

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

DEVELOPER CONTRIBUTIONS EXECUTIVE COMMITTEE – 13 JUNE 2013
PLANNING COMMITTEE – 13 JUNE 2013

(a) DOV/12/00440

- 1) **Outline permission (with all matters reserved except access) for construction of:**
 - a. **Up to 521 residential units (Use Class C3);**
 - b. **Up to 9,335sqm 90 apartment retirement village (Use Class C2);**
 - c. **Up to 730sqm health facility (Use Class D2);**
 - d. **Conversion of thatched barn to pub/restaurant (Use Class A4/A3);**
 - e. **Conversion of stable block to retail shop (Use Class A1/A2); and**
 - f. **Conversion of farmhouse to bed & breakfast (Use Class C1) together with associated landscaping and ancillary infrastructure and works at Great Farthingloe Farm, Dover.**

- 2) **Outline permission (with all matters reserved) for:**
 - a. **Construction of up to 7,400sqm 130 bed hotel & 150 person conference centre (Class C1); and**
 - b. **Conversion of the Drop Redoubt to a Museum/Visitor Centre (Use Class D1) together with associated landscaping and ancillary infrastructure and works at land at Western Heights, Dover.**

- 3) **Outline permission (with all matters reserved except layout and access) for:**
 - a. **Construction of up to 31 residential units (Use Class C3); and**
 - b. **Reconstruction of the Victoria Halls to provide 9 residential units (Use Class C3) together with associated landscaping and ancillary infrastructure and works at land at Western Heights, Dover.**

- 4) **Provision of pedestrian access network to facilitate enhanced recreation access together with associated landscaping and works on land at Great Farthingloe Farm and Western Heights, Dover**

b) Summary of Recommendation

Approve (subject to the recommendations at part g))

c) **Planning Policy and Guidance**

Dover District Core Strategy

Policy CP1 identifies the Settlement Hierarchy. Dover is a 'Secondary Regional Centre', being a major focus for development in the District and suitable for the largest scale development.

Policy CP3 indicates that of 14,000 additional houses proposed within the district, land will be allocated at Dover to accommodate 9,700 units (70% of the total requirement).

Policy CP4 requires housing mix guidance to accord with the Strategic Housing Market Assessment and seeks a design led approach to density albeit that density should normally exceed 40 dwellings net per hectare (dnph) and seldom be less than 30 dnph.

Policy CP5 requires housing development (prior to 1 April 2013) to meet Code for Sustainable Homes level 3. After this date, Code level 4 is required.

CP Figure 3.3 summarises the spatial proposals of the Core Strategy for Dover. Reference is made to the Western Heights fort being a major historical asset, the full potential of which should be realized. The supporting text emphasizes the need for the Western Heights to fulfil its potential to attract visitors and enhance understanding, without causing harm to intrinsic qualities and in a way that coordinates with other attractions in the centre.

Policy CP6 outlines the need for infrastructure to be in place to support new development. Infrastructure required to support the strategy of the plan (transport, affordable housing, education, health, social infrastructure, green infrastructure, public services, utility services and flood defences) and the timing of their delivery are itemised.

Policy CP7 requires pressure on Green Infrastructure from new development to be offset by appropriate quantitative and qualitative measures.

Policy DM1 states that development will not be permitted on land outside the urban boundary unless specifically justified by other development plan policies, or it functionally requires such a location or it is ancillary to existing development/uses.

Policy DM2 protects employment land (including sites with an extant employment permission) from alternative uses unless subsequently allocated for an alternative use in the Development Plan and/or where the land is no longer viable/appropriate for employment.

Policy DM3 requires that new commercial buildings in the rural area be located at a rural settlement.

Policy DM4 allows for the conversion of suitable buildings, beyond the confines of settlements, for commercial uses provided they are of a suitable character and scale for the proposed use, contribute to local character and are acceptable in other planning respects.

Policy DM5 requires 30% of homes provided on residential schemes of more than 15 dwellings to be affordable housing units.

Policy DM11 states that development which generates travel will not be permitted outside the urban boundaries unless justified by development plan policies. Development generating 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.

Policy DM12 states that proposals involving 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 proposals can incorporate measures that provide sufficient mitigation.

Policy DM13 requires parking provision to be a design led process based on the characteristics of the site, the locality, the nature and design of the development. Vehicle and cycle parking guidance should be followed.

Policy DM15 states that development which results in the loss of or adversely affect the character or appearance of the countryside will only be permitted where measures are incorporated to reduce, as far as practical, any harmful effects on the countryside and (inter alia) it is: In accordance with allocations made in Development Plan Documents; justified by a need to sustain the rural economy and/or rural community; it cannot be accommodated elsewhere; and does not result in the loss of ecological habitats.

Policy DM16 indicates that development harming the character of the landscape (identified through the process of landscape character assessment) will only be permitted if: It is in accordance with allocations made in the Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to appropriately mitigate impacts.

Dover District Local Plan (saved policies)

Policy CO8 states that development adversely affecting a hedgerow will only be permitted if: No practical alternative exists; suitable native replacement planting is provided; and future maintenance is secured through conditions/S.106.

Policy ER6 requires external lighting to use full cut-off lanterns.

Policy HS2 states that permission will only be granted for new large housing sites where the planned housing for the district would not be significantly exceeded.

Policy OS2 requires housing of more than 15 family units to provide children's play space or provide an equivalent payment towards nearby off-site facilities.

Policy OS3 indicates that permission for housing will only be granted where the developer has made long term arrangements to meet open space needs arising.

National Planning Policy Framework (NPPF)

- Underpinning the NPPF is the *presumption in favour of sustainable development*. Sustainable development is seen as having three dimensions - economic, social and environmental – which are mutually dependent and should be sought jointly and simultaneously.
- Local Planning Authorities should take a positive approach to decision-making, looking for solutions rather than problems.
- Where proposals are in accordance with relevant policies in an up-to-date development plan permission should normally be given without delay. Otherwise permission should only be refused where adverse impacts would significantly and demonstrably outweigh benefits when assessed against the NPPF as a whole or where specific policies in the NPPF indicate that the development should be restricted.
- The NPPF includes a set of core land-use principles which should underpin planning decisions. The following are relevant to the current application: Planning should –
 - Not be solely about scrutiny but should be a creative exercise in finding ways to enhance/improve places in which people live.
 - Proactively drive and support sustainable economic development.
 - Always seek to secure high quality design and a good standard of amenity.
 - Recognise the intrinsic character and beauty of the countryside.
 - Support the transition to a low carbon future taking account of flood risk and encouraging the reuse of existing resources, including the conversion of existing buildings.
 - Contribute to conserving and enhancing the natural environment and reducing pollution and prefer land of lesser environmental value.
 - Encourage the effective use of land that has been previously developed provided that it's not of high environmental value.
 - Promote mixed use developments and encourage multiple benefits from the use of land.
 - Conserve heritage assets in a manner appropriate to their significance.
 - Manage growth to make the fullest use of non-car travel modes and focus significant development in locations which are or can be made sustainable.
- Building on the above, the NPPF sets out specific policy areas aimed at delivering sustainable development including:

- Building a strong, competitive economy.
- Ensuring the vitality of town centres.
- Promoting sustainable transport.
- Delivering a wide choice of high quality homes.
- Requiring good design.
- Promoting healthy communities.
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment.
- Conserving and enhancing the historic environment.

(Specific policy matters covered by the NPPF (relevant to this application) are set out in more detail in the main body of the report).

Supplementary Planning Guidance

- Kent Design Guide – Provides guidance to help achieve high standards of design in development.
- Affordable Housing SPD - Outlines the Council's requirements for affordable housing as part of new residential development.

Kent Downs Area of Outstanding Natural Beauty Management Plan 2009-2014

The Council adopted the AONB Management Plan in January 2009. The Plan sets out a 20 year vision for the AONB and includes policies which are a material consideration in the assessment of planning applications. The policies most relevant to the current proposal are listed below:

- LLC8 - Proposal which negatively impact on the distinctive landform, landscape character and identified special components of natural beauty, the setting and views to and from the AONB will be opposed and resisted.
- BD8 – Proposals to increase recreational use will be supported where they protect and where possible enhance the biodiversity and landscape qualities of the AONB and do not conflict with Local Authority policies.
- FL1 – The AONB will retain the principally farmed character for which it is valued.
- FL7 – Conversion from agriculture to leisure use and the creation of non agricultural structures will only be supported where there is not a cumulative loss to the principally farmed landscape of the AONB and published best practice or design guidance is adopted and conditioned.

- HCH1 – The conservation and enhancement of the historic character of the Kent Downs landscape will be supported and pursued.
- HCH6 – The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be identified, maintained and strengthened. New developments will be encouraged to use appropriate guidance and: (i) demonstrate high quality in design which respects local character and distinctiveness of the AONB; (ii) are complementary in form, setting, scale and use of materials.
- GNR2 – Threats to the conservation of the natural resources of soil, water and air will be resisted.
- GNR6 – New developments and highways infrastructure will seek to achieve a net improvement in tranquillity and dark skies through careful design and the use of new technologies.
- SDT1 – The need to conserve and enhance the characteristic components of natural beauty of the AONB is recognised as the primary purpose of the designation and given the highest level of protection in development control decisions.
- SDT2 – The local character and distinctiveness of the Kent Downs AONB and high environmental sustainability will be reflected and required in the design, scale, setting and materials of new development and will be pursued through landscape and buildings design guidance.
- SDT3 – New development or changes to the use of land will be resisted where it disregards or challenges the primary purpose of the Kent Downs AONB or weakens its fundamental components of natural beauty and landscape character.
- SDT5 – Proposals that have a negative impact upon the setting and views to and from the AONB will be resisted unless they can be satisfactorily mitigated.
- SDT12 – Where it is decided that development will take place mitigation measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented and maintained.

Dover District Land Allocations Pre-Submission Local Plan (December 2012)

- Figure 3.3 identifies the Western Heights as an Area of Change. Greater public access and interpretation of the Scheduled Ancient Monument is encouraged. Any new development should not detract from and be in keeping with the historic asset.

Habitats Regulations

- European legislation is lawfully binding and "The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") are relevant to this case. Section 61 of the Habitats Regulations states that :*"A competent authority, before deciding to undertake, or*

give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives"

Other Guidance and Documents considered in the assessment of the application include:

- DDC Heritage Strategy - seeks to identify and understand heritage assets in Dover District and how their special character could contribute to the regeneration and place-making objectives in the Core Strategy.
- DDC Statement of Community Involvement – Sets out the Council's requirements for pre-application community consultation.
- By Design – Provides design guidance to promote higher standards in urban design.
- Manual for Streets (I & II) – Provides guidance to help achieve well designed public streets and spaces.
- Building for Life 12 (2012).

Policy and Legislation regarding Planning Obligations

- The Community Infrastructure Levy Regulations 2010 (CIL Regs) came into force on 6th April 2010. Part of Reg 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - 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.
- The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the above (three) tests.

d) Relevant Planning History

Farthingloe – various including:

1986 to 1989 – Several applications relating to the construction of a temporary accommodation camp for channel tunnel workers at land adjacent to A20 (now the B2011) – Approved.

DOV/94/1095 – Outline application for Business Park Comprising 19,510 Sq.m. of B1 units at Farthingloe Channel Tunnel Workers Camp Site, Folkestone Road, Dover – Approved.

DOV/97/893 – Details pursuant to DOV/94/1095 – Approved.

DOV/06/0088 – Full application for the erection of 3 B1 (office) units (3746 Sq.m) and associated parking at Farthingloe Great Farm, Folkestone Road, Dover - Approved

Western Heights - various including:

DOV/02/00780 - Erection of a pair of semi detached houses at land adjoining 8 Knights Templars, Western Heights, Dover – Refused and Dismissed at Appeal.

DOV/02/00781 - Erection of a terrace of five houses in place of existing structure (existing building to be demolished), former Storage Building Fronting, Citadel Road, Western Heights, Dover - Refused and Dismissed at Appeal.

DOV/02/00782 - Conversion into two residential units Former Officers Mess Building [Victoria Hall], Citadel Road, Western Heights, Dover - Refused and Dismissed at Appeal.

Farthingloe & Western Heights

DOV/11/0803 - Scoping Opinion request for up to 1020 dwellings (including 95 extra care properties), a country club, hotel, restaurant, visitor centre, care home, village centre, and a Park & Ride facility for 1000 cars and Country Park on land at Farthingloe, Folkestone Road, Dover and up to 450 dwellings, heritage improvements and managed open space at the Western Heights, Dover (and potential for hotel and conference facility and war memorial at the Western Heights) – Opinion given.

e) **Consultee and Third Party Responses**

Consultee Views

DDC Head of Inward Investment: East Kent and Dover are facing significant, unprecedented economic challenges over the next few years as a combination of factors relating to the loss of Pfizer and the deficit reduction programme take hold.

Having achieved Enterprise Zone designation at the former Pfizer site and a programme of Regional Growth Fund support, it is imperative that other opportunities for growth, recovery and inward investment are taken to support the area going forward, particularly where they are led by the private sector.

The success of the Enterprise Zone programme is a nationally important key strategic foundation for future. For this to succeed to maximum effect, it is evident that localities, in which the EZ's sit, such as Dover District, are able to fully support them.

Applications such as that proposed at Western Heights and Farthingloe bring the capacity for support while also helping to address many of the earlier structural issues identified in the Dover area. This support comes both through the content of the application and beyond it in the messaging that it sends out. There is a clear desire to demonstrate that Dover and the wider East Kent area is 'open for business' and able to secure private sector investment in the current challenging economic climate. Working on the mantra that 'every job counts', opportunities for significant inward investment, such as that advocated by the current application are, therefore, of paramount importance.

The application provides a comprehensive linked proposal. It enables a significant uplift in the Dover housing and community offer, being particularly well located to support the High Speed Train. In this connection, work also continues on the development of the car parking proposals to support the High Speed Train. This scheme is now time driven by Dft funding commitments. Initial findings from Consultants acting for Network Rail indicate that:

"It is apparent that, whilst Dover Priory is the most conveniently located station for a larger number of passengers, one of the barriers to more people driving to it is the lack of sufficient station car parking. It is also apparent that it has the potential to attract passengers from a large geographical area, as it is the end of the service. In order to cater for this potential, it is considered that additional parking and facilities would be required more in line with what would be expected from a 'rail head' station."

Given the current stresses and delays to the LDF housing supply, it is imperative that the all opportunities are taken to support the High Speed Train. The current application, situated on the west side of Dover in close proximity to Dover Priory, enables an early level of support to be delivered.

Beyond that, however, it provides the catalyst and foundation for change at Western Heights at a time where the budgets of organisations such as English Heritage are becoming ever more challenged. It enables the area which is in acknowledged decline to look to a sustainable future through the opportunities for investment in a package of heritage led tourism also including a uniquely placed hotel offer. It therefore meets long-standing desires which have been acknowledged in the Development Plan. While not part of the application, the private sector investment could also lever in significant other grant funding opportunities to widen the offer at Western Heights.

It is evident that the application will provide significant direct employment benefits both through the direct employment and through the construction and multiplier process and for the tourism, visitor economy. These benefits have been assessed by the applicant and also considered independently by the Council. The application will also provide significant social and environmental benefits, particularly at Western Heights and through the access to the countryside.

The economic and policy landscape is geared ever more around the need for growth and investment to support delivery and aid recovery – with a recognition that decisions should be taken expeditiously at local level.

Building on the Council's commitment to delivery, a number of inward investment decisions and activities have taken place or are now actively in progress. These conspire to add significant additional value to the future wider economic performance of Dover district and place considerable weight for the need for the comprehensive growth and place shaping that this application will contribute to.

Currently, aside from Discovery Park (which now has circa 1200 jobs on site), there are projects taking place - beyond the LDF's Core Strategy - at Europa Nursery, Viking Maritime, Hammill Brickworks and Multipanel UK at Eythorne. These schemes collectively represent a capital investment of circa £30m and 330 jobs. Other businesses in Dover district have also been successful in securing funds from the Expansion East Kent Regional Growth Programme and collectively contribute some 250 jobs (including some of those now at Discovery Park). Beyond the immediate benefits, these investments also present a significant message to the market, further cementing the view that, as the current application will if approved, Dover District is open for growth and business.

Exceptionally, it is no coincidence that there are a wide range of bodies and stakeholders from the business and tourism related sectors, including the South East Local Enterprise Partnership, who variously acknowledge and support the benefits and opportunities that the current application brings.

In conclusion, in times of economic adversity opportunities arise which become even more important than may be the case in normal circumstances. I would strongly support the application and recommend that consent should be granted in such a way that allows it to facilitate early and maximum delivery of the various components thereby ensuring the benefits are captured at the earliest time.

A full report on this application from the Head of Inward Investment is appended to this report (Appendix 1).

DDC Planning Policy (Regeneration and Delivery) Section: The position regarding housing land supply is set out at 2.27 to 2.46 of this report. A summary of the conclusions reached are:

- The Council cannot demonstrate a five-year housing land supply
- The application has the potential to make a significant contribution to the five-year supply
- The Land Allocations Plan will improve land supply but cannot currently be given much weight
- Approving the application would not prejudice forthcoming final decisions about any of the allocations in the Land Allocations Plan
- The application offers the potential of a major unplanned development that can compensate for lack of progress on other planned strategic sites and thereby meet Core Strategy housing objectives and help maintain the regeneration programme

- Lack of a five-year supply means that Core Strategy policies relating to the supply of housing cannot be considered up-to-date when applying the NPPF's presumption in favour of sustainable development
- It appears reasonable to conclude that the proposal contributes to the NPPF's AONB policy test on need for development and satisfies the requirement that the cost of/scope for developing elsewhere be considered.
- The analysis from a housing delivery perspective indicates that the greatest weight must be given to the inability to demonstrate a five-year land supply.

DDC Principal Ecology Officer:

Countryside Access Area Landscape:

- There is some uncertainty as to which is the 'final' landscape masterplan;
- The general proposals accord with the nature and sensitivity of the landscape character.

