

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

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

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP4 – Housing quality, mix, density and design.

CP6 – Infrastructure.

CP7 – Green infrastructure network.

CP11 – The managed expansion of Whitfield.

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

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

DM5 – Provision of affordable housing

DM11 – Location of development and managing travel demand.

DM12 – Road hierarchy and development.

DM13 – Parking provision.

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

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

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

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

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

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

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

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

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

Policy TR4 – Land safeguarded for A2 dualling and A256.

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

DM27 – Providing open space.

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

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

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

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

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

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

For decision-taking this means:

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

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

- ... be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- proactively drive and support sustainable economic development to deliver the homes... infrastructure and thriving local places that the country needs...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas...
- support the transition to a low carbon future in a changing climate... encourage the reuse of existing resources
- contribute to conserving and enhancing the natural environment...
- ... actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...

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

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

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

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

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

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

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

#### **OTHER CONSIDERATIONS**

DDC Affordable Housing SPD.

Kent Design Guide.

d) **Relevant Planning History**

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

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

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

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

e) **Consultee and Third Party Responses**

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

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

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

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

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

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

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

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

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

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

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

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

A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

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

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

#### Highways – proposed conditions

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

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

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

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

**Stagecoach – No comment received.**

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

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

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

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

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

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

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

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

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

Library book stock – £7865.70 – Dover Library.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### Objections

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

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

1.1. Site



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

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

1.22. Proposed building ridge heights are as follows:

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

## **2. Main Issues**

2.1. The main issues to consider are:

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

## **3. Assessment**

3.1. Principle

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

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

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

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

- 3.5. Page 55 of the SPD considers the immediate character of the site and its surroundings, noting the need for acceptable highway arrangements, retention of the hedgerow fronting Singledge Lane, the scale and form of the development in relation to the existing built character, green infrastructure and noise considerations, particularly in respect of the nearby A2.
- 3.6. The site area, including the land set aside as SANG, does not impinge on the land safeguarded for A2 widening, therefore, there is no in principle objection in that respect.
- 3.7. These policy and infrastructure requirements and considerations are addressed further below, however, subject to these details being adequate, the proposed development is acceptable in principle.

### 3.8. Highways

- 3.9. A significant concern of local residents relates to the highways arrangements of the development and how in the longer term that might affect them and their ability to access their homes as well as in safety terms. Singledge Lane is an unmarked road with a rural character that acts as the estate distributor road at this location, it is narrow and tends to work on an informal give way basis. Accordingly, ensuring that it can continue its role, while maintaining safety, is of key importance.
- 3.10. In order to accommodate the proposed development, the applicant has proposed the following engineering works, informed by a transport assessment:
  - Formalisation of the existing single-way working arrangements.
  - No left turn from the site into Singledge Lane and onwards to Nursery Lane.
  - Provision of new footways providing pedestrian links onward to Sandwich Road and Singledge Avenue, including public transport and local amenities.

In addition to:

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

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

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

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

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

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

3.45. Residential Amenity

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

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



grounds to warrant a refusal.

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

3.49. Affordable Housing/Planning Obligations

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

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

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

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

- 3.53. The following planning obligations have been requested:

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

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

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

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

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

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

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

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

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

g) **Recommendation**

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

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

Case Officer

Darren Bridgett