regard has been had to the relationship of the proposed dwellings with existing caravan park to the east. The house types of plots 25, 26 and 27 have been altered from three storey dwellings (house type D2 and D3) to a two storey house (house type H), the rear elevation of these dwellings would have a cat slide roof, with three roof windows in the roof slope. Two of the windows would serve bathrooms and therefore can be fitted with obscure glass; the third window would serve a bedroom. Given the distance between the proposed dwellings and the common boundary ranging from 10 – 13m and from the rear elevation of the dwellings to the actual caravans of between 15 – 20m the separation distance together with the amendments is considered to be acceptable to mitigate harm to the residents that occupy the caravans.
- 3.99 At the request of the owner of the caravan park plots 29, 30 and 31 have been altered in orientation so they are now set at an oblique angle with the eastern boundary and the garage on plot 29 has been handed to increase the separation distance from the caravan park.
- 3.100 As discussed in the visual impact assessment above, the dwellings situated adjacent to the west boundary have an acceptable separation distance between them and the existing dwellings in Helena Road, so as not to result in a loss of light, or enclosure.
- 3.101 The nearest dwellings to the west boundary are number 1, 37 and 38. No. 1 does have a first floor side facing window which serves the hallway and 37 and 38 do not have any side facing windows. A condition could be imposed to ensure that the hallway window is fitted with obscure glass and that no windows are inserted into 37 and 38.
- 3.102 It would also be prudent to remove permitted development rights relating, to out buildings, extensions, roof conversions and boundary treatments. This would protect residential amenities and the character and appearance of the site.
- 3.103 Future residents would benefit from a good standard of amenity. There would be no significant loss of residential amenity through overlooking, loss of outlook, overshadowing, loss of daylight or sunlight to existing residents. The development would accord with this environmental and social dimension of the NPPF.

3.104 *Cliff Stability*

- 3.105 The Coastal Engineer has confirmed that there is evidence of land movement along Old Dover Road to the east of the site, this evidence by a slight dip in the road and fresh tarmac in the highway. The engineer confirms that 4 periods of study and ground investigation have been carried out since the 2WW, each following periods of renewed activity. The most recent was in 2001 (with increased movements and chalk falls in the Warren) the cliffs are now being monitored by automatic electro levels, established at critical points along the railway and with further topographical surveys extended to include the cliff top. This monitoring work is carried out by Network Rail. In light of third party concerns it was considered prudent to make Network Rail aware of this development and ask them to comment on the proposal.

- 3.106 An Engineer at Network Rail advised that ‘they were not overly concerned’ for the following reasons;
- 1) The location is away from areas we are currently monitoring for cliff instability
 - 2) The loading is likely to be light
 - 3) It’s not our land
 - 4) Drainage aspects are likely to be insignificant compared and coped with by the permeable chalk.

3.107 The Council’s Coastal Engineer also had the same professional opinion.

3.108 Developer Contributions

3.109 Planning obligations are used to mitigate the impact of proposed developments. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, that those obligations must be necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to it. As of 6th April 2015 there is also a limit on the number of contributions that can be pooled for a project. This also has to be taken into account in assessing the developer contributions.

3.110 Contributions have been sought in respect of Thanet coast SPA mitigation strategy, Up-grading works to the bridleway ER242 and KCC library book stock. The total contribution amounts to £58,192.43. A draft section 106 agreement has been submitted and is currently being reviewed by the Council’s legal department.

3.111 Kent Police have requested a contribution towards policing infrastructure. It is not considered that the contribution requested would be necessary to make the application acceptable in planning terms.

3.112 The contributions sought are considered to meet the tests set out in regulation 122 of the 2010 Community Infrastructure Regulations 2010 and paragraph 204 of the NPPF, and would be secured through the S106 agreement. These contributions will assist with meeting the social and environmental dimensions of sustainable development.

3.113 Sustainability overview

3.114 The development would deliver a range of social, economic and environmental benefits. It is noted that a Statement of Community Involvement specific to this site, was submitted as part of the application. The development clearly offers a number of benefits. The social benefits include the provision of market housing and affordable housing units, which would widen the available housing stock within the area and increase the opportunity for local residents to remain or even return to Capel.

3.115 Improvements would be made to upgrade the access route to the play area, primary school and village hall. The footpaths within the site will improve connectivity to the existing footpaths at the north and south ends of the site, and the location of the site is well connected to the wider Public Rights of Way Network. The location and improvements to existing infrastructure will encourage healthier communities, which is one of the core principles of the NPPF.