Western Heights Landscape:

- The residential proposals at Western Heights do not give rise to concern in respect of landscape;
- The proposals for the hotel appear to strike the right balance between visibility and being sensitive to the SAM, although some concerns remain regarding trees, particularly the ridge line by the Gun Shed.

Farthingloe Landscape:

- It is considered that the proposed development at FL-C, contrary to the applicant's findings, would have a greater adverse impact on local landscape character than the consented development;
- It is considered that the proposed combination of development at FL-C and FL-B would have a significant and permanent adverse impact on the local landscape character of the AONB; however
- The reduction in development in FL-B as indicated at Appendix 5 could substantially diminish harm to the AONB.

Habitats Regulations Assessment:

- It is concluded that subject to the applicant accepting the Thanet Coast and Sandwich Bay SPA Mitigation Strategy tariff by means of a S.106 agreement, in-combination impacts on the Thanet Coast and Sandwich Bay SPA and Ramsar sites can be screened out.

SSSI, LNR, LWS, Flora and Fauna:

- That ongoing surveys are carried out in respect of bats at St Martin's Battery tunnels in order that any reserved matters application for the hotel will have the ensure that the maintenance of the pre-existing bat population will not be adversely affected;

- That a landscape management plan be drawn up in sufficient detail, including appropriate surveys such that establishment and maintenance costs can be determined for the areas within the red line;
- For land outside of the red line but constituting part of the masterplan, full details including costings for the establishment and maintenance, including appropriate surveys, be provided as part of a S.106.

DDC Senior Infrastructure Officer: Infrastructure provision (including through S.106 contributions) are clarified with the exception of the extent of the education contribution for which a need has been identified for this development. Other contributions are to be sought for libraries; health; highways; outdoor sport facilities; footpaths; and environmental mitigation (Thanet Coast Mitigation Strategy).

DDC Principal Conservation Officer and Urban Designer:

Heritage Issues

Western Heights is of outstanding importance in terms of its contribution to the historic environment.

No objections are raised to the principle of the proposed three apartment blocks fronting Citadel Road, however the detailed design of the blocks will be crucial to the success of any scheme on this prominent location. This could be addressed at the reserved matters stage.

Proposals to convert Victoria Hall to 9 residential units are welcomed. Whilst the proposal for a hotel and conference centre would cause some harm to the integrity of the ancient monument, this would be outweighed by the wider public benefits this would bring to the Western Heights and Dover generally. Its design will be crucial to the success of the scheme, in this very prominent location.

The repair/refurbishment and use of the Drop Redoubt, as a tourist attraction is welcomed, and will underpin the regeneration of the Western Heights as a whole.

At Farthingloe, there are no concerns over below ground archaeology, however concerns are raised over the possible impact of the proposals on the setting of Farthingloe Farmhouse and on the setting of the Western Heights.

A key aspect of the whole scheme is the weight that can be given to the proposed benefits at the Western Heights, verses any harm caused at the Western Heights and at the AONB at Farthingloe. The weight that can be given to the benefits depends on whether they are affordable, based on the financial viability of the project, and how likely it is that the full proposals, and hence all the benefits, will ultimately be delivered.

English Heritage highlight the importance of securing appropriate trigger points for the payments for the heritage benefits, and ensuring that all agreements are as secure as possible so that the benefits cannot be subsequently 'watered down'.

Urban Design Issues

Proposals to reuse Farthingloe Farmhouse and associated outbuildings, for a mixture of uses, forming a 'village' centre are welcomed.

The proposals seek to work with the topography of the valley, with housing cascading down the hillside, however some concerns are raised over the ability of the proposed indicative layout to deliver a transformational change to the quality and diversity of the housing offer in Dover. These concerns include;

- The high density of housing along the southern boundary of the site, where it meets the countryside.
- The reliance of so much 'front of plot parking' which would detract from the street scene.
- Some of the footpath/cycleways do not have good natural surveillance, for example the one which runs at the back of the properties along the southern boundary.
- The development would be heavily dependent on using facilities outside the site, e.g. doctors surgery, schools, shops etc which would increase car dependency, thus reducing the sustainability of the site.
- The retirement/care home flats are located at the opposite end of the site from the 'village' centre and the facilities that such residents would want to use.
- The location of some of the play spaces could become a source of future contention with residents, in terms of noise and visual disruption.
- There is a lack of shared ownership or rented accommodation on the site, thus creating a poor community balance.
- Some of the houses have very small gardens, giving poor private amenity space.

The applicants have submitted a Design Guide to explain and support the proposals for the site, however this is very general in nature, and a substantial part of it simply reiterates earlier work. If outline permission is granted, then it needs to include a condition requiring the submission and prior approval of a far more detailed Design Code. This would not only help to achieve a high standard of design, throughout the build out period, but would give some certainty to developers and the local community.

DDC Principal Leisure Officer: A high number of equipped play areas are shown on the indicative map, and some of the proposed locations are not suitable. For example, the large play area near the main entrance to the development is shown sandwiched between two busy roads. Also, Local Areas for Play (LAPs) appear to be tucked behind houses and consequently they would suffer from a lack of natural surveillance, giving rise to community safety concerns. Residents of the development will be required to support the maintenance of associated open space facilities through a service charge (or a similar arrangement), and the current proposals for play areas could be unsustainable due to high costs. Concerns are also raised over the possible impact of some of the play spaces on the setting of heritage assets.

The quantity of accessible green space within the development falls below that required by the local standard proposed by Dover District Council in its 'Open Space Policy and Standards Consultation October 2011' and the 'Dover District Land Allocations Pre-Submission Local Plan December 2012'. Additional semi-natural open space would be provided up the hill at

Farthingloe Down, but the access arrangements from the development to the Countryside Access Area are not clear (e.g. gradients, steps). This is a particular concern given that a 90 unit retirement village is proposed.

A lower number of play areas would be acceptable if sufficient accessible green space were provided within the development and accessibility standards are achieved. This could help the applicant come closer to achieving the required quantity of accessible green space. Play areas are most successfully located within a multifunctional facility, such as an accessible green space.

DDC Housing: 30% of the housing should be affordable in line with Policy DM5 of the Core Strategy. The East Kent Strategic Housing Market Assessment (2008) identified a significant need for more affordable housing. In terms of the 90 bed residential care home/retirement village it is questioned whether the location and overall development proposals meet sustainability requirements as per lifetime neighbourhoods.

DDC Environmental Health: No objections subject to conditions.

DDC Community Safety Officer: Many complaints have been received over the last few years relating to criminal activity and anti-social behaviour at Drop Redoubt and in the area of St. Martin's Battery. Drop Redoubt in particular suffers from criminal damage to the historic building which includes destroying parts of the fabric of the building and graffiti, including racist graffiti. St. Martin's Battery suffers from similar crime and ASB, but also from inappropriate and unacceptable activity by many males who attend the area regularly. We have endeavoured to tackle these issues in partnership with Kent Police, English Heritage and the WCCP. Whilst our efforts bring a halt to these activities, this tends to be short term as invariably the crimes and ASB begin again once our focus moves elsewhere through other priorities. We have also installed our own mobile battery and solar powered CCTV cameras which have captured evidence but again this must be short-term as such cameras are limited and have to be deployed elsewhere across the district.

There can be no doubt that these problems are created by the fact that the Western Heights area is remote and whilst historically significant does not attract enough visitors to make the area unattractive to criminals and those intent on carrying out ASB. Within the CSU, we have anecdotal evidence that in fact activity by males during the day tends to drive visitors away. During the hours of darkness, there is little to attract law abiding people to the area in sufficient numbers which again provides the criminally minded with ample opportunity to commit crime and ASB. Such activity is able to take place with little danger of being caught or reported through lack of legitimate use of the area. This increases demand on limited resources, not only in dealing with these issues but also repairing damage. This needs to be reversed, and we need to make the area attractive to residents, businesses and visitors alike which will increase the footfall of the area, making it far less attractive to those intent on committing offences.

There can be no doubt that any regeneration of this area is going to contribute hugely to resolving these issues. The proposals will make the locality far more attractive, not only during the day but also after dark as people will be drawn to the area by the various opportunities offered. This will increase the vibrancy of the area, making it far more attractive to our

communities and consequently increase feelings of safety and reduce the type of crimes and ASB I have referred to above. This development will also reduce the considerable costs to the public purse currently incurred through responding to and tackling these issues, and enable us to divert valuable and scarce resources to issues involving vulnerable people.

Kent County Council (KCC): KCC Position Overview (summary of comments from Bryan Sweetland - KCC Cabinet Member for Environment, Highways and Waste). Normally development in such sensitive locations would not be countenanced, but an opportunity has been identified for the combined value of the new development to make a significant and lasting contribution to the conservation of the Western Heights and its role as a cultural and tourist asset in Dover. I believe there are potential benefits from the proposal that justify favourable consideration of the principle in this location. The view of English Heritage is clearly vital because their agreement to grant consent for works within a Scheduled Monument and their cooperation as a land owner are required to realise the benefits on which the case for this particular proposal relies.

I attach great importance to the restoration of the Western Heights, and the fact that a major development [at Farthingloe] could proceed under an existing planning permission [an extant planning consent for a business park], is to my mind a mitigating circumstance for the current application.

KCC accepts that the proposed development would have a positive impact on the local economy, and would provide a large number of new market dwellings in the two wards within which it would be located. The increased resident population would increase expenditure with retail and other businesses in Dover. In addition, the commercial elements of the development would provide new jobs in an area with high unemployment, particularly youth unemployment, both in its operation and over its 7 year construction.

I am mindful that this is an outline application and that there are many matters yet to be resolved. KCC officers have concerns that the mitigation package as it stands has not been developed in sufficient detail to ensure that the benefits would be secured, and that both the proposal and the mitigation would need to be improved to make them acceptable. This would depend on the support of English Heritage.

It is clear that planning consent for major development on the application sites should not be granted without securing the benefits referred to by the applicant. They would need to be secured by planning condition or s106 legal agreement before development commence.

Overall, KCC does not raise an objection to this outline planning application in view of its potential economic benefits and the aim to conserve the heritage of the Western heights.

If Dover Council were not to permit the proposals for which planning application has been made, KCC would support the principles set out in the 'conservation framework' for Western Heights, and seek a long term solution to restoration, involving all land owners.

KCC Historic Environment/Archaeology –

Recommend conditions subject to the following matters being taken into account:

- As viewed along the valley bottom at Farthingloe, the development is likely to have an impact might have on the character and setting of Western Heights. The landscape outlook of the AONB helps to provide and reinforce the setting of the historic fortifications on the western edge of the town, overlooking and commanding the road from Folkestone. This should be taken into account when weighing up the harm that the scheme might cause, particularly in relation to development within the AONB.
- It is important that the proposed heritage benefits arising from the scheme are meaningful, deliverable and are based on a thorough understanding of costs. The benefits should be of such a magnitude that they can be easily appreciated by the public, will have a real and measurable benefit and that such benefits are appropriately secured and trigger points for the delivery of such benefits are carefully timed and considered.
- Given the significance of the site, the details relating to the buried archaeological potential of the site are surprisingly brief; considerably more information and assessment would have been expected. Although a number of subsequent discussions have been held in relation to buried archaeology, the applicant has not submitted any substantial additional assessment of the scheme's potential impacts on buried archaeological remains. In determining the planning application, both the requirements of the NPPF the Environmental Impact Assessment (EIA) Regulations, must be addressed. In respect of the latter, the applications consideration of the site's archaeological heritage does not make use of the best available sources of information to provide a systematic, holistic and robust assessment of the environmental impacts arising from the scheme. It would also have been appropriate for archaeological evaluation works to have been undertaken as part of the EIA process. As such the currently submitted Environmental Statement (ES) does not provide a thorough and easily understood account of the archaeological heritage of the site in line with the aims of the EIA. That said, the information now provided within an agreed meeting note regarding the likely impact of the proposals on significant archaeology and the opportunity to mitigate impacts post-determination through detailed design, archaeological safeguarding and investigation, can be accepted.

KCC Highways –

- The development would place a greater reliance on car borne travel and would be contrary to Policy DM11 and work against the objectives of the NPPF (paragraph 34). However KCC welcome the applicant setting aside £500k towards local bus service enhancements to serve the development.
- Buses serving the Farthingloe site should not be expected to loop in and out of the current access as this would cause an unacceptable delay to the service and the bus operator will not enter the site unless they are able to use both access points.
- Satisfied that, with modifications to the Elms Vale Road/B2011 and Folkestone Road/York St junctions, the road network could adequately accommodate the additional traffic arising from the proposal.

- The indicative parking numbers for the pub/restaurant is below current standards. A high volume discount operator could lead to parking spilling into adjoining residential areas.
- Based on the information submitted, unable to verify whether parking for the hotel would be sufficient.
- Seek a financial contribution of £130k per annum for a period of 3 years should monitoring suggest that parking for the visitor attraction at the Western Heights be inadequate. Preference would be for English Heritage and developers to address parking problems at both this site and the Castle.
- Travel Plan would need to be submitted and a contribution of £5000 (£1000 per year) would be required for monitoring.

KCC Services (Education, Social Services etc) – Developer contributions sought, although further views on education contributions awaited.

KCC Countryside Access/Public Rights of Way –

- The developer has proposed some very positive inclusions to enhance the recreational amenity of the land at Farthingloe which will make the most of the existing infrastructure for the benefit of both new and existing residents. The measures are supported.
- While the detail for Farthingloe is very good, little information of a similar standard has been provided for the Western Heights – clarification is sought on matters including: The likelihood of significant recreational use in the area from the new hotel and welcomed museum; and the impact on the junction of Citadel Road and South Military Road as the North downs Way will follow and cross at this location.

KCC Ecology –

- Circular (ODPM 06/2005) recommends that all surveys must be carried out prior to determination to ensure that the impact on protected species is considered when determining the planning application. If DDC is satisfied that the surveys can be carried out as a reserve matter, KCC would recommend that a map showing the location of the trees with bat potential is produced. This will ensure it is clear which trees will need to be surveyed prior to the reserve matters being approved.

English Heritage: No objections to the granting of planning permission for the proposals insofar as they impact on the historic environment, although the following points apply:

Given the NPPF's requirement that any harm to designated heritage assets should be clearly and convincingly justified, the local authority should satisfy itself that the claimed economic benefits of the hotel are realistic and deliverable, that this is the optimum location for a new hotel at Dover and that the future hotel operation can be controlled in terms not only of the design of its buildings but also the quality of the experience of staying there.

The residential proposal is restricted to three blocks of new apartments on the seaward side of Citadel Road and the conversion of Victoria Hall. The re-use the fire-damaged Victoria Hall is welcomed – this being a late 19th century military building that illustrates the concern for soldiers' welfare at this time.

Buildings of the scale and design now proposed for new apartments have no precedent in the former military character of this part of the site but this does not mean that they must therefore be so harmful to its character as to be unacceptable within the terms of the NPPF. Detailed design would be crucial to a successful application for scheduled monument consent.

The residential proposal requires undercroft car parking which in turn means major ground disturbance for a piled design solution. There is no detailed explanation of the potential for this part of the site to contain archaeological remains. It is unlikely that archaeological remains would exist such that planning permission or scheduled monument consent could not be granted. This issue would need to be addressed by a planning condition.

The above position does not mean that English Heritage support the entire development. It will be for the local planning authority to consider carefully the overall balance of harm to public benefit in the light of the advice of Natural England and others for the AONB issues at Farthingloe. If the local authority considers the balance of issues support the principle of development at Farthingloe English Heritage would be willing (in principle) to enter into a S.106 with interested parties to progress the delivery of the benefits. The following issues relevant to the historic environment however should be taken into account:

Scheduled Monument Consent (SMC) would need to be given for both the detailed works to the Drop Redoubt and for the hotel and new housing at Western Heights:

- Much more detailed discussions about the precise scope and specification of works to the Drop Redoubt would be required there is no specific element that would be objected to as causing unacceptable harm.
- The indicative parking proposals for the Drop and Hotel (which no longer show perpendicular parking in Drop Redoubt Road) and includes a spiral ramp to access the hotel has merit and could be explored further. The design would need to integrate with the hotel.
- The hotel would need to be of an outstanding architectural design for such a sensitive location.
- An archaeological investigation would be needed as part of the detailed design process to inform the mitigation required under a SMC application.

Consideration should be given to how much weight to afford the public benefits and whether these are affordable within the heritage payment offered by the applicant:

- The financial viability review by Smith Gore (jointly commissioned by the local authority and English Heritage) concluded that £5M for heritage benefits could be delivered, but over a long build-out period i.e. it would be a number of years before the full funding could be made available.
- The phasing of developer contributions and trigger points for payments need to be secure to ensure that benefits cannot be subsequently re-negotiated and/or watered down.
- Because of the long timescales, contribution payments should be index-linked. An agreement with the developer could also require that additional proceeds be provided should development prove to be significantly more profitable than currently predicted.

- The public benefits sufficient to outweigh the AONB issues should include both the benefits to the Scheduled monument and the economic benefits arising from a high quality hotel. Both should be required and a way found to ensure that the hotel is ultimately developed.
- If all the heritage benefits described by the applicants can be implemented they would represent a substantial transformation in the condition and operation of the Drop Redoubt and, along with a new hotel, and some new housing would form a platform for the much larger and more challenging task of finding a sustainable future for the entire Western Heights monument.
- The initial payment of £1M towards heritage benefits (upon commencement of any of the proposed development at either Farthingloe or Western Heights) would not result in any transformational change at the Drop Redoubt. Some essential works would not come forward until the phase 3 payment.
- While the estimates used by the applicant for assessing the cost of repair/new works at the Drop Redoubt are 'broad brush', many areas of proposed expenditure can be accepted at this stage. There is concern however that the applicant's cost estimates for the phase 2 works are too low and that this could eat into much of the project contingency of £570k. It would be unwise to begin such a complex project by using all or most of this sum.
- It is essential that any developer contributions be used to lever-in additional funds with which to deliver benefit not just for Drop Redoubt but also for the wider Western Heights.
- Public expectations for the transformation at the Drop Redoubt and other Western Heights monuments need to be managed very carefully if this proposal receives planning permission in view of the uncertainty over release of the full £5M for heritage benefits.

