

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

Reason for report - Number of contrary views (101)

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

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

Core Strategy Policies (2010)

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

Land Allocations Local Plan (2015)

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

National Planning Policy Framework (NPPF) (2012)

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

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

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

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

Paragraph 17 - Core planning principles which identify that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the home and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

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

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

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

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

Paragraph 61 Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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

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

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

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

Paragraph 115 - Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

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

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

DDC Affordable Housing and Addendum SPD (2011)

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

Kent Design Guide (2005)

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

Kent Downs AONB Management Plan (2014)

SD1 – Sustainable Development
LLC1 – Landform and Landscape Character

d) Relevant Planning History

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

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

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

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

e) Consultee and Third Party Representations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Site

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

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

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

The Proposal

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

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

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

car parking is mostly accessed from the internal access road.

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

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

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

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

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

2. Main Issues

2.1 The main issues to consider are:

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

- Planning Contributions
- Other Material Considerations

Assessment

Principle of Development

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

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

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

Impact on the AONB and Visual and Rural Amenity

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

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

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

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

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

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

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

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

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

Affordable Housing and Dwelling Mix

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

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

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

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

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

Residential Amenity

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

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

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

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

Highway Impacts

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

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

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

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

Ecology

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

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

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

Drainage and Flooding

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

during storm events.

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

Planning Contributions

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

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

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

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

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

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

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

Other Material Considerations

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

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

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

Conclusion

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

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

g) **Recommendation**

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

Case Officer

Lucinda Roach