- 3.116 The site would also be safe and accessible, given the edge of centre location, offering good pedestrian connectivity between the site and the community facilities. These social benefits are considered to weigh in favour of the application.
- 3.117 Economic benefits will be provided by increasing the range of family housing offered which will also meet the aspirations set out in the Strategic Housing Market Assessment that identifies that semi and detached houses in the middle and upper price range are needed across the district. The local economy would also benefit from the increased population, adding to the vitality of Capel.
- 3.118 Employment opportunities will also arise during construction. These economic benefits weigh in favour of the application.
- 3.119 Finally, there are a number of environmental benefits that would result from the development. It has been designed so as to retain the soft edge of Capel and provide a looser grain of development, usually associated with edge of village locations. The layout of the scheme is well designed and would complement the character of Capel and open countryside, together with proposed boundary planting.
- 3.120 Water management would ensure that surface water run off would not exceed that of the greenfield site and soakaways would be used within the site to manage water run-off, necessary infrastructure will be provided to ensure capacity for foul water, with associated biodiversity opportunities. Enhancements would be made to the limited green infrastructure close to the site, and there would be no harm to designated sites.
- 3.121 *Planning balance*
- 3.122 The NPPF introduces a 'presumption in favour of sustainable development' to ensure that local planning authorities identify and plan for the development which their areas need, and to make clear that applications that will deliver sustainable development should normally be allowed. It makes clear that it is the purpose of planning to help achieve sustainable development, not development at any cost. However, the NPPF's policies for significantly boosting the supply of housing are material considerations of great significance and weight.
- 3.123 In accordance with paragraph 14 of the NPPF, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal when weighed against the policies in the NPPF when taken as a whole and whether there are specific policies in the NPPF that would indicate that development should be restricted.
- 3.124 This report has identified that the development would result in significant benefits, consistent with the three, mutually dependent social, environmental and economic dimensions of sustainable development. It has also identified that the development would result in the direct loss of countryside, which would conflict with Policy DM15 of the CS. However, the harm would be limited in the existing context of the site, being a site that is edged by housing at its northern and western extremities.
- 3.125 In weighing the planning balance, it is your officers view, that there is no compelling and overriding reason to justify a refusal of planning permission, particularly against a backdrop of there being no five year housing land supply and its allocation for housing. Weight should also be given to the delivery of 15% affordable housing and a contribution off-site.

- 3.126 Placing all of the relevant material considerations in the balance, it is concluded that the limited adverse impacts of the proposed development would not outweigh the benefits.
- 3.127 It is therefore recommended, by reference to paragraph 14 of the NPPF that planning permission be granted.

g) **Recommendation**

I Subject to the completion of a S106 Agreement to secure matters including;

- 1) the provision of 6 affordable housing units on-site,
- 2) the commuted off site financial contribution towards affordable housing **£295,807.57**,
- 3) the financial contributions towards Thanet coast spa mitigation strategy **£2,170.38**,
- 4) up-grading works to the bridleway ER242 **£54,000** and
- 5) KCC library book stock **£1968.65** for mobile library.

The legal agreement will also need to secure the following;

- A management company – to be established by the owners for the purpose of maintaining and managing (1) chalk grassland, (2) vegetation buffer strip to the northern boundary and (3) bridleway.
- A landscape management plan and strategy – for the provision, maintenance and management of the above.
- An annotated site plan to show areas (1), (2) and (3)

II PERMISSION BE GRANTED subject to the following conditions:

- 1) Standard time limit for commencement,
- 2) In accordance with approved plans;
- 3) The materials for the dwellings shall be:
Roof: Marley Eternit Rivendale slate (synthetic slate),
Boarding: Hardie plank (man-made composite board), five different colours are proposed (Arctic white, sail cloth-cashmere, light mist, Boothbay blue, Monterey taupe) and;
Brickwork: Yellow stock bricks (Hanson: Village Golden Thatch) with feature red/orange brickwork.
- 4) Details of hard surfacing materials;
- 5) Soft landscaping details for planting within the site,
- 6) Retention front (northern) boundary landscaping (except where necessary for access and visibility splays);
- 7) Measures to protect existing trees and hedges
- 8) Replacement of landscaping if removed or dies etc
- 9) Details of foul and surface water sewerage disposal to be submitted,
- 10) Provision and implementation of a Construction Management Plan

- 11) If land contamination is found development should cease until the local authority agrees re-commencement,
- 12) 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).
- 13) Provision and maintenance of vehicle visibility splays
- 14) Provision and maintenance pedestrian visibility splays
- 15) Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- 16) Provision of cycle parking facilities
- 17) No discharge of surface water onto the highway
- 18) Retention of the vehicle parking spaces
- 19) Retention of the vehicle turning facilities
- 20) Removal of permitted development rights for further development – extensions, roof alterations, windows, outbuildings and means of enclosure
- 21) Existing and proposed levels, including finished thresholds;
- 22) Boundaries to be provided prior to first occupation;
- 23) Windows in 100mm reveal;
- 24) A Construction Management Plan shall be submitted to and approved by the local planning authority to include, dust mitigation, the prevention of mud being carried on to the highway and the control of noise in accordance with BS5228:2009 'Noise and Vibration Control on Construction and Open Sites'
- 25) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays and there shall be no access to the site outside of these permitted hours by any vehicle associated with the construction of the development.
- 26) Prior to the first occupation of any dwelling the right hand splitter lane, splitter island and the extension of the footpath on the southern side of New Dover Road (which shall form part of a separate Section 278 application to KCC Highways), shall be provided and thereafter retained. Reason: In the interest of highway safety.
- 27) Details of external lighting details
- 28) The hallway window at first floor level on the west elevation of plot 1 shall be fitted with obscure glass, impenetrable to sight prior to the first occupation of that dwelling.

- 29) No windows shall be inserted into the west elevation of plots 37 and 38. Reason: to safeguard the privacy of residents in Helena Road.
- 30) Prior to first occupation, the roof windows serving the bathroom and en-suite bathroom in plots 25, 26 and 27 (house type H) shall be fitted with obscure glass impenetrable to sight.
- III Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and S106 matters, in accordance with issues set out in the report and as resolved by the Planning Committee.

IV 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. 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.

The developer is encouraged to install Superfast Fibre Optic Broadband. The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

Case Officer

Rachel Humber