If Dover Council is minded to grant planning permission for this complicated proposal English Heritage would continue negotiations about how best to facilitate the key role that Drop Redoubt would then have. In this respect, the following issues should be considered:

- English Heritage has no substantial funds to spend on the conservation of Drop Redoubt in the immediate future and cannot enter into any agreement that would commit the organisation to such expenditure. A project would need to be explored based on the applicant's proposal for a trust or similar body that would assume responsibility to first deliver positive change and then manage the Drop Redoubt site.
- We consider it essential that a trust has such a wider remit and that Dover Council would take a lead role in the management of the trust.
- A trust should allow developer contributions to be used as match funding for other organisations, such as the HLF, in order to achieve a greater spend and thus enhanced impact. Trust status could assist with the VAT position and, through the use of volunteers, it might make the operation of Drop Redoubt more financially sustainable than it would otherwise be.
- English Heritage would be able to enter into Local Management Agreements or a lease with other bodies such as a trust. If appropriate, a memorandum of understanding could be used under which English Heritage would commit to use its best endeavours to deliver a successful project at Western Heights, focussed on Drop Redoubt.

Natural England: Object on the following grounds: -

The proposal at Farthingloe would significantly affect the purposes and objectives of the AONB designation and should therefore be refused, subject to the provisions of paragraphs 115 and 116 of the National Planning Policy Framework.

- There are deficiencies in respect of the Landscape and Visual Impact Assessment (LVIA) forming part of the EIA including: The description of the existing landscape character and characteristics; the limited identification of sensitive landscape receptors; the lack of illustrations of the landscape before or after the development e.g. photomontage or artists impressions; the omissions of important viewpoints from the visual impact assessment; and an underestimation of the magnitude and hence significance of the visual impact from key locations (on Open Access land, Public Rights of Way, and on the B2011 approach to Dover); and the Assessment looks at visual impacts with comparatively little assessment of landscape impacts.
- The conclusions in the LVIA to the effect that the extant employment permission would have a significant adverse impact on the AONB appear fair. However, while the extant permission might have a roughly equivalent impact on the AONB compared with the development of that part of the current proposal that would take place on the site of the extant permission; the current application includes an additional substantially larger area and its urban character and scale of buildings would have a significant adverse impact in its own right, contrary to the objectives of the AONB.
- The proposal would constitute 'major' development in the AONB. The judgements made in the LVIA on the landscape and visual effects of the development underestimate the adverse impacts on the special character and natural beauty of the AONB, which would be significant.

The value of the Countryside Access Area (CAA) has not been demonstrated. Much the area already has 'open access'. No information has been submitted to confirm the ongoing funding and management of the CAA, nor the role of farming in regenerating and managing the working landscape.

[Regarding the hotel: Subject to the findings of appropriate surveys to clarify how bats use the tunnels through the year, the species issues associated with changes within the tunnels (to protect them from collapse), are likely to be capable of resolution at the detailed design stage, when the nature, scale and timing of works can be properly considered and necessary working methods and mitigation can be agreed. Subject to the design of the proposals responding to wildlife and heritage considerations, then the hotel could come forward as a new planning application. The heritage proposals for the Western Heights could be part of a phased master plan for the site and seek funds from appropriate sources e.g. Heritage Lottery Fund]

It is requested that members of the Planning Committee carry out a site visit, to inform their consideration of the Farthingloe and Western Heights application. Natural England would welcome the opportunity to attend and/or to suggest view-points that would be helpful in understanding the site and the impact of development.

AONB Executive: Objects –

The Farthingloe valley in the Kent Downs Area of Outstanding Natural Beauty is an enormous asset to Dover. This dry chalk valley provides a memorable approach to the town, with glimpses of Dover castle, as well as a green setting for both the town and the Western Heights available for all to enjoy.

The proposed development of over 500 houses in a particularly prominent area of the valley would irreparably damage this nationally protected landscape. It would cause significant harm to the special character and the natural beauty of the AONB. No meaningful mitigation would be possible. The scheme is wholly contrary to national and local policy and is a major challenge to the Government's purposes for AONB designation. We have found no other housing development nationally on a similar scale which has been approved in an AONB. The following paragraphs summarise the relevant planning policies and why the development proposals fail to satisfy them.

The legal and policy basis on which the decision must be taken is clear. Section 82, 84, 85 & 89 of the CROW Act 2000 set out the duty of LPAs to have regard to the conservation and enhancement of the AONBs and produce a Management Plan. The current Management plan for the Kent Downs AONB was adopted by Dover District Council as their plan for the AONB in 2009. The provisions of the plan are material considerations in the determination of any planning application. The proposal would be contrary to a range of policies set out in the Kent Downs AONB Management Plan (set out at the end of this summary).

The national planning policy approach to AONBs is set out in paragraphs 115 and 116 of the NPPF: "great weight should be given to conserving landscape and scenic beauty in National Parks, The Broads and Areas of Outstanding Natural Beauty." At the time the application was received this was reinforced by policy in the South East Plan (Policy C3) and is currently covered in the Dover Core Strategy (CS) (notably Policies DM15 & 16). The legal requirement is for decisions to be taken in accordance with the development plan unless material considerations indicate otherwise (NPPF paragraphs 2, 11, 14 footnote 9, and 196).

The applicant has accepted that the application constitutes 'major development'. 'Major development' is only allowed in AONBs in exceptional circumstances, and subject to three tests (NPPF paragraph 116) which are not satisfied in this case, as follows.

1. There is no local /national need for the development at Farthingloe: the formal position is that the Dover CS proposed sufficient sites to meet the district's housing needs without development at Farthingloe, this site has also been excluded by Dover DC's own process from the Land Allocations Pre-Submission Local Plan (LAPSLP). Even if there was a shortage of housing land in Dover district, allocating a site for over 500 houses in the AONB is unlikely to be found a preferred option in a Plan – unless very rigorous assessments have first been carried out and all the alternatives have been found to be worse. This is not the current position: Farthingloe has been excluded by the Sustainability Appraisal for the Land Allocations Pre-Submission Local Plan (refer also para 3.7 of the LAPSLP for treatment of AONBs).

There is a total land commitment in Dover Town of 8,176 plots (Annual Monitoring Report 2011/2012), which is sufficient for over 55 years' supply at the average rate of building in the last 6 years. There is clearly no shortage of land for housing development in Dover Town. Releasing this site could challenge redevelopment sites within the urban fabric.

2. The applicant has not considered the scope for development elsewhere outside the AONB. Alternatives must be considered, as required by the NPPF and paragraph 3.7 of the Dover Land Allocations Pre-Submission Local Plan.
3. The detrimental effect of the development on the environment has largely been accepted by the applicant, with the EIA viewing the adverse landscape and visual impacts at Farthingloe as 'significant'.
 - The EIA acknowledges that the development would have a very damaging impact in both landscape character and visual appearance terms, albeit that the AONB Executive consider some of the impacts and their consequent significance have been demonstrably understated.
 - The EIA suggests that the impact of the current application would add to the adverse effects of the consented employment scheme (if ever that were built).
 - The proposal at Farthingloe would have a significant and unjustified impact on the AONB.
 - The Landscape Assessment (in the EIA) of both the proposed development and the extant employment permission do not include an appropriate selection of viewpoints for the visual assessment. The Applicant has chosen not to assess important viewpoints requested by the KDAONB.

There are therefore no exceptional circumstances that require development at Farthingloe, and the applicant has barely addressed the NPPF tests.

The applicant has proposed instead three other benefits which it claims 'constitute exceptional circumstances' (Planning and Regeneration Statement Update, paragraph 3.2). These are the wrong arguments, but in any event they do not withstand scrutiny as indicated below.

- (i) *Raising benefit from releasing land at Farthingloe for transformational heritage regeneration at Western Heights.* This would be a serious breach of policy. The only means by which the applicant could claim an exceptional circumstance to release land in the AONB to finance benefits at Western Heights would be to argue for 'enabling development'. The applicant has carefully avoided doing this. English Heritage has stringent tests to avoid abuse of the planning system, and it is clear to the AONB Executive that 'enabling development' requirements could not be satisfied in this case. There are therefore no exceptional circumstances, and normal AONB policies apply at Farthingloe. There is in any event a lack of certainty about the benefits likely to be forthcoming and great doubt about deliverability of benefits. Alternative methods of raising the funding needed to revitalise the Western Heights and Drop Redoubt have apparently not been investigated and it is therefore wrong to assume that the socio-

economic and historic heritage benefits said by the applicants as likely to arise can only be achieved by a major loss of land in the Area of Outstanding Natural Beauty to development. Heritage Lottery Funding, for instance, might well raise considerably more without the loss of AONB land.

- (ii) *Land management: landscaping and biodiversity benefits at Farthingloe.* The steps proposed to implement the AONB management plan can be achieved through other, existing mechanisms and do not require major development to be achieved, they do not provide 'exceptional circumstances' for major development in the AONB.
- (iii) *The 'potential of Dover to accommodate a high quality housing scheme at Farthingloe.* This is far short of an 'exceptional circumstances' for developing AONB. The direct socio- economic benefits obtained from the development of Farthingloe could be obtained from developing elsewhere within the sites allocated for development within Dover District.

In addition, the previous permissions granted on part of the Farthingloe site do not now justify permission for the current scheme.

- First, the Strategic Housing Land Availability Assessment specifically rejects proposals to identify land for housing at Farthingloe, due to the AONB constraint, including specifically on the site of the former workers' village.
- Second, the suggestion that the site of the extant employment permission might be treated as 'previously developed land' is incorrect. The NPPF definition limits this to land which is or was occupied by a permanent structure, and further specifically qualifies the use of such land, *provided it is not of high environmental value* (paragraph 17).
- The extant planning permission for employment on site FL-C cannot be prayed in aid: the proposed development would be contrary to Policy DM2 of the Core Strategy which states, "Land allocated for employment uses or with extant planning permission for employment uses will not be granted permission for alternative uses unless it has been subsequently allocated for that alternative use in a Development Plan Document". There is no allocation for an alternative use of this land.

The Adopted Kent Downs AONB Management Plan

The proposal would be contrary to Policies set out in the Kent Downs Management Plan including:

- Policy LLC8 – The proposal would have a major negative impact on the distinctive land form and landscape character of the area and change it completely. This impact on this scale cannot be mitigated.
- Policy BD8 - The proposals for increased recreational use put forward by the applicant are insufficiently developed to ensure that biodiversity and landscape qualities are protected.
- Policy FL1/FL7 – The proposal would result in a loss of a principally farmed landscape.
- Policy HCH1 - Challenges the conservation and enhancement of the historic landscape character, [[particularly in its location in the foreground

and landscape setting of Dover Castle, the Drop Redoubt and Western Heights]].

- Policy VC3 – There is no need for this development to provide affordable housing to meet the requirements of the local rural area; Dover's wider affordable housing needs should be fulfilled through the district strategy based on urban areas.
- Policies SDT1/SDT2/SDT3/SDT5/SDT12 - The development would challenge the character and distinctiveness of the AONB and disregards the primary purpose of the AONB designation which is to conserve and enhance the natural beauty of the area.

In conclusion, the AONB in the Farthingloe valley should be seen by DDC as part of its assets and an important part of Dover's Green infrastructure. Building over 500 dwellings in an AONB challenges National policy, Local Policy and the future of not only the Kent Downs AONB but all National Parks and AONBs.

Environment Agency: No objections but raise concerns/queries in respect of the treatment of surface water drainage within the indicative layout. *"Given the predominantly 'greenfield' nature of this site, we would expect any Surface Water Management Strategy (SWMS) to be based on SuDS principles. Furthermore, any SuDS scheme should ideally be 'open' (i.e. swales/infiltration basins/attenuation ponds, etc). We may be able to be more flexible if the applicant can provide adequate justification as to why such features may not work. Whilst we appreciate that open SuDS features do use some of the otherwise developable land, the adequate and appropriate drainage of the site should be taken as a key design consideration from the outset. Designing the drainage after the layout of the development can severely limit the options available and can result in ineffective and/or inappropriate schemes. If the existing SWMS is largely dependent on the utilisation of green-roofs to provide the requisite attenuation, we would recommend that a condition is attached to any permission granted to ensure that they will actually be incorporated. If it becomes apparent that they are financially or practically unviable, the land may not be available to provide the attenuation that would be required. Their omission would then require a variation/removal of the condition, which would only be acceptable if a suitable alternative can be proposed. If this cannot be achieved, we would oppose the variation/removal. It may then be the case that a whole new & revised application will have to be submitted to take the above into account."*

Highways Agency: No Objections.

Stagecoach: Views awaited.

Sport England: Objects. Sport England has treated the consultation as non-statutory. The population of the development is anticipated at 1,290 persons. This would generate additional demand for sports facilities. If not adequately met this would place pressure on existing sports facilities, thereby creating deficiencies in facility provision. The development should make provision for the demand on site or off-site. Based on Sport England's Facilities Calculator this would involve payment for the latter of: £158,378 for swimming pools; £253,484 for sports halls; £30,610 for bowls centres and £33,146 (3G) or £29,153 (sand) for artificial turf pitches. In addition, the requirement for

natural turf playing pitch provision arising from the proposed population should be considered.

Design Council/CABE: Offer to review the application, although the cost of this would need to be made by the developer.

Primary Care Trust (PCT): Request developer contributions.

Southern Water: The exact position of the public sewers must be determined before the layout is finalised. [Information submitted by Southern Water shows a 150mm, 600mm and 800mm public sewers running across the site]. Options for the applicant include sewer diversions (with clearance at 3m, 3.5m and 4m respectively either side of the sewers) or amendments to the layout or a combination of both. Due to inadequacies in the current local sewerage additional off-site sewers and/or improvements to existing sewers will need to be provided by the developer. A condition is sought seeking details of foul and surface water sewerage disposal.

Affinity Water: Point out that there may be inadequate capacity in the local network to provide water supply to service the development and that additional off-site mains, or improvements to existing mains may be required to service the development. Conditions/informatives are sought.

EDF Energy: No views received.

Scotia Gas Networks: No views received.

UK Power Networks: No Objections.

Network Rail: No objection to the principle of the scheme.

Health & Safety Executive: No views received.

National Trust: Objects.

- Object to the principle of a large scale development in open countryside outside the Dover settlement boundary and within the Kent Downs AONB contrary to NPPF Paragraphs 115 & 116. Consideration of such applications should include an assessment of the need for the development, the cost of, and scope for, developing elsewhere outside the designated area, and any detrimental effect on the environment. It is not considered that the need for the development has been demonstrated or that alternatives have been given due consideration. The proposal will have a major adverse effect on the character and quality of the landscape of the AONB and would set an undesirable precedent within the district and the AONB as a whole.
- The Farthingloe development would be likely to undermine the overall strategy for the regeneration of the Dover urban area (as set out in the Core Strategy) and would be contrary to the overall strategy of the plan – in particular policies DM1, DM15 and DM16.
- The proposal conflicts with the Kent Downs AONB Management Plan in both spirit and details.
- The proposal does not represent sustainable development. The location of the site, detached from the urban area and almost 2km from the town centre, is unsustainable in terms of transportation, particularly for a

retirement village. Minimal local services are proposed on the site, creating significant traffic flows to the town centre for employment, services, schools and amenities. This is contrary to fundamental planning principles and in particular, Policy DM11 of the Core Strategy - Location of Development and Managing Travel Demand.

- The application does not seek to address the need for affordable housing and is therefore contrary to policy DM5.
- The enhanced access to the countryside, while welcomed, must be viewed against the fact that much of the area is already Open Access Land. The benefits are therefore relatively limited and in any event do not outweigh the in principle objections set out above.
- While a link is indicated from the application site across the A20 to Great Farthingloe (NT property) no assessment appears to have been made of either the potential benefits of, or impacts on, the rights of way to the south of the A20 including the North Downs Way, or the Samphire Hoe Country Park.
- The tourism/employment/regeneration benefits associated with restoring the heritage assets at the Western Heights are although they don't outweigh the objections identified.
- The Trust understands the need for and is supportive of appropriate regeneration in the Dover area and is keen to work with Dover District Council, English Heritage, Natural England and other agencies to find the best possible approach to enhancing the special character of both the AONB and the Western Heights.

CPRE: Objects. Under the terms of the NPPF the Core Strategy comprises an up-to-date plan to which full weight should be given.

The application site is neither allocated for development in the Core Strategy as a strategic site nor is it identified in the Core Strategy as a location where there is potential for urban expansion. It is not a site that is recognised in the Core Strategy as having any role to play in meeting the growth strategy of the Core Strategy. On the contrary, it is a location where sites considered through the Strategic Housing Land Availability Assessment (SHLAA) process were rejected primarily because of their environmental impact. Consequently, the amended Proposals Map places the application site entirely outside of the urban confines, in the countryside. Consequently, the proposal does not comply with policies CP2, CP6, DM1, DM11, DM15, DM16 and DM17 of the Core Strategy. We also believe that the proposal will fail to comply with Policy DM5 in relation to the provision of affordable housing.

The application will comprise an unacceptable, unsustainable and environmentally damaging development that would significantly extend the urban confines of Dover into the countryside as a form of ribbon development. The Core Strategy seeks to prevent such damaging development. Consequently, the application should be refused for not being compliant with the statutory development plan.

With regard to other material considerations, we do not consider that there are any other considerations that would override the non-compliance with the development plan. In particular the application cannot be supported because it might be seen as:

- addressing housing land supply difficulties (which we consider should be a matter addressed by the contingencies set out in the Core Strategy and/or a review of the Core Strategy);
- comprising enabling development (the application is not promoted on this basis);
- it is in part previously developed land (this is not so);
- having existing planning permission on part of the site at Great Farthingloe Farm (which we consider is not clear); and
- a priority action in the Council's Corporate Plan (which we consider should be pursued by a review of the Core Strategy).

The proposal will not comply with the National Planning Policy Framework (NPPF), and this together with its impact on the AONB means that it does not comprise sustainable development as defined by the NPPF.

RSPB: No views received.

White Cliffs Countryside Project: No views received.

Ancient Monument Society: No views received.

Kent Police: The development would generate a requirement for a contribution of £138,218 towards new custody cells and new staff funding.

Kent Wildlife Trust (KWT): Strongly objects. The present proposals would lead to significant impacts on the Local Wildlife Site/ Green Infrastructure network that Dover committed to protect and enhance within Policy CP7 of the Core Strategy. Fragmentation, direct habitat loss and degradation of priority habitats would occur. No efforts have been made to collect baseline evidence to ascertain to ecological quality of the locally designated sites within the application boundary, little mitigation has been provided to alleviate impacts and no management plan has been submitted or funding proposed to ensure the ecology is conserved or enhanced in the long term. The applicants should undertake the detailed work to endeavour to limit of ecological impact before planning permission is considered including further bat survey to assess the importance of the St Martin's Battery site for bat swarming and hibernation. Should permission be given, conditions are recommended to safeguard the bat habitat.

Town Council: No objections however reassurance is sought that measures would be put in place to ensure no dilution of any agreed S.106 monies and benefits - in particular the £5m heritage benefit funding at any point in the future.

Hougham Without Parish Council: The spirit of the application is tentatively positive for the area. The area needs regeneration and the development would assist in this regard. Some concerns exist regarding the likely significant increase in traffic arising and the ability of the highway network/junction arrangements to accommodate this.

Capel Parish Council: At first glance this proposal appears to offer opportunities for jobs and an increase in the tourist industry. Enhancement of tourist facilities is to be welcomed, as is preservation of the Redoubt. A

retirement village indicates consideration for the aging population. There are reservations/concerns/objections however:

- The impact of increased traffic on the B2011 from Farthingloe, through Capel to Folkestone, particularly at peak times. The planning documents took a snapshot of traffic movements through Capel on one day in July indicating around 1400 movements through Capel at peak times. The worry is that traffic levels through Capel will rise to the levels currently seen from Hawkinge to Folkestone, between 08.00 and 09.00.
- The impact on the environment. It is very large and a negative impact on the surrounds, including the native wildlife and the visual appearance, will be unavoidable.
- The current infrastructure is inadequate. The impact of 600 units on: Water supply and the drainage system; Area of Outstanding Natural Beauty; transport, health, educational and social services. Confirmation from other authorities, such as health, education and police, will be essential.
- The hotel proposed site is overlooking the Harbour and would need to be in keeping with its surrounds.

Agricultural Consultant: No objection. The permanent loss of farmland would not be a constraint in this case - the combination of soil types (shallow and hungry, or hard to work with impeded drainage) and the unfavourable slopes and aspects, makes it very likely that no significant area of land to be lost here (if any) would fall within the definition of "best and most versatile" for land use planning purposes. Regarding the impact of the loss of land on the existing farm businesses – there are two tenant farmers, one (largely an arable farmer) farms about 500 ha overall, mainly some distance from the application site, the second farmer uses land here for summer and autumn grazing of sheep and cattle. While the former would effectively lose some 44 ha of arable land, given the constraints of the land and its relatively small contribution to the whole farm business, it's not thought the loss would render the remainder of the business non-viable. The latter would lose 13.5 ha to tree planting, however it's expected he would be able to take on the 44 ha of former arable land for further grazing; a net gain of some 30.5 ha. Consequently the impact of the scheme on the first would be moderately adverse while moderately beneficial for the second farmer.

Financial Viability Consultant (Smiths Gore): Financial Viability Consultant: In principle, agree with the proposals submitted by the applicant in relation to financial viability, subject to the securing of appropriate phased payments. Staged payments are recommended geared to percentages of residential development. The £1m should be payable upon commencement of development, with further payments secured in equal amounts and triggered on the completion of 20%, 40%, 60% and then 80% of the development. The payments should be index linked.

Concerns are raised that the indicative scheme put forward by the applicant for Farthingloe (flat roof modular shaped housing with grass roof and a high volume of apartments) has little relevance to market demand and would not be undertaken by a national house builder. It's possible that if planning permission was granted then a more viable scheme would be superimposed. It's considered that a lower density traditional housing scheme for 365 houses could be delivered which provides the same heritage benefit payment (£5m)

and the other developer contributions currently proposed, subject to reducing the code for sustainable homes requirement from code 4 to code 3. Any development would be subject to market fluctuations/sensitivities and abnormal costs which might be encountered; for instance a costly sewer diversion may be required on part of the Farthingloe site. There is therefore unlikely to be any great surplus in terms of viability. An affordable housing quota would not therefore be sustainable at this time.

Economic Consultant (Wessex Economics): There is no question that there is a pressing need for economic development and regeneration in Dover and that the development of the town's tourism offer represents one of the major opportunities to achieve this. The role of the Western Heights fortifications has been identified as a key asset that could be developed to broaden the range of visitor attractions in the town, and hence build Dover as a visitor destination for overnight and short break visitors.

In principle, a development scheme that makes a significant contribution to the realisation of establishing the Western Heights as a significant visitor attraction would provide the exceptional circumstances that could justify development in the AONB. If the current proposals can deliver a £5 million contribution, this is clearly significant, though it seems clear that £5 million would not be sufficient to transform the Western Heights into an attractive destination for large numbers of visitors.

Further investment over and above the £5 million developer contribution would be necessary to establish Western Heights as a significant visitor destination. However the developer contribution, if guaranteed in terms of amount and timing, could be used to unlock funding from other sources and start to create the critical mass of funding to achieve the Council's objectives for Western Heights. The interested parties should speedily work to establish a clear vision and a costed plan for how the potential of Western Heights is to be realised.

Over half of the anticipated jobs associated with the overall development, namely the hotel, conference centre, and other jobs at Western Heights, are contingent on the successful establishment of Western Heights as an important visitor attraction. The ability to attract the right quality of hotel development at Western Heights depends on a comprehensive treatment to open up the Western Heights.

The development scheme has other economic benefits, in terms of jobs associated with the development at Farthingloe (c100 jobs), the widening of the housing offer of Dover town, and support for further investment. However these benefits associated with the Farthingloe development would not meet the NPPF requirement for permitting development in the AONB if these were the sole benefits associated with the scheme.

So the economic case for the scheme in planning terms rests on the achievement of tourism objectives for Western Heights. In the light of this conclusion, there would not be sufficient justification for the scheme if only the residential elements of the scheme proceeded. The benefits of the scheme would be significantly reduced if the hotel and conference centre were not developed, but if the development helped to establish Western Heights as a significant visitor attraction, this would still be a very significant economic

benefit. Other hotel providers in Dover would benefit, and other hotel investment proposals might come forward.

Refusal of the application would mean that the benefits associated with the scheme would not materialise. But the more material considerations are whether other investment would be deterred, through a loss in confidence or other effects. Other major regeneration projects in Dover, namely the Waterfront Regeneration, the Town Centre regeneration and the Terminal 2 proposals are not contingent on the Western Heights and Farthingloe scheme progressing. These are much more focused on capturing 'passing tourist trade'. But the proposed scheme would complement these schemes and, in a market where confidence is fragile, the approval of the Western Heights and Farthingloe scheme would provide some encouragement for others to commit to investment, once they were sure it would be implemented.

Would the failure to approve planning permission actually deter other investment? It is very likely that other potential investors in Western Heights would be looking for assurance about when this £5 million would be forthcoming and how it would be used, before committing their own funds. The £5 million investment may therefore be a necessary condition for other investment, even though it is not sufficient.

What is really required to unlock investment in the Western Heights is a business and funding plan for the Western Heights, identifying works to be undertaken, uses, anticipated visitor numbers, revenue streams, operating costs, operational responsibilities etc. It would then be possible to see how the proposed contribution of the development scheme fits into the overall plan. Such a plan and a clear commitment by relevant parties to its implementation, that would give public, private and third sector investors the confidence to invest; and would in particular help private sector investors see how Dover District Council and its partners are seeking to broaden the tourist appeal of Dover to make it a tourist destination. This will be particularly important in securing investment in a new hotel.

Only when such a plan is in place could a full assessment be made of the full economic benefits of the scheme, the role that the proposed development would make to achieving those benefits, and a proper weighing of the economic benefits against the environmental dis-benefits be made. Both the Council and the developer should seek to put in place such a plan before any decision is made to approve or refuse the application.

Such a strategy should set out the steps that DDC and English Heritage as landowners, and DDC with its responsibilities for economic development and EH with its responsibilities for regeneration, have agreed upon to achieve the transformation on Western Heights into a significant visitor destination. Some sense of the scale of investment required to achieve this, how this might be funded, and the management structure that would be set up to achieve the delivery of what would be a major regeneration project would add significant clarity as to how the contribution of the proposed development would start the process, and how the responsible authorities would capitalize on this initial capital injection.

In summary, refusal of the Western Heights and Farthingloe application would represent an important potential opportunity foregone for a town much in need of regeneration, but would not cause direct damage to the local

economy. However the realisation of the opportunity requires a much greater collective effort by interested parties than seems to have been made to date, with the key requirement being a strategic plan, properly costed, setting out how to establish Western Heights as a significant tourist attraction.

Public Representations: As part of the consultation on revised submissions it was made clear (through the public advert) that any comments made as part of the original submission would continue to be taken into account. To date, 103 submissions have been made in support of the application, with 87 against and 8 neutral.

For ease the comments are divided into general, Farthingloe, and, Western Heights and collated for support, reserved support or objection.

General

Support (original submission May 2012)

- (Chairman and Vice Chair of the South East Local Enterprise Partnership) The proposals represent a major opportunity for both Dover and the wider tourism and visitor economy of East Kent at a time of major challenges facing the local economy. In the absence of likely public sector funding to act as a catalyst for change it is essential that the private sector is encouraged to move forward with confidence and business can aid recovery. Approval of the application would be timely in demonstrating that Dover is open for business and investment. Refusal would send out all the wrong messages to investors.
- (KCC Ward Member) The scheme provides exceptional opportunity for Dover and wider East Kent. Best use should be made of the Western Heights which will decline if intervention is not made. The proposal would dovetail with Dover's sound evidence based growth programme. The Development Plan recognises the contribution that the Western Heights can make to the tourism/visitor economy. The proposal would act as a catalyst for other investment opportunities in the vicinity such as a National War Memorial.
- (Federation of Small Businesses) The proposals would create economic opportunities through the development of new business premises and job creation in new facilities and the local supply chain. The plans would unlock the potential for Dover to further exploit its heritage and become a destination of choice and not just a transit point. These plans would make Dover forward looking with a future as well as a past.
- (Visit Kent) Wholeheartedly support the proposals which would unlock an important heritage asset. Upgrading the access to the Drop Redoubt and surrounding environment would create a visitor offer capable of attracting visitors from all over the world. The proposal would support other initiatives and open up access/create connectivity between the town, cliffs and waterfront and previously inaccessible assets including new footpaths. According to Visit Kent's Hotel Sector Study (2011) quality hotel capacity is badly needed in East Kent – the location of the hotel would create a unique view of the channel for visitors and would fill a significant gap for cruise visitors and add value to the cruise terminal. The scheme could attract overnight stays from golf tourists and further leverage investment in HS1. The development would enhance the image of Dover, positively impact on the visitor economy, support vital year round jobs and the tourism sector which is critical to the Dover economy.

- (Dover Chamber of Commerce) The proposals would stimulate trade locally and would boost the Dover and East Kent coastal business community. Employment in the district has declined by 25% in the year to April 2012. The CGI scheme would invest £200m with the opportunity to create 250 long-term sustainable jobs and around 230 additional jobs over the construction period to 2020. The quality of homes to be built at Farthingloe should encourage an influx of new managers who would bring skills and experience that would also stimulate growth.
- (Dover Hoteliers Group) The development could only serve to enhance Dover and bring much needed investment. It is hoped that the many concerns and reservations can be resolved.
- On balance, the proposal would satisfy the overall objectives of the NPPF.
- The development will offer much needed regeneration and send out the message that Dover is open for business.
- Quality housing is desperately needed to support the commuter growth of HS1 and bring additional investment/spending and enhance the local economy.
- Too much emphasis is placed on protecting/preserving areas. The past must be respected whilst embracing the future. The development would bring people in to visit/appreciate these places.
- Any New Homes Bonus from the development should be allocated for the benefit of Dover town.
- The scheme will deliver investment and jobs which will help re-establish Dover as a thriving town.
- The timing of the development is right with borrowing rates low and the private sector keen to look at development opportunities.

Support (resubmission December 2012)

- (Chairman - South East Local Enterprise Partnership) strategically understand and endorse the logic that a scaled bank proposal more sympathetic to the environs to meet local concerns is a welcomed investment. Hopes that the Western Heights and Farthingloe project provides an opportunity for East Kent to realise significant economic benefits both now and in the long term
- (Locate in Kent) will provide additional critical mass for the town in terms of population, housing, tourism attractions and other facilities. The increased population will help support town centre redevelopment proposals which have been challenging to get off the ground, make the town more attractive to business and as a place to live and spend leisure time, with all the additional income to the area that this will generate. The estimated 232 FTE jobs created will provide jobs for local people, skills for young people or those re-training, and additional income to be spent locally.
- Kent Developers Group, especially house builders, recognise the demand for 'extra-care' facilities for older people, so the retirement village proposals are welcome.
- Local business interest have raised support as its important for all housing types available for potential employees
- This application is exactly the type that can engender a comprehensive regeneration that is fundamental to the emerging East Kent agenda as recognised recently by the 'Grow for It' campaign.
- Securing a vibrant local economy, in particular in the tourism and visitor sector will play a significant role in stimulating the local economy

- Of necessity it [the application] does impinge on the historic features and the AONB but this is done to enhance and preserve these assets rather than destroy them
- Support for additional housing at Maxton
- The benefits of the proposed development are numerous and essential for the further development of Dover and the surrounding area. It compliments other major development projects in the area by providing improved transport links, tourist attractions and facilities.
- Would help support retail spend in the town
- (southeastern) consider that housing development is key to the growth of Dover, supporting new business and development of the Port and Tourism in East Kent. Quality development will further encourage visitors and in so doing support vital year round jobs in the area.
- CGI's submission raises the bar locally and delivers a much needed focus to the area for potential London based funders/investors in future projects if granted. The 'Dover Profile' is in need of regeneration and this can/will act as a catalyst.
- The proposals will raise the area profile and Dover will become very attractive to investors.

Neutral and/or Reserved Support (original submission May 2012)

- (Western Heights Preservation Society) Would like to see the fortifications preserved and improved but recognise that the costs are prohibitive for English Heritage, DDC and others. The current proposal provides an opportunity to deliver vital funds which could be matched funded against any available grants. A visitor centre at the Drop Redoubt could be fully supported. Work to secure the long term management, including providing public access in and around the Grand Shaft Barracks site, North Entrance and North Lines would be welcomed. It is recognised that Dover lacks a high class conference centre and hotel facilities and none capitalises on views of the channel and Castle. The site of the hotel is essentially on a site that has been built on in the Victorian era and the area has been overtaken by tree growth. Detailed designs would need to be agreed - the siting of the WWII ammunition magazine at the site should not be damaged. The restoration of Victoria Hall for housing is encouraged. No high profile buildings should be sited that intrude on the skyline or disrupt the lines of sight within the fortification. There is currently no guarantee about the availability of funds through this application to regenerate the heritage asset. Any funds would need to be provided at an early stage. Further guidance is required from English Heritage about the harm caused by the new (housing) development within the Monument. The current standard of design is not in keeping with the area and as such the application cannot be fully supported at this time.
- (Dover Society) The application undoubtedly contains some harmful aspects, but these would be outweighed by the significant public and heritage benefits if they could be guaranteed and delivered at an early phase in the development and, if the outline application was approved, we and the public were to be consulted on final design, quality of build, use of materials etc.
- The building of the existing site at Farthingloe (only) would be a satisfactory compromise.

Neutral and/or Reserved Support (resubmission December 2012)

- Not totally against refurbishment of Victoria Hill as a means of saving the building, but strong objection to the other 30 units
- (Dover Society) whilst we welcome the reduced number, siting and height of residential units on the Western Heights we are still concerned about both the quality of the design and finish of the housing and its suitability for the site.
- Support the element to help the National War Memorial proposed for Drop Redoubt, but concern that Dover does not need housing

Objections (original submission May 2012)

- A petition with 572 signatures - the petition states, *China Gateway International have applied for outline planning permission to build houses 85 and a hotel + conference centre on western Heights – Dover's Nationally important Ancient Monument. Also 521 houses + 90 apartment block in the protected (AONB) Farthingloe Valley. We are against this, are you?*
- (Western Heights & Farthingloe Action Group) A document signed by 26 local residents states: The proposal is contrary to the Core Strategy and the NPPF and would destroy the AONB. The sites have extensive wildlife/ecology and archaeological interests which would be put at risk. Inward investment to Dover town would not materialise with residents travelling to Folkestone/Ashford for work or onto London and more likely to use the car rather than public transport. Infrastructure services (Water, Health etc) would come under strain. Ground conditions on the site of the Heights development are possibly unstable. The hotel would cause irretrievable damage to the fabric of the Heights – there is no need for such a facility, which would remove tourism use/activity from the town centre and facilities there. The development fails to deliver any affordable housing. The Heritage Strategy, which seeks to justify development at the Heights, is considered bias and the even handedness of the planning department in dealing with the proposals questioned. The reference in the advertising of the application to, 'Conversion of the Drop redoubt to a Museum/Visitor Centre etc' is misleading as the application merely states that funds 'may' be used for this purpose with multiple caveats. Local residents have not been properly consulted and do not support the proposals – as evidenced by the 572 strong petition.
- (CPRE) Under the terms of the NPPF, the Core Strategy (CS) should be considered up-to-date and given full weight. The application site is neither allocated in the CS as a strategic site nor as a site for a potential urban expansion - the sites were also rejected through the Strategic Housing Land availability Assessment (SHLAA) primarily because of their environmental impact. The proposals would therefore be contrary to Policies CP2, CP6, DM1, DM5 DM11, DM15, DM16 and DM17 of the CS - they would significantly extend the urban confines of Dover into countryside as a form of ribbon development and would be unsustainable and environmentally damaging. No other material considerations (including housing land supply, enabling development, use of previously developed land (the Farthingloe site is considered to be 'greenfield') and priority action in the Council's Corporate Plan are considered to outweigh the conflict with the CS. The development at the Western Heights would also have an unacceptable impact on the Scheduled Ancient Monument and Western Heights Local Nature Reserve, contrary to the NPPF.
- (Open Spaces Society) Concerned that the development would alter, fundamentally, large areas of historical and local importance. Existing

public rights of way in the area (especially western Heights) should be safeguarded. While proposals should be considered on their own merits, the plans go too far to the detriment of a very rare and special area of importance that should be available for residents and visitors for natural enjoyment. Any improvement to the historical Western Heights might be adversely affected by the development proposed around it.

- None of the sites subject of the application is identified in the LDF Core strategy for development – they were not even included as reserved sites. The development would make a mockery of the LDF process.
- The proposals would contravene policy DM1 which restrict development outside urban confines.
- The proposal is contrary to Policy DM11 which states that development generating travel will not be permitted outside the urban boundaries unless justified by development plan policies – the proposal is not justified by other policies and the location/topography of the sites would be unsustainable, with most journeys being by car.
- While the proposals are contrary to the Core strategy, the NPPF states that plans for housing should be genuinely plan-led, empowering local people to shape their surroundings.
- The NPPF document has a presumption in favour of sustainable development, however the document exempts sites such as AONB's and designated heritage assets (as here) from this presumption.
- All statements by CGI about 'benefits' are pure speculation and should be disregarded as they are not demonstrable.
- It is misleading to term these developments as 'regeneration' when they involve the partial transformation of the AONB and Scheduled Ancient Monument into urban areas.
- The development would create a significant increase in demand on the access/egress to the A20.
- While CGI suggest the development will meet the District's housing needs, these have already been catered for in the LDF which identifies individual sites for development. Any shortfall should be met by re-using brownfield sites. The No Use Empty Properties Initiative is also supported by DDC.
- The proposal would be contrary to Policy DM5 which seeks 30% affordable housing with financial payments in lieu only applying to schemes of less than 15 units.
- The proposal would not provide sufficient infrastructure as required by Policy CP6 (Core Strategy) and in particular would put pressure of existing educational and health care resources.
- The additional housing would exacerbate water shortages.
- The development would deprive areas for play which children have enjoyed in previous generations.
- The current economic climate would suggest that additional homes would be difficult to sell.
- There is no shortage of affordable housing in Dover.
- The statement by CGI that 63% of respondents to its public presentations supported the proposal is questioned as it is not supported by any documentary evidence. More local residents objected as illustrated by the response to the local petition.
- Insufficient time has been given to comment on the application.
- There are concerns that some documents have not been accessible on DDC's website, a newspaper notice appeared without the reference number and that site notices were posted late.

Objections (resubmission December 2012)

- No conceivable need for development at this site and it is debatable for many others as the figure regarding projections for growth seem completely out of touch with reality.

Farthingloe

Support (original submission May 2012)

The proposal might represent the best use of the [employment] land at Farthingloe.

Support (resubmission December 2012)

- Farthingloe is of course an AONB, but that didn't stop the Channel Tunnel siting prefabs there to house their workers. This development will seek to provide proper permanent housing in a beautiful place where people can live and enjoy their surroundings
- Development at Farthingloe will provide quality housing that Dover severely lacks at present, raising the demographic profile for the area and capitalising on the HS1 service. The benefits of employment creation will be felt for some time and this opportunity must be embraced.

Objections (original submission May 2012)

- The proposals would have a detrimental impact on the AONB and destroy the natural beauty of Farthingloe, changing it from a rural to an urban character. It would result in urban sprawl between Dover and Folkestone – another Hawkinge.
- The scheme would destroy one of the most beautiful parts of the countryside – important to the setting of Dover.
- The proposal would be contrary to Policy DM15 (LDF Core Strategy) which states that development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted according to strict criteria.
- The proposals would be contrary to Policy DM16 (LDF Core Strategy) which states development that would harm the character of the landscape and would only be allowed where it is in accordance with allocations made in the Development Plan and where it incorporates any necessary avoidance and mitigation measures; The proposal is not in accordance with the Development Plan and by virtue of its size cannot be mitigated.
- The Council had previously indicated (Dover District Local Plan) that should the site not be substantially developed (through the then employment permission) then it should be restored to its former condition as part of the countryside within the AONB.
- The Council's own assessment of the Farthingloe site (as background to the land allocations document) scores the site poorly for development.
- While NPPF (para 116) states that major development in the AONB must have exceptional circumstances and be demonstrated to be in the public interest, no such public interest has been put forward by CGI.
- There is no need for housing as other locations within the district are already planned to meet housing need. These should be developed first before more land is released for housing.
- There is no community benefit from this scheme that would justify the damage caused to Farthingloe.

- To suppose that by building homes in the hope of attracting key workers and business is hopelessly optimistic and unsupported by evidence.
- There are insufficient infrastructure/services to meet the demands of new residents.
- If permission is given it will put the whole of Farthingloe Valley in jeopardy creating, in effect, ribbon development.
- The proposals would cause direct overlooking into existing residential properties.
- The development would increase traffic on the Folkestone Road.
- The proposed new access is likely to cause accidents as it's on a blind bend.
- Insufficient information has been provided regarding cycling within the site. In order to encourage sustainable travel, S.106 funding should be secured to construct a shared cycle/footpath linking with the town centre/railway station. Funds should also be given to enhance the cycle route along the A20 at the Prince of Wales Roundabout.
- The development would increase flooding problems on the Folkestone Road.
- The applicant's company documents suggest most residents of the development would work in London. They're likely to take HS1 by driving to Folkestone West/Ashford rather than Dover and are likely to do most of their shopping at Folkestone Business Park – both defeat sustainability objectives.
- Any employment is unlikely to go to local people as major construction companies and hotels have their own staff.
- Any benefits of the proposal would only be short term but the harm would be permanent.
- The provision of a 'village green' for children's play would not satisfy the Council's play space policy.
- The development would affect birds which are listed in the Kent Red Data Book which refers to the scarce and endangered species in Kent.
- CGI's archaeological assessment virtually dismisses findings prior to the Roman period occupation and doesn't take account of the Mesolithic to Neolithic and late Bronze age/early Iron Age finds at the nearby Court Wood.
- The submission has not taken into account the role that Farthingloe Valley plays in the Arthurian legends – it is said that the Lady of Farthingloe and Sir Gawain lived in the Farthingloe Valley.
- The housing will swamp the existing Grade II listed Great Farthingloe Farmhouse contrary to the NPPF.

Objections (resubmission December 2012)

- This is an area of open countryside in regular use by the general public for walking, cycling and family visits. Combining farm land and open country where there is an abundance of wildlife. It will also be detrimental to the Lower Farthingloe Farm shop and restaurant – a well established local business.
- With the proposed development in Whitfield is this really necessary?

Western Heights

Support (original submission May 2012)

The applicant seems to be doing more than anyone else to preserve and open up the heritage assets.

The area has been a 'wasted opportunity' and the current proposal appears to be the best so far.

The proposal would bring tourism benefits to Dover.

Support (resubmission December 2012)

- (Western Heights Preservation Society) pleased to see the removal of proposed housing around the area of Heights Terrace. The style of building in Citadel Road should be in keeping with the area and WHPS are concerned that the height of the buildings as currently proposed would intrude on the skyline
- The proposals will make a huge contribution to reversing the diminishing visual character of the Western Heights

Objections (original submission May 2012)

- The housing and hotel is not designated in the current LDF. Nor were such designation made in the 1996 or 2002 Local Plans.
- The proposals would be contrary to Policy DM16 (LDF Core Strategy) as they would be detrimental to the character of the landscape.
- When an appeal was dismissed in 2003 at the Western Heights for a small scale development (compared to this much more sizeable development), it was cited that the area was subject to a great deal of protection - assurance is sought that such regard will be had in this case.
- As an Ancient Monument, the Western Heights is of significant historic importance and should not be developed for housing. Housing would not be allowed at Dover Castle so why at the Western Heights? Only the rebuilding of original structures should be allowed.
- The significance of the Ancient Monument is widely acknowledged in publications (including the Built Heritage Conservation Framework (BHCF) for Dover Western Heights produced jointly by DDC, KCC and English Heritage). The document states that the Heights have already been severely damaged – no further damage should be done. CGI's states that their plans would permanently alter the character and appearance of the area – this is unacceptable.
- CGI state that the site of the new housing would not have a significant impact, however there is reason to believe that the area was an Iron Age hill-fort and close to where the ancient village of Braddon is believed to have stood. The land also formed part of the 'fields of fire' within the Napoleonic defences – while the current housing is harmful this does not justify increasing the desecration. This would introduce further non-military development resulting in a permanent change in the character and appearance of its immediate context.
- The proposal is contrary to the NPPF (para 17) which states that LPA's should 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.
- New housing should be located on brownfield sites in and around the town centre before more sensitive/historic locations are chosen.
- No credence should be given to the 'benefits' for the Drop Dedoubt – throughout the application reference is made to 'could' and 'may be' regarding funds towards restoration. A financial statement should be provided containing what is planned, where and when.
- The use of flat roofs to the proposed housing given the historic context is questioned.

- The 3/4 storey residential blocks in Military Hill would be highly visible on the skyline from the town, Castle and surrounding area and would result in a loss of light to existing residents.
- The 3/4 storey residential blocks would block out light and overlook adjoining properties in Western Close.
- The proposal would have an adverse affect on archaeological remains.
- An assessment should be carried out of the areas archaeological value and CGI's archaeological assessment pays worryingly little attention to Dover's Roman heritage.
- The proposed hotel would incorporate an historic gun-shed: The only surviving building on the Heights used for storage of artillery pieces.
- The hotel would be highly visible and contemporary in appearance and would detract from the character/appearance of the Ancient Monument contrary to the NPPF.
- CGI refer to the absence of other 4/5 star hotels, however Dover has a surfeit of hotels with conference facilities including the 4 star Marina Hotel.
- CGI state that the hotel would alter the setting of the area. The Planning Inspectorate in 1993 however did not consider that a hotel would be suitable in the vicinity of the Grand Shaft.
- It is not accepted that the Grand Shaft is in poor condition and has almost impassable access as claimed by CGI – this is a false picture which seeks to over emphasise the benefit of the supposed package of heritage works.
- The proposal would devastate a colony of bats and other wildlife and spoil the areas natural beauty.
- There is a danger that new homes would attract owners looking for second homes or holiday properties – absentee owners would not be a benefit to the Dover economy.
- The roads serving the Heights are totally unsuitable to cope with more traffic (both in width and condition). During the winter, the roads to the Heights are also impassable. The junction of Citadel Rd/Military Rd is currently hazardous – this would be exacerbated by additional use.
- The traffic data submitted, showing limited car use of the junction with Centre Road, is questioned given the 300 staff at the removal centre and 69 properties at the Heights.
- The proposal would be contrary to NPPF (para 32) which seeks safe and suitable access for all people and improvements to the transport network that cost effectively limit the significant impacts of development.
- The proposal would bring additional traffic and air pollution and would increase noise and damage the tranquillity, views and wildlife.
- The proposed new roads would adversely affect the amenity of existing residents.
- There are parking difficulties associated with the existing Immigration Centre. These are likely to be exacerbated by the additional housing.
- Parking for the proposed residential properties is inadequate.
- No provision has been made for parking to serve the proposed visitor centre at the Drop redoubt.
- It is questioned whether residents/visitors would use the public transport.
- Road widening, pavements and street lighting is required to existing roads to support the proposal.
- The plans would result in the loss of trees.
- Water pressure to serve new housing is insufficient and sewerage infrastructure is problematic.

- The development will affect the naturally-draining porous chalk Environmental surveys should be carried out before any works commence to ensure that properties on the lower slopes of the Western Heights are not adversely affected following heavy rainfalls
- There is a danger that additional housing would create unstable land conditions along Citadel road and Western Close. There are a honeycomb of tunnels in the area and ground could be unstable.
- The proposed growth of employment arising from this scheme is questionable and many jobs might be seasonable.

Objections (resubmission December 2012)

- Harmful effect of the proposal on the character and appearance of the Western Heights Conservation area
- The proposals are once again driven, as EH has said, by CGIs ownership of the land
- Concerns relating to the reduction of light reaching houses in Western Close, and endanger the 7 metre wall on the north side of Western Close with the massive increase in volume above
- Concern expressed that the £5m offered for improvements to the drop redoubt will not be viable (i.e. CGI do not have this level of money to offer)
- Concern regarding sensitivity of the natural environment with a request for no further encroachment on rights of way.

f) 1. Site and Proposal

- 1.1 An outline application has been submitted to Dover District Council by China Gateway International PLC (CGI) for a major mixed use development on two separate site areas at Farthingloe and Western Heights, Dover. A description of the development is provided at a) above.

Farthingloe

- 1.2 The Farthingloe site lies to the west of Dover, beyond the Dover Urban Confines, south of the B2011 (Folkestone Road) and north of the A20. It is located within the Area of Outstanding Natural Beauty (AONB) and extends along a dry valley, being one of a number within the AONB that feed into the Dour Valley.
- 1.3 The application covers an extensive part of the AONB (some 155ha), the majority of which is in agricultural use with areas of scrub, grassland, grazing pasture and arable land. Some of this land is Open Access countryside.
- 1.4 The site slopes up from the A20 to the ridgeline of Long Hill and back down to the south side of the B2011 and extends from the Hougham Court Lane/B2011 junction in the west to the perimeter of the Dover College playing fields adjoining Maxton in the east.
- 1.5 The site includes Great Farthingloe Farm which lies in the valley bottom adjoining the B2011. The Farm was used to house channel tunnel workers in the 1990s and as such has not seen recent agricultural use. It subsequently benefited from planning permissions

for B1 employment uses as outlined above under d). While the DOV/97/893 permission was implemented by the construction of an access road/junction with the B2011, no other development associated with that permission has been carried out.

- 1.6 Great Farthingloe Farm includes a listed (grade II) farmhouse which has been used for office accommodation, an adjoining (unlisted) thatched barn used as a wedding venue and a brick stable block which now functions as a site manager's office. A disused At-cost barn completes the farm group. The site is largely to grass, although a terraced landform and internal circulation roads are a reminder of the former use as a channel tunnel workers site.
- 1.7 The southern boundary of the Great Farthingloe site includes a structural tree screen which was planted as part mitigation for the channel tunnel workers camp. This screen varies in depth from 50m to some 25/30m and is now well established.
- 1.8 Unlike the wider Farthingloe application site area, much of Great Farthingloe Farm is relatively visually self contained. Mature tree planting to the boundary with the B2011 and the setting of the land below the B2011 at this point, by some 2/3m, helps reduce its prominence within the general landscape. Views from high ground of this area, from within the AONB and further east from the Western Heights, however are readily accessible.
- 1.9 A cluster of buildings adjoins the site. These include 1 to 4 Farthingloe Cottages which back onto the site and front the southern side of the B2011 and Little Farthingloe Farm which adjoins the B2011 to the north. Otherwise, a ribbon of development fronting the B2011, and forming part of the Dover urban area lies some 90m to the east. A further 120m beyond this and across the Dover College playing fields is the principal urban edge at Maxton.
- 1.10 The Channel Tunnel runs under the western part of the application site (northwest/southeast).
- 1.11 The Folkestone Warren Site of Special Scientific Interest (SSSI) is located on the seaward side of the A20 and some 60m south of the Farthingloe application boundary.
- 1.12 The application seeks outline approval at Farthingloe for the following. All matters (appearance, landscaping, layout and scale) are reserved with the exception of access:
 - Up to 521 residential units (Use Class C3)
 - Up to 9,335sqm 90 apartment retirement village (Use Class C2)
 - Up to 730sqm health facility (Use Class D2)
 - Conversion of thatched barn to pub/restaurant (Use Class A4/A3)
 - Conversion of stable block to retail shop (Use Class A1/A2)

- Conversion of farmhouse to bed & breakfast (Use Class C1)

- 1.13 The development is proposed on both the Farthingloe Farm site and an area of agricultural land to the west. For the purposes of the application and this report, these areas are abbreviated as FL-C (Farthingloe Farm site) and FL-B respectively. A plan showing the Farthingloe development is attached as Appendix 2.
- 1.14 The agricultural land (FL-B) includes the existing road access from FL-C to the B2011 and extends up to and slightly beyond the site/B2011 junction (to the east of the Channel Tunnel route). While FL-B is partially screened from the B2011, the site as a whole clearly reads as part of the wider AONB landscape.
- 1.15 The development is proposed to be served by the existing vehicle access and a new access onto the B2011 near the eastern boundary, through FL-C.
- 1.16 The application is accompanied by indicative plans which seek to demonstrate how the quantum of development proposed could be adequately accommodated. These show the loss of the existing structural tree planting at FL-C to development, with new areas of structural planting, most notably to the west of FL-B. The indicative layout is supported by details including, storey heights and section drawings and indicate the following:

Western Heights

- 1.17 The Western Heights is a prominent hilltop to the west of Dover overlooking the town and port. It is dominated by a series of Napoleonic fortifications which are recognised as being one of the largest and best surviving examples of 19th Century fortifications in Britain. The site is a Scheduled Monument and lies within the Western Heights Conservation Area. It is located outside the Dover Urban Boundary.
- 1.18 The fortifications include the Citadel and, linked to this to the east, the Drop Redoubt. The Citadel now accommodates a Home Office Removal Immigration Centre. This has seen some modern interventions, which together with neighbouring post war housing have partly compromised its setting. The Drop Redoubt and its immediate environs have seen less physical change. A lack of ongoing substantive investment however has resulted in a loss of some of its historic features and the structure falling into some disrepair. The Monument is on the English Heritage At Risk Register.
- 1.19 To the south of the Drop Redoubt is a bowl shaped landscape within which are the foundation remains of the Grand Shaft Barracks. Adjoining is the Grand Shaft; a 19th Century spiral staircase linking the Heights with Snargate Street below. This is in a reasonable state of repair with public opening/access on selected days each year. The bowl itself is generally overgrown and has an air of neglect. Dense woodland now occupies the slopes of the bowl. These were originally kept clear as part of the military design.

- 1.20 The Heights contain an assortment of other historic buildings and structures (including WWII artefacts) some of which have secured new uses. Others have fallen into disrepair.
- 1.21 The rich vein of historic uses/developments on the Heights dating back to at least the Roman period, provides the potential for significant archaeology interest.
- 1.22 The decay and disuse of some parts of the Monument has led to colonisation by wildlife, including protected species. The slopes below the fortifications benefit from a Local Nature Reserve designation.
- 1.23 Vehicle access to the Monument is currently secured via North and South Military Road, which traverse the Heights and connect with York St and the A20 respectively. Off road car parking is available adjoining St Martin's Battery, and on an area of hardstanding fronting the historic North Entrance off North Military Road. On street parking is primarily restricted to North Military Road and Citadel Road, with more limited opportunities on Drop Redoubt Road. Separate pedestrian access can be secured to the Monument from Albany Place car park (at the back of York St) and from a network of informal paths to the rear of Clarendon. The North Downs Way crosses the site (east/west) between the town centre and coastal route west of Dover. A public right of way to the north of the Western Heights also links through to Farthingloe in the west.
- 1.24 The application seeks outline approval on land at the Western Heights for the following.
- Construction of up to 31 residential units (all matters reserved except layout and access)
 - Reconstruction of Victoria Hall to provide 9 residential units (all matters reserved except layout and access)
 - Construction of up to 7,400sqm 130 bed hotel and 150 person conference centre (all matters reserved)
 - Conversion of the Drop Redoubt to a museum/visitor Centre (all matters reserved)
- 1.25 The application has been amended since the original submission in May 2012 with the principal change being the removal of 54 residential units from land at the Western Heights and the decision by the applicant to reserve all matters in respect of the hotel/conference centre and museum/visitor centre, whereas approval for layout and access was previously sought for these.
- 1.26 Some 40 residential units are now proposed at the Western Heights. These are shown as a row of three storey buildings to the south side of Citadel Road (which links Military Road with the Immigration Centre) on land predominantly occupied by hardstandings and a storage building. A new vehicle access is proposed from Citadel Road

serving undercroft parking for the properties at a basement (below road) level. The residential element also includes the conversion of the fire damaged two storey Victoria Halls which also front Citadel Road.

- 1.27 An equipped area for play (LEAP) is illustrated to the north of these units within an area south of existing properties in Citadel Crescent and Heights Terrace.
- 1.28 The hotel and conference centre is proposed on land to the east of Military Road and south of the Drop Redoubt. The development proposes the conversion/re-use of a former gun shed (a single storey brick building currently in use as a vehicle repair workshop) connected to a predominantly three and four storey new build sited on the northwest slopes of the 'Grand Shaft bowl'. To address level changes, the design envisages the new building in two distinct but connected structures on stepped levels below the gun shed. New tree planting is intended to compensate for the loss of the existing mature tree cover. The main entrance to the hotel is shown off Military Road, utilising an existing access to the former gun shed. Access to the undercroft parking below the hotel (172 spaces) is shown via a new access from Military Road and a new vehicle access linking with Drop Redoubt Road.
- 1.29 While the application is in outline, detailed sections and photomontage illustrations have been provided in order to demonstrate how a hotel/conference centre of the size proposed could be accommodated within the Monument and its likely appearance (bulk/massing) as seen from various important view points. Due to the proximity of tunnels underneath the hotel site, with historic and potential wildlife habitat interests, a construction methodology statement has also been submitted.
- 1.30 The application seeks the provision of a new visitor centre/museum with a café restaurant facility within the Drop Redoubt. Indicative details suggest the reuse and restoration of other parts of the Redoubt interior and upgrades and improvements (including a lift) to secure safe public access to the upper levels of the Monument.

Public Access/Landscaping/Public Realm

- 1.31 The application proposes a Countryside Access Area (some 116 Ha in area) with improved pedestrian access at Farthingloe to enhance opportunities for informal recreation within the AONB and for residents of the Farthingloe development. This includes upgrading existing public rights of way and the creation of new footpaths, provision of interpretation facilities, signage etc. Biodiversity improvements are also proposed within this area. The intention is for the CAA to enhance the linkages between Western Heights and Farthingloe, by means of facilitating a 'heritage trail' which could include the Napoleonic structures at the Heights and WWII artefacts along the Farthingloe ridge.
- 1.32 The application refers to upgrading pedestrian routes and providing public realm and landscaping improvements at the Western Heights.

In particular, reference is made to improving the landscape within the 'Grand Shaft bowl' area – the aim being to enhance the setting of both the Drop Redoubt and the hotel/conference centre and to enable safe/attractive public use and access across this space to/from the Grand Shaft. Public realm improvements are also suggested within Citadel Road and at St Martin's Battery and the adjoining car park. While these works are referred to in the application their delivery would need to be funded from the Heritage Benefits payment referred to below.

Heritage Benefits Package

- 1.33 The application states that delivering transformational regeneration of the Western Heights fortifications and providing a new focal point for tourism and leisure within Dover, lies at the heart of the application.
- 1.34 The applicant does not propose to carry forward the heritage improvements works (referred to in this application) but rather seeks, through this submission, to pay a sum of £5million (secured by a S.106 agreement) to the Local Planning Authority with the intention that this be used to refurbish and open the Western Heights military structures to the public, provide new interpretation, visitor facilities and enhanced public trails and landscaping within the Monument.
- 1.35 The application states that the £5million could be administered by a Heritage Trust with DDC and English Heritage as stakeholders. The monies could be used as a catalyst for the regeneration and management of the Western Heights as a heritage attraction and for future cultural-led regeneration in Dover. The application suggests £5million could directly fund the following:
- The public opening of the Drop Redoubt to include – reinstating the bridge access; carrying out extensive repairs; providing a new visitor centre and café; landscaping; and floodlighting.
 - Public opening of the Grand Shaft.
 - Upgrade pathways and interpretation across the Western Heights and widen the potential for access to the surrounding countryside.
 - General repair and safety work including structural repairs to several smaller military buildings, clearance of overgrown vegetation in public areas such as around St Martin's Battery and the former Grand Shaft Barracks site, highways improvements and security surveillance and anti-vandalism measures.
 - Fees and costs associated with preparing the necessary Planning and Scheduled Monument Consent applications to secure the heritage benefit works, including legal costs and seeking specialist advice.

Development Contributions

- 1.36 The application states that in addition to the £5million payment for heritage works, £1.8million is to be made available to meet

development contributions associated with supporting infrastructure. The applicant's viability statement also refers to an additional £500k being available for bus service enhancements.

- 1.37 As the focus of the application has been the delivery of a heritage payment package, no payment towards and/or for provision of affordable housing is proposed.

The Applicant's Policy Case

- 1.38 The application includes a Planning and Regeneration Statement that, amongst other things, sets out the applicant's overview of relevant development plan policy, national policy and other material considerations. In December 2012 the applicant submitted amendments to the application that included an Update to the Planning and Regeneration Statement. The following summarises the applicant's policy approach drawing on the original and Updated Statements and follows the order in those Statements:

- The application proposes high quality housing at the Farthingloe part of the application site, which in combination with infill housing and a high quality hotel at Western Heights, will both directly fund heritage, landscape and infrastructure improvements and provide a catalyst for the wider regeneration of Western Heights whilst making a significant contribution to Dover's housing and tourism offer.
- The major heritage, tourism and wider regeneration benefits at Western Heights with substantial recreation, landscaping and biodiversity improvements at Farthingloe, and realising the potential of Dover to accommodate a high quality housing scheme, constitute exceptional circumstances which outweigh the impact on landscape character and any planning harm caused by locating major development outside the urban boundary partially within the AONB.
- The proposals represent sustainable development and come at a timely moment coinciding with the East Kent Grow for It Campaign currently being promoted by Kent County Council.
- The proposals are generally in accordance with the provisions of the Development Plan.

- 1.39 Subsequent information submitted in support of the application emphasises the interrelated and connected nature of the application, and the need to deliver all aspects in order to fully realise the regeneration, tourism and related economic benefits.

Application Content

- 1.40 The application was originally lodged 31st May 2012 and was advertised as a Departure from the Development Plan. A revised application package was received 13th December. This included the following:

- A reduction (by 54) in the number of residential units proposed at the Western Heights;
- A redesign of the hotel and additional supporting drawings/information;
- Slight redesign of the works associated with the use of the Victoria Hall for residential purposes;
- Further clarification of the heritage benefits package; and
- Additional supporting drawings.

1.41 Further information in support of the Environmental Statement was submitted 11th January 2013 and a further package received 11th April 2013. These details have been advertised and consulted on.

1.42 The application has been accompanied by a range of supporting documentation. A list of the main reports/studies received is provided below:

- Environmental Statement (ES)
- Planning and Regeneration Statement
- Regeneration Statement
- Financial Viability Statement (confidential)
- Design and Access Statement
- Heritage Statement
- Description of Heritage Benefits Statement
- Farthingloe Design Guide
- Building for Life 12 Assessment
- Transport Assessment and Travel Plan
- Flood Risk Assessment
- Sustainability Statement
- Statement of Community Involvement
- Archaeological Desk Based Assessment
- Construction methodology statement)
- Waste Management Plan
- Utility Services Constraints Study
- Daylight & Sunlight Assessment
- Geotechnical Assessment Report
- Construction Methodology Statement

Application Format

1.43 While the application has been submitted in outline, the conversion works are in effect considered to be a 'change of use' for which full planning permission needs to be sought. For this reason, and following legal advice, the most appropriate course of action would be to treat the submission as a 'hybrid' application, being an application in outline for the erection of buildings and a full application for the 'conversion' of existing buildings. Any approval would impose reserved matters conditions in respect of the outline elements of the proposal, and conditions requiring submission of further details could be imposed in relation to the proposals for 'conversion'. The 'full' submission would apply to the following matters:

- Conversion of the Drop Redoubt to a Museum/Visitor Centre (Use Class D1)
- 'Reconstruction' of the Victoria Halls to provide 9 residential units (Use Class C3)
- Conversion of thatched barn to pub/restaurant (Use Class A4/A3);
- Conversion of stable block to retail shop (Use Class A1/A2); and
- Conversion of farmhouse to bed & breakfast (Use Class C1)

2. Application Assessment

- 2.1 The application is a very significant one for Dover and the District. It proposes a high quality hotel at the Western Heights, a visitor centre at the Drop Redoubt and would seek to fund this and other works at the Western Heights (through a financial payment) to enable the area to be opened up to the public as a visitor destination. Funding for the heritage benefits would be secured by large-scale residential development in the Kent Downs AONB and smaller-scale residential development within the Western Heights Scheduled Monument. The application therefore raises issues of improvement of a very significant heritage asset and development of Dover's visitor market against impact on the AONB and the Monument.
- 2.2 It is a complex application that proposes several different elements of development, presented as a package, in an area that is outside the urban boundary of Dover and recognized nationally as environmentally sensitive. Not surprisingly it gives rise to a wide range of policy issues which is reflected in the identification of relevant policies at c) above.
- 2.3 Furthermore, the scale of development proposed and the potential benefits it could bring, combined with the sensitivities of the application site (most notably involving the Kent Downs AONB and Western Heights Scheduled Monument) raise issues that go to the heart of Development Plan and Corporate objectives for Dover town and the District.
- 2.4 By virtue of the complexity and significance of the application, it has been necessary for the local planning authority to seek impartial expert professional advice on economic and financial viability matters from Wessex Economics (WEL) and Smiths Gore property advisors respectively. Their input is referred to throughout the report where needed.
- 2.5 The following sections of this report seek to appraise the application against a range of relevant planning considerations. The report then concludes with an overview assessment looking at how the application complies with the main objectives of planning policy and in particular the requirements of the NPPF relating to development in the AONB and delivering sustainable development. The structure of the assessment section is as follows:

Policy Overview
Planning History
Housing Delivery
Commercial Uses
Socio-Economic Considerations
Farthingloe - Scheme Analysis
Western Heights – Scheme Analysis
Highways/Travel Demand
Biodiversity
Pollution Impacts
Flood Risk
Loss of Employment Land
Loss of Agricultural Land
Heritage Payment – Legal Considerations
Infrastructure Provision
Financial Viability & S.106 Financial Contributions Summary
Statement of Community Involvement
Review and Conclusions

Policy Overview

- 2.6 The Planning Acts state that a planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.7 In this case, the Development Plan consists of the Dover District Core Strategy (2010) and the Saved Policies of the Dover District Local Plan (2002).
- 2.8 As a matter of fact the application site is not allocated for development in the Development Plan and lies outside the Dover urban boundary. The residential components, in particular, are therefore contrary to a range of policies in the Core Strategy (Policies DM1, DM11 & DM15) which seek to restrict development beyond the existing urban area in the interests of countryside protection and reducing travel. The proposal is therefore not in accordance with the Development Plan and as mentioned elsewhere has been advertised as a departure to the Plan.
- 2.9 The National Planning Policy Framework (NPPF, 2012) sets out the government's objectives for the planning system and is therefore a material consideration to which significant weight must be given. The NPPF includes a presumption in favour of sustainable development. To deliver this, the NPPF states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 2.10 Paragraph 49 of the NPPF is particularly relevant to the application. This indicates that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. This is currently the case and as such the Council's Development Plan policies (as they apply to housing supply) are therefore seen by the NPPF to be 'out of date'. It is relevant to note that the Council is well advanced in the preparation of its Land Allocations Local Plan and

that a main purpose of this Plan is to increase the housing land supply. While the prospect of adoption of this Plan within the next 12 months is relevant, the implications of Paragraph 49 regarding the reduced weight to be given to the Development Plan housing policies at this time (such as DM1) apply.

- 2.11 Paragraph 14 (NPPF) sets out a presumption in favour of permitting sustainable development and states that where the development plan is absent, silent or relevant policies are out of date (as here), planning permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies [of the NPPF] taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.
- 2.12 The NPPF includes policies relevant to this application which indicate that development should be restricted. These concern the protection of heritage assets and the Area of Outstanding Natural Beauty (AONB). Therefore, the application must accord with the NPPF policies regarding heritage assets and AONBs (and any other relevant matters).
- 2.13 Paragraph 115 (NPPF) recognises that AONBs, along with National Parks, have the highest status of protection in relation to landscape and scenic beauty and that great weight should be given to conserving these qualities. Paragraph 116 outlines the criteria for assessing 'major' development in the AONB. While 'major' is not defined in the NPPF, the scale of the development proposed in this case and the resultant loss of a large amount of protected countryside, is considered to amount to a major development and accordingly the application should be assessed as such.
- 2.14 Paragraph 116 states that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 2.15 In order for the proposal to be considered 'sustainable development', in line with the overall objectives of the NPPF, it is anticipated that it would need to satisfy the requirements of paragraph 116.
- 2.16 Policy considerations in the NPPF relating to the historic environment are also important to assessing the principle of the development.

Paragraphs 132 – 134 (NPPF) indicate that when assessing the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. Substantial harm to assets of highest significance (such as scheduled monuments) should be wholly exceptional. Where less than substantial harm would arise, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 2.17 Other relevant policy matters are referred to within each of the report sections below.

Planning History

- 2.18 Reference has been made in the application to the relevance of the extant B1 planning permission (DOV/97/893) for a business park at Farthingloe (primarily at FL-C). The permission has been implemented through the construction of an access road. The ability to carry out development on site without the need to obtain a further planning permission, would be a fallback position, capable of being a material consideration when determining the current application.
- 2.19 The weight to be given to DOV/97/893 as a fallback would depend on the likelihood or probability that the business park would be erected pursuant to the extant planning permission. If there's no economic incentive to construct the business park it would be reasonable to conclude that little weight could be given to the prospect of such a park being constructed.
- 2.20 Permission was given in 2006 (DOV/06/088) for a much smaller scale B1 development at Farthingloe (FL-C). The submitted plans showed the development within and effectively part of the extant business park permission. At that time and within that context, significant weight was given to the DOV/97/893 as a fallback position and on that basis, DOV/06/088 was approved.
- 2.21 DOV/06/088 was not implemented and the permission has now lapsed. More recently, the Dover Employment Update Final Report (September 2012), for the Land Allocations Local Plan (LALP), established that the site was not a priority or needed to achieve the district's employment land requirements. As such, the site was not put forward as an employment allocation in the LALP. No objections were received through the public consultation process to the LALP regarding the decision not to allocate the site for employment purposes.
- 2.22 Some time has now passed since the DOV/97/893 permission was initially implemented. The intention of the current landowner (as conveyed by this application) is to seek a residential permission on the site. Submissions to this effect were also made through the LALP process. No evidence has been presented in the application or otherwise to suggest that the completion of the DOV/97/893 permission would be a viable prospect or is a serious alternative proposition.

- 2.23 Given the background described above, it would not be unreasonable to conclude that there's currently little likelihood of the B1 permission being fully built out. As such, it's considered that only limited weight should be given to the extant permission as a genuine/likely fallback position at this time.

Housing Delivery

- 2.24 The application proposes up to 561 residential units in total. The indicative residential mix supposes the following residential components:

Farthingloe (FL-B) – Total 212 residential units

<i>80 flats: 32 x 1 bed</i>	<i>132 houses: 24 x 2 bed</i>
<i>33 x 2 bed</i>	<i>84 x 3 bed</i>
<i>15 x 3 bed</i>	<i>24 x 4 bed</i>

Farthingloe (FL-C) – Total 309 residential units

<i>46 flats: 32 x 1 bed</i>	<i>263 houses: 108 x 2 bed</i>
<i>14 x 2 bed</i>	<i>124 x 3 bed</i>
	<i>31 x 4 bed</i>

Western Heights – Total 40 residential units

40 flats: 8 x 1 bed
17 x 2 bed
13 x 3 bed

- 2.25 The Core Strategy outlines a development mix which should be used to inform planning decisions on housing development. This has been derived from the Housing Market Assessment (HMA) which identifies a broad split of demand for market housing within the district. The mix should not be seen as a fixed requirement for every site, but provides an indication as to what should be achieved across the full range of sites coming forward over the plan period. The CS mix and the current indicative mix are set out below and are very similar.

Development Mix	Core Strategy Mix
1 bed units: 15%	1 bed units: 13%
2 bed units: 35%	2 bed units: 35%
3 bed units: 40%	3 bed units: 42%
4 bed units: 10%	4 bed units: 10%

- 2.26 In addition to the above, the application also seeks a 90 apartment retirement village at Farthingloe FL-B.

- 2.27 The application would result in a significant increase in the supply of housing. This needs to be assessed in three principal ways; the District's five year housing land supply, the relationship to planned housing development (through the Core Strategy and Land Allocations Local Plan), and the considerations in paragraph 116 of the NPPF regarding that part of the proposals that fall within the AONB.

Five-Year Housing Land Supply

- 2.28 The NPPF (paragraph 47) requires local planning authorities to identify and maintain a supply of specific deliverable sites sufficient to provide five years' worth of housing, measured against the District's (i.e. Core Strategy) housing requirements, plus either a 5% or 20% buffer, depending on past performance. The Council's latest Annual Monitoring Report (AMR January 2013) records a deficit in the supply of land for 620 homes (equivalent to 1.2 years) with a 5% buffer, or 999 (equivalent to 2 years) with a 20% buffer. The higher buffer is to be applied where there is a record of persistent under delivery of housing. The Core Strategy sets an annual rate of delivering 505 dwellings per year but this has not been achieved and the last recorded year (2011 to 2012) saw 227 completions. The reasons for this are considered to be a combination of, insufficient progress on delivering the Core Strategy's strategic sites, the Land Allocations Plan not yet bringing into place additional land supply and the effect of general market conditions. Although there is no definitive view of which buffer should be used, the evidence suggests that the higher one may be more appropriate.
- 2.29 The application is based upon the assumptions that one year would be needed to allow for the land to be tendered and for developers to acquire approval of reserved matters and a further year for construction to reach a point where dwellings start to be completed. Actual completions therefore start at the commencement of year three. It is assumed that development would commence at the Western Heights and the two ends of the Farthingloe site at the same time and would progress at an average build and sale rate of 1 dwelling per week per phase, with the Western Heights residential phase completed in one year. Based on these assumptions, the development would contribute three years' output to the five-year land supply. While this would not resolve the deficit it would make a significant contribution of 350 dwellings – or 56% in relation to the 5% buffer and 35% for the 20% buffer. At the same time, Wessex Economics (WEL) advise that the build rate suggested by the applicant might be optimistic. Furthermore, it is unclear whether the assumption is accurate or realistic that the applicant could tender the site and a developer achieve reserved matters and progress on site in year two. On this basis, some caution should perhaps be applied to the potential for development to contribute to the five year housing supply deficit to the degree suggested, although as explained below, the existence of a five year deficit nevertheless remains an important consideration.
- 2.30 The Council's Land Allocation Plan will increase the supply of housing land but it has not yet reached a sufficiently advanced stage where its proposals can generally be taken to contribute to the five-year supply. While the NPPF states that the weight to be given to emerging plans increases as they advance through the stages of preparation, the Plan's current stage of Pre-Submission means it has yet to be submitted to Government, undergo its Examination in Public and, assuming a positive outcome at Examination, be adopted by the Council. Inspectors on two recent appeals (Gretton

Road,Winchcombe and Dancing Lane, Wincanton) both concluded that a plan at this stage carried little weight.

- 2.31 As described in paragraph 2.10 of this report, the NPPF sets out that an absence of a five-year supply renders policies for the supply of housing out-of-date for the purposes of applying the presumption in favour of sustainable development. The NPPF does not qualify this in any way by, for example, reference to the degree of deficit or for how long a deficit is likely to remain. The application of this part of the NPPF, in the particular circumstances of this application, would mean that the following Core Strategy policies would have very little weight; Policy DM1 restricting development outside the urban boundary, Policy DM11 regarding travel generating development outside the urban boundaries, Policy DM15 regarding protection of the countryside and, Policy DM16 regarding protection of landscape character.

Planned Housing Development

- 2.32 The Core Strategy identifies Dover as the focus for future housing development where the scale and type of new housing is required to change the housing market. Policy CP3 requires land to be allocated for 9,700 new homes at Dover over the 2006 to 2026 period, equating to 70% of the District's total. The Strategy allocates land for 6,650 homes at Dover and requires the Land Allocations Local Plan to allocate land for the balance of 3,050. That figure reduces to 1,620 when allowance is made for housing development that has been completed since 2006 and planning permissions yet to be implemented.
- 2.33 The Plan has, however, not been able to identify suitable land to meet all of this requirement and proposes that the shortfall of land for 610 dwellings will be made up through granting planning permission for unplanned ("windfall") development. While this is considered to be a reasonable position for the Council to take, it has yet to pass the Examination in Public. If, assuming all other aspects are acceptable, the application was to be approved it would provide most of the shortfall in housing land supply that the Plan envisaged being met by windfall and would not prejudice final decisions about any of the allocations in the Land Allocations Plan.
- 2.34 It should be noted that the Council's position on the Plan is based upon the avoidance of making allocations in nationally sensitive areas such as flood risk, the AONB, designated wildlife sites and designated heritage assets such as Scheduled Monuments. This does not, however, preclude the Committee from granting planning permission for such development if it is considered that the merits of a specific planning application justify a departure from the development plan and would be consistent with the NPPF.
- 2.35 It should also be noted that the scale of residential development proposed at Farthingloe has the potential to make a very significant contribution to meeting the Core Strategy's fundamental objectives of broadening Dover's housing market offer and improving its market perception. How far the outline proposals realise this potential is discussed elsewhere in this report but the essential point is that a

development on this scale has more potential to achieve Core Strategy objectives than a series of small windfall developments. Furthermore, while progress is being made towards implementing the Core Strategy's strategic allocation at Whitfield, other strategic allocations at Connaught Barracks and the Waterfront have not progressed. There are no approved masterplans, which is a required pre-cursor to the submission of planning applications. This suggests that development of these sites is very unlikely in the short-term whereas the Core Strategy's Delivery Framework programmed them to be under construction from 2012. The Core Strategy does, however, envisage the possibility of insufficient progress to meet targets and the need for contingency measures. Paragraph 5.25 states:

“The Core Strategy needs to be flexible enough to consider whether additional public sector intervention is possible and justified or whether another development might be advanced faster to compensate for major development projects that have stalled or halted. This will be essential to ensuring that implementation is flexible and can respond to changing circumstances.”

- 2.36 It is considered that the District and, in particular, Dover is in the circumstances described in the above quotation. The application offers the opportunity to implement an alternative development of strategic scale, which is capable of helping to achieve Core Strategy housing objectives albeit in a way not originally envisaged. If implemented at an early date, it could also generate considerable momentum to the Core Strategy programme that is otherwise moving at too slow a pace.

Kent Downs Area of Outstanding Natural Beauty (AONB)

- 2.37 The NPPF's presumption in favour of sustainable development is caveated in circumstances where specific policies in the Framework indicate development should be restricted. Of the examples of such policies given in the NPPF, two are relevant to this application; the policy relating to AONBs and the policy to designated heritage assets. An application would need to be consistent with these policies for the presumption to apply, unless material considerations indicate otherwise. Consideration of AONB policy is set out below.
- 2.38 Paragraph 2.14 of this report sets out the NPPF's policy towards major development in AONBs. This includes three areas of assessment that should be carried out in order to establish whether there are such exceptional circumstances, and matters of public interest, that would justify granting permission. Of these assessments, “the need for the development, including in terms of any national considerations” and “the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need in some other way” are considered below, insofar as they relate to the residential aspects of the application.

Need for the development

- 2.39 The NPPF clearly sets out that a deficit in the five year housing land supply creates a need to permit further land for housing development. This is being given increasing emphasis by the Government and reinforced by a series of recent appeal decisions. While housing land supply is important at the local level it also has a national dimension. In an appeal at Tetbury, Gloucestershire earlier this year, the Secretary of State agreed with the Inspector's finding that "there is a pressing need for the proposed houses locally and a need nationally to boost significantly the supply of housing."
- 2.40 Notwithstanding the representations made by the AONB Executive to this application, it seems reasonable to conclude that a shortfall in five year housing land supply has similarly established a local need for further housing land and that the need to boost the supply of housing land is capable of being considered of sufficient national interest to contribute to meeting the NPPF's AONB needs test.

Cost of and Scope for developing outside the AONB

- 2.41 The Council has undertaken extensive housing land site search investigation to support the preparation of the Land Allocations Local Plan. The range of site options investigated is set out and assessed in the Strategic Housing Land Availability Assessment, Site Assessment Forms and Sustainability Appraisal. It is, perhaps, more easily represented in the maps included in the Interim Consultation October 2010 and, in particular, Section 1 dealing with Dover. These documents can be viewed on the Council's website.
- 2.42 The outcome of the Plan making process is that the Council has proposed to allocate all the reasonable options but notwithstanding this has a shortfall of allocated land at Dover. More specifically, the scale of development proposed by the application is, in terms of the Core Strategy's settlement hierarchy, only appropriate at Dover, Deal or Sandwich. Options at Sandwich and Deal are highly constrained by a combination of flood risk, access issues relating to a restricted road network to which no solutions have been identified, and local landscape impacts, for example, land between St. Richard's Road and Ellens Road. In any event, further allocations at Sandwich or Deal would not address the Core Strategy's requirement to focus development at Dover.
- 2.43 Options work on the Plan only identified two areas of land at Dover that might accommodate a substantial amount of development that have not been carried forward as allocations. One of these was a parcel of farmland to the north east side of the A2, near the Duke of York's School, bounded by the Dover/Deal railway line and A258. It was assessed as very poorly related to the urban area, separated by the A2 trunk road, and having a high degree of adverse landscape impact including on an adjacent part of the AONB. The other parcel of land was an area to the immediate south of the White Cliffs Business Park extending southwards to the Deal/Dover railway line and including Sandwich Hole and Long Hill. It is part of a steep sided valley that is easily viewed from many parts of the town and from the hillsides to the west. It plays an important role in the landscape setting of the town. Access is constrained by the railway line. It was concluded that development of this land was not acceptable for a

combination of landscape impact, detriment to the landscape setting of the town, topography and access. Land at the Western Heights and Farthingloe (the subject of the planning application) was also assessed in the Plan's options work but not taken forward because of the conflict with national heritage and landscape designations and the absence of an overriding case. Such an overriding case has, of course, subsequently been proposed as part of this planning application.

- 2.44 It is therefore concluded that, while there are options to develop outside the AONB, they are not viable for a combination of reasons such as conflict with Core Strategy locational policy, access issues, flood risk, and landscape impact. There is no proven practical scope for developing elsewhere outside the AONB. It should also be noted that development on any of these other options could not replicate the composite regeneration package proposed as part of this application.
- 2.45 The NPPF policy also refers to the scope for meeting the need in some other way. The Council's position from a plan making point of view is that the shortfall of housing land allocations at Dover will be made up by windfall developments in the latter part of the Plan period. While this is considered to be a legitimate position it does not address the more immediate need of five year land supply, which is dealt with in the section above.

Conclusion

- 2.46 The analysis from a housing delivery perspective indicates that greatest weight must be given to the inability to demonstrate a five year land supply. As a consequence, and with regard to the AONB policy tests at paragraph 116 of the NPPF, it appears reasonable to conclude that the delivery of housing, in the particular circumstances of this case, would help address the test relating to establishing a national need for the development. It has also been established that there would be no scope for developing elsewhere.

Commercial Uses

- 2.47 The following sections consider the merits of each of the commercial uses proposed within the application and evaluates their suitability relative to land use policy.
- 2.48 The proposal at Farthingloe includes the refurbishment of Farthingloe Farm buildings to provide a shop in the stable block (A1 use totalling 285 m²), a pub/restaurant in the Barn (A4 use totalling 280 m²), a new build health facility (D2 use totalling 730 m²) and an 90 apartment retirement home (C2 up to 9,335sqm). At Western Heights a 130 bed hotel including a 150 person conference facility (C1 use) together totalling 7900 m², is proposed.
- 2.49 Some of these uses are classified by the NPPF as 'main town centre uses'. These include the hotel and conference facility at the Western Heights and the health facility, pub/restaurant and shop at Farthingloe.
- 2.50 A key objective of the NPPF is to ensure the vitality of town centres and to promote competitive town centres that provide

customer choice. Where a town centre use is not proposed within an existing centre and is not in accordance with an up-to-date Local Plan, the NPPF requires local planning authorities to apply a sequential test. This should establish whether there are any suitable and available town centre options or failing that, edge-of-centre sites. Consideration can be given to out-of-centre sites if no sequentially preferable locations are identified. When an application fails to satisfy the sequential test, the NPPF states that it should be refused” (paragraph 27).

Retail (Farthingloe)

- 2.51 Policy DM23 (CS) permits local shops within urban areas. The explanatory text to the policy states that shops in suburban locations provide a valuable service and have an important function in securing a sustainable pattern of development. As such, where proposals have a gross floor area not exceeding 500 m² they are not to be subject to the sequential test.
- 2.52 The NPPF (Paragraph 38) states that, “*Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties*”.
- 2.53 The small retail unit (285 m²) would fall into the category of a local shop, and would not be required to comply with the sequential test. It should help reduce the need to travel.

Pub/restaurant and health facility (Farthingloe)

- 2.54 The applicant has not submitted a sequential site assessment to justify the location of the pub/restaurant and health facilities at Farthingloe. In isolation the pub/restaurant could be located on a more sequentially preferable site in the town centre or an edge of centre location. This would encourage linked trips and assist in the promotion of the viability and vitality of the town centre.
- 2.55 In respect of the health facility (some 730 m²) there are a number of sites both within the town centre, and in an edge of centre location, which could be suitable for such a facility. The applicant has indicated that the proposal is likely to include a fitness gym of approximately 200m² and a multi-purpose studio 15 x 15 m for classes (these would meet Sport England floor space guidance). Within Dover town centre there are currently two fitness centres with which the proposed facility could directly compete. Dover Leisure Centre occupies an edge of centre and as such is not afforded the same degree of policy protection.
- 2.56 As presented therefore the health facility and pub/restaurant uses would be likely to work against NPPF town centre policy.

Care home/retirement village (Farthingloe)

- 2.57 Akin to most of the other commercial uses, the care home/retirement village is located in an area (outside urban confines/AONB) where

planning policy would usually prohibit development. Within the scheme itself, the facility is indicated as being to the far west of the site and beyond/separated from the other commercial facilities such as the local shop. Comments have been raised by DDC Housing and others as to whether, in the interests of achieving a sustainable community, this is an appropriate location.

Conclusion (Farthingloe)

- 2.58 The proposed health facility and pub/restaurant are clearly town centre uses. The failure of these to be justified in sequential test terms would, as indicated by the NPPF, suggest they should be refused. There are other material factors to weigh in the balance however, most notably the contribution that these uses could make, in addition to the local shop, to help establish Farthingloe as a viable mixed use community where residents would have access to local services/facilities; this being an important NPPF objective (paragraph 38) to support sustainable patterns of development. In this respect, and assuming the principle of the development as a whole was acceptable, the range of commercial uses proposed would have some positive effect.
- 2.59 Consideration has also been given to the fact that the application has been presented as a package, where each element contributes to the economic viability of the whole. It is understood for instance that uses, such as the health facility, might contribute to the marketability of the residential proposals and that there might be some synergy between the pub/restaurant and the retirement/care home. It is also relevant that the pub/restaurant would make use of a disused thatch barn forming part of the farm group centred on the listed farmhouse. The commercial uses would also bring economic/employment benefits in their own right.
- 2.60 Set against the above is the strong likelihood that the scale/nature of these uses might lead to Farthingloe becoming a destination in its own right, encouraging vehicular movements out of town. There could also be an element of harm to the vitality and viability of the town centre, albeit that the scale of uses suggests this would probably not be significant. Overall, there would be a conflict with policy. This needs to be weighed with the wider impacts of the application relative to NPPF (paragraph 116).

Hotel (Western Heights)

- 2.61 In relation to the proposed hotel and conference facility at Western Heights, the submission refers to BBP Regeneration's Report entitled "Sequential Test Report on Potential Hotel Sites in Dover" which is dated October 2008. Whilst this document is some four years old, and some of the content is considered to be out of date, the Council is satisfied that the report assesses all known sites in town centre and edge of centre locations in Dover. It is worth noting that this 2008 Sequential Test Report refers to a feasibility study undertaken in connection with Dover Waterfront by Christie and Co. That study identified a potential demand for an upper to mid market hotel. BBP's report concluded that the most appropriate site for an upper to mid

market hotel would be firstly the Wellington Docks site (Dover Waterfront) and secondly the Western Heights.

- 2.62 CS Policy CP8 allocates the Dover Waterfront site for a mixed use scheme to include a hotel (C1) use. The Land Allocations Pre-Submission Local Plan (LALP) amends the town centre boundary to include the majority of the CS allocation of Dover Waterfront and subject to the outcome of the Examination in Public for the LALP, the Dover Waterfront site would be considered a town centre location.
- 2.63 Since the adoption of the CS progress on Dover Waterfront has been slow. Policy CP8(i) requires that prior to the submission of an application a masterplan is agreed by the Council. This work remains outstanding as owners of the site have not agreed a programme for moving forward. Whilst the Council is satisfied that the Dover Waterfront site is suitable, it is unlikely to be available in a short term timeframe, given the need to develop a masterplan (in conjunction with partners) prior to the submission of a planning application.
- 2.64 The only significant development in hotel provision in Dover since the 2008 study was the closure of the former Churchill Hotel on Dover waterfront in 2010, and its upgrading and re-launch as the 4 starred Dover Marina and Spa hotel (with approximately 80 rooms).
- 2.65 The reference in the BBP 2008 study of the potential for the Western Heights to accommodate a mid to upper range hotel is relevant. Regarding the impact that a hotel might have in this location on the existing town offer, Wessex Economics (WEL) indicate that there should be potential for an additional 4 star hotel provided this is within the context of a coordinated tourism strategy for Dover. The current application proposes the delivery of the hotel as part of a wider regeneration/tourism initiative which, it is anticipated should generate further demand for quality bed spaces.
- 2.66 Since the 2008 study, planning permission has been granted for a 4266 m² lower/middle range hotel, on the St. James' site within Dover town centre. No other sites are considered to be reasonably available in/adjoining the town centre where a high end hotel might be accommodated.
- 2.67 In conclusion, while Dover Waterfront remains unavailable at this time, the site at Western Heights is considered suitable for hotel development in sequential terms.

Socio-Economic Considerations

- 2.68 The Government underline the importance of delivering economic growth and through the NPPF confirm the central role that the planning system should play in supporting this objective. The NPPF states (paragraph 19) that the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth.

- 2.69 The Core Strategy (CS) acknowledges the weaker economic performance of the District when compared to other parts of the south east and points out that many of the economic challenges are concentrated in Dover itself.
- 2.70 To address these and other issues, the CS proposes a growth and regeneration strategy focused on Dover town. Supported by the HS1 rail link to London and other development opportunities, the strategy is underpinned by housing growth, which seeks to improve the range, quality and market perception of the Dover housing offer. The aim is to bring about economic and social regeneration and transform Dover into a leading town within the region.
- 2.71 Since the CS was published (February 2010), reductions in public sector expenditure have placed greater emphasis on the role of the private sector in delivering economic growth. The Local Enterprise Partnerships (LEPs) have been established with a view to increasing private sector investment and creating local jobs. The main objective of the South East LEP is to facilitate steady and sustained economic growth with the need for investment in coastal communities, such as Dover, recognised as particularly important where opportunities for growth in the visitor/tourism economy exist. More locally, KCC and the East Kent local authorities have launched the 'Grow For It' campaign which seeks to market and promote East Kent as a location of choice for inward investment.
- 2.72 The CS refers to the importance, yet unfulfilled potential of tourism to the District and in particular Dover's economy. The enhancement of Dover as an overnight stay destination is seen as a means of improving visitor spend and the tourism sector. Linked to this is making more effective use of Dover's cultural and natural assets. In particular, reference is made in the CS (Figure 3.3) to the Western Heights fort as a major historical asset, the full potential of which should be realized. The need for the Western Heights to fulfill its potential to attract visitors and enhance understanding, without causing harm to intrinsic qualities and in a way that coordinates with other attractions in the centre is emphasised. The recent Built Heritage Conservation Framework (BHCF) commissioned by Dover District Council and produced in consultation with English Heritage and KCC, refers to the potential for a heritage led regeneration and tourism development at the Heights.
- 2.73 The strong level of support for the application proposal in terms of assisting economic growth will be noted (see part e) above). Submissions have been made from the business and tourism sector and key strategic bodies, such as the South East LEP. These are very much framed within a context of there being a pressing need for inward investment given the current economic challenges.
- 2.74 The imperative of securing economic growth is fully understood and can be supported. The role of the planning system of course is to determine, within a statutory framework, where the most appropriate location for economic investment and development should be.

- 2.75 As stated, planning decisions must be made in accordance with the development plan unless other material considerations indicate otherwise. In this case, the CS sets out in detail where the development necessary to support the district's economic regeneration should take place.
- 2.76 As detailed at 2.8, the residential led proposals subject of this planning application are in conflict with the CS and contrary to the development plan. While this is the case, the reduced weight afforded to the CS housing policies at this time means that the policies of the NPPF are particularly important to the assessment of the application (see 2.10).
- 2.77 While clearly supporting economic development, the NPPF indicates that opportunities for economic growth must also be in tune with wider objectives such as environmental sustainability.
- 2.78 In this case, the application involves major development within the AONB where the general presumption in favour of development does not apply. The NPPF indicates that approval of development in these circumstances should be exceptional – not surprising as AONB's (together with National Parks) have the highest national status of protection in relation to landscape and scenic beauty.
- 2.79 The sensitivities relating to the development in this location suggest that in order for proposals to be acceptable, economic benefits by themselves would need to be more than present. Rather, they would need to have a significance sufficient to consider setting aside the overriding objective of the national AONB designation, namely the conservation and enhancement of natural beauty.
- 2.80 In assessing what weight to give economic benefits in this case, paragraph 116 of the NPPF requires local planning authorities to consider the implications of permitting or refusing such schemes upon the local economy.
- 2.81 To help the local planning authority in this assessment, specialist advice has been sought from the consultancy, Wessex Economics (WEL). WEL consider the strength of the economic case taking into account the planning policy context. Their understanding of specific local conditions has been enhanced by direct discussions with the Council's Head of Inward Investment.
- 2.82 A summary of some of the key economic challenges facing the District and Dover town in particular are set out below:
- Unemployment is higher than the regional average and is higher in Dover town, with a number of Wards experience significant disadvantage as measured by the Index of Multiple Deprivation.
 - The workforce is generally less skilled than other more economically prosperous parts of the south east. As a consequence and because of the historic inaccessibility of Dover within the regional context, the District doesn't have a strong representation of high value added business.

- The improved rail service between London and Dover provides an opportunity to attract additional domestic passenger and tourist numbers/visits, although the ability to fully exploit this has been impaired in part by the national economic environment.
- The closure of Pfizer has affected the entire East Kent economy. This has come at the same time as a reduction in public sector employment arising from the government's deficit reduction programme.
- The backdrop of uncertain/difficult national economic conditions.

2.83 While challenges exist, opportunities need to be capitalised upon. Both the CS and South East LEP outline that for Dover, the potential for growth exists in the underachieving tourism economy. In this respect, WEL identify that despite the large volume of tourist traffic using Dover port, the town has captured relatively little benefit from passing trade. They suggest the aim must be to exploit this and the opportunities arising from the London rail connection, the Dover cruise market and strong visitor appeal of Dover Castle, by building Dover into a short break destination. Expenditure associated with staying visitors is much higher than day visitors. WEL advise that to support that strategy there must be a broadening of the range of quality attractions, environments and overnight stay options within Dover.

2.84 The applicant's Regeneration Statement and other submissions detail the socio-economic benefits arising from the proposed application. These are summarised below:

- a) Some 266 local fulltime equivalent (FTE) jobs would be generated. Of these, some 104 would be linked to the hotel/conference facility and at the Western Heights.
- b) Some 232 FTE construction jobs would be created for each of the 7 years of the anticipated construction programme. A significant proportion would be local jobs and would provide local young people with skills and training opportunities to gain NVQ Level 2 & 3 training.
- c) New residents would spend around £9.56m per annum on local goods and services (£2.75m on leisure and £6.81m on retail).
- d) Contributing some 651 homes to the existing housing stock - meeting part of the Council's target of 14,000 new homes - providing a greater housing choice and help rebalance the social profile of Dover which is skewed towards Council rented accommodation.
- e) Providing recreation, leisure and other facilities including areas of open space, such as the Countryside Access Area, that would enhance the range of community facilities available to existing residents.
- f) The payment of £5m in installments over the built-out period, of which £1m would be paid upon commencement of development, for use in towards heritage improvements at the Western Heights.

- g) Some £186m of private sector investment would be leveraged by the development and in turn would act as a catalyst to lever further public and private sector investment.
- 2.85 WEL have been asked to review the economic benefits outlined by CGI. The issues raised by d) and e) above are assessed in more detail at 2.27 and 2.195 respectively.
- 2.86 WEL generally support the applicant's conclusions regarding employment generation, although in the case of construction employment it's suggested this figure may vary between 190 & 230 FTE per annum. WEL are cautious however about the likelihood of construction companies recruiting locally and/or providing training, especially in the current competitive environment where construction businesses are not likely to have time to invest in initiatives other than those that produce clear and quick outcomes.
- 2.87 WEL consider that, over time, the Farthingloe development should contribute considerably to diversifying the Dover housing offer in terms of location, character and quality and therefore has potential to attract higher-skilled residents to the town. Such benefits however would be contingent on the market acceptability of the proposed design of the new homes and WEL are not convinced that the non-traditional housing design, illustrated in the current indicative layout, would have wide appeal. They also point out that other locations in East Kent, including villages and coastal towns would be likely to compete with Farthingloe for higher skill/income households and that a key consideration for purchasers would also be the quality of local schools.
- 2.88 The potential for local spending to increase by the amounts anticipated by CGI is not necessarily supported by WEL. While accepting that a new resident population would have incomes higher than the Dover average, WEL suggest that securing local spend would be subject to the Dover town centre offer being significantly enhanced. The attraction of on-line shopping, the geographical convenience of shopping at Folkestone (less than 10 minutes away) and the strong draw of Canterbury, could also encourage leakage in retail/leisure expenditure. While the economic benefits associated with resident expenditure would be of value, WEL conclude that they would be relatively modest in scale.
- 2.89 Economic benefits would also come from the Farthingloe development, including 96 permanent jobs from the care facility and business uses.
- 2.90 Relative to the NPPF presumption against development in the AONB however, WEL are not of the opinion that the economic benefits associated with Farthingloe alone (employment/construction/resident spend etc.) would approach a level sufficient to materially weigh against national policy.
- 2.91 WEL place much greater focus on the objective in the application to deliver transformational regeneration of the Western Heights fortifications and provide a new focal point for tourism and leisure within Dover. Importantly, this expectation dovetails with the

opportunities for economic growth identified by the CS and the South East LEP.

- 2.92 WEL indicate that, in principal, a scheme which makes a *significant contribution* to establishing the Western Heights as a *significant* visitor attraction (perhaps drawing circa 100,000 visitors per annum) would provide the basis of an exceptional (economic) case relative to AONB policy.
- 2.93 The applicant doesn't intend to carry forward the heritage improvements works (referred to in the application) but rather proposes that a sum of £5million (secured by phased payments through a S.106 agreement) be paid to the Local Planning Authority. This would then be used to open the Western Heights military structures to the public, provide new interpretation, visitor facilities and enhanced public trails and landscaping across the Monument.
- 2.94 The application anticipates that the £5million could be administered by a Heritage Trust with DDC and English Heritage being stakeholders. The monies could be used as a catalyst for the regeneration and management of the Western Heights as a heritage attraction.
- 2.95 In order to address the 'exceptional circumstances' and 'public interest' tests implicit in the NPPF paragraph 116, the local planning authority needs to satisfy itself that the heritage funding on offer could not reasonably be secured from an alternative source thereby avoiding development and concomitant harm to the AONB.
- 2.96 The most credible source of alternative funding would be from English Heritage itself (the Monument being their responsibility) and/or from the Heritage Lottery Fund (HLF). English Heritage has advised that because of the current economic circumstances and to reduce their overall dependency on government, they must adopt a spending strategy of 'invest to earn'. Within their modus operandi they don't believe it would be viable to provide and sustain a visitor facility at the Heights, although this might be possible for a Trust. As such English Heritage could not justify the considerable expenditure necessary to secure the benefits currently suggested by the application. As for HLF funding, this would not address 100% of costs and any successful bid under HLF would most likely be on a match funded basis. In order to secure the funding benefits anticipated by the application therefore, a sizeable bid fund would need to be in place. In the current economic climate, there must be strong doubt that such monies could be easily raised either privately or publicly. The on balance view is that other sources of funding are, at the current time, unlikely to materialise. Whether they could become available in the future needs to be weighed with the continued deterioration of the ancient monument (which is on English Heritage's At Risk Register) and therefore the benefits of securing early funding.
- 2.97 Any financial payment through a S.106 agreement must be capable of being a material planning consideration and must also comply with the Community Infrastructure Regulations (CIL) – this issue is considered in more detail at 2.384 of this report. Otherwise, the weight to be given

to the payment in economic benefit terms will largely depend on what the trigger points are for payment, what the funds could deliver by way of contributing to a *significant visitor attraction* (WEL) and the level of certainty relating to the deliverability of new facilities at the Western Heights.

- 2.98 Attached as Appendix 3 to this report is a paper from the applicant entitled 'Phasing of Heritage Benefits'. This outlines in more detail how the payment of £5m would be phased and could be spent. Three phases of payment are identified, although in reality the second and third phase payments may come through in smaller quantities depending upon start/completion dates. The views of English Heritage (EH) have been sought on this submission.
- 2.99 A first payment of £1m is proposed upon commencement of the development. While not an inconsiderable sum, the tangible economic/tourism benefits arising are likely to be very limited. The payment would provide a visitor facility at a very basic and constrained level. The payment would provide access and some servicing, both of which would be important pre-requisites to growing the facility as a tourist venue. The second payment (£1.85m) seeks to deliver a functioning visitor centre within the Redoubt with a further subsidy for running costs. The third payment (£2.15m) proposes a range of works at the Drop Redoubt and its environs, including landscaping and the refurbishment of the Grand Shaft all of which should potentially deliver a beneficial change generating wider interest in the site as a visitor destination.
- 2.100 Consultees refer to the importance of securing funds at an early stage to ensure the rapid delivery of public benefits. It will be noted for instance, that while KCC support the proposals on economic grounds, they indicate that payments should be made before development commences. This is not intended. While £1m would be offered upon first commencement, the second payment (£1.85m) would only fully emerge upon completion of all the housing at the Western Heights and shortly before the completion of some 40% of the Farthingloe units, with the two payments comprising £2.15m coming forward upon completion of 80% of the two Farthingloe development areas; the applicant has recently agreed to bring this final payment forward from 90%.
- 2.101 The application anticipates residential development being built out over a 7 year period. WEL comment that this is probably ambitious. A large part of the £5m therefore might only emerge after several years.
- 2.102 The Council's financial viability assessor (Smiths Gore) suggests that the scheme could bear a more graduated payment phasing at completion of 20%, 40%, and then 60% with the final payment upon completion of 80%. In addition to giving more certainty that monies would be delivered, a steady funding stream should also help the planning and earlier delivery of the heritage works. Officers have raised this point with the applicant, however, to date CGI have been unable to agree the phased step payments as suggested, citing

concerns regarding viability and the appeal of the development to investors.

- 2.103 WEL advise that clarity should be sought as to whether the £5m contribution would be guaranteed or whether it would be contingent on the development values actually achieved. The use of a Bond to guarantee the £5m has been discussed. It's understood from the applicant however that the cost of securing this would be prohibitive and would not be acceptable to the applicant's lender. On this basis, the £5m would not be proofed against changes in the assumptions underlying the current viability assessment. For instance, if sale values didn't achieve expectations, there's no surety that this wouldn't result in a request, at some future date, to reduce the heritage payment. This is not a risk that can easily be discounted, particularly given current market uncertainties. With no great surplus in the Farthingloe project viability, any abnormal development costs encountered by developers might also put pressure on the heritage payment.
- 2.104 The issues outlined above regarding the timing/payment of the full £5m, cast some doubt on the overall strength/reliability of the heritage package and as such the potential economic benefits arising.
- 2.105 Assuming payment of the full £5m, consideration needs to be given to whether this sum could secure a *significant* visitor attraction at the Western Heights.
- 2.106 EH comment that the cost estimates provided in the applicant's 'Phasing of Heritage Benefits' paper (Appendix 3), while 'broad brush', are (accounting for a £570k contingency) within the realms of acceptability. That said there is a recognition that the estimates are on the low side and as such there's a risk that the contingency sum would already be significantly eroded. English Heritage comment that, in their experience, estimated costs are more likely to increase as the scope and specification of works becomes better understood. They suggest it would be unwise to begin such a complex project when a large part of the contingency sum is already accounted for.
- 2.107 The need for repair and refurbishment work at the Western Heights and Drop Redoubt is both pressing and costly. For example, EH suggest that the full repair costs at the Drop Redoubt alone, excluding any enhancements for visitors, might be in the region of £10m. It's likely therefore that substantial funding would be needed to bring about a truly transformational change in the character of the site and immediate area. While the sum of £5m is clearly significant (and would transform the Drop Redoubt), there's a possibility that even with its use in full, a perception of underinvestment and 'work in progress' within the environs of the site are likely to remain. EH state that the £5m would start the process of change but a great deal more by way of funding would then be necessary. Important to this assessment, WEL conclude that funding in addition to the £5m would be needed to create a place that attracts general interest visitors and that without it the Western Heights would be unlikely to become a *significant* visitor destination capable of attracting a large number of visitors.

- 2.108 While the above is an important conclusion, consideration should also be given to the potential for a high quality hotel/conference centre (at the Heights) to add to the transformational offer. WEL suggest that a 4/5 star hotel would only invest if its environs were safe and attractive and consistent with its image and brand.
- 2.109 Your officers understand a quality hotel operator has expressed interest based on the principles outlined in the application. The circumstances under which they would make an investment however are currently unknown although it's believed improving the existing environs at the Western Heights would be a prerequisite. WEL also point out that potential investors in the Heights would be looking for assurances about when the £5m would be forthcoming before committing their own funds. The issues referred to above regarding the timing/uncertainties associated with the full £5m payment might influence the decision of a hotel operator about when and/or even if to invest. If the former, sufficient funds might need to be committed to improve the character of the area which, based on the phasing payments, may take some time to realise.
- 2.110 If a quality hotel operator did invest, this should significantly enhance both the public realm/infrastructure and reputation of the Heights as a visitor location. WEL point out that the hotel could become a powerful force for marketing the visitor attraction as well as an important source of visitors to the museum/visitor centre.
- 2.111 A quality 130 bed hotel and 150 person conference centre would also bring direct tourism/economic benefits. WEL indicate that it would widen the choice of places for visitors to stay, helping to establish Dover as a location for weekend breaks and business conferences. Importantly, it would also create an estimated 104 FTE jobs (almost half the FTE jobs proposed by the application as a whole).
- 2.112 The combination of the hotel and the £5m investment therefore could be a major step forward in realising the tourism objectives for the Western Heights and, taken together, could amount to a sizeable benefit for the tourism economy. If deliverable, this would be important in assessing the application against the AONB policy of the NPPF (paragraph 116).
- 2.113 The above conclusion takes into account the advice from WEL, that significant expenditure/regeneration would be needed in the Heights to attract other investment, such as a quality hotel. As no evidence has been presented to suggest the availability of funding from other sources (such as public bodies), it could be concluded that delivering the economic benefits of the hotel would be dependent on the application coming forward i.e. the potential for the hotel could not reasonably be disaggregated from the application as a whole.
- 2.114 Key to assessing the importance, as material planning considerations, of both the heritage works (funded through the £5m) and a high quality hotel, is the level of certainty relating to whether these could actually be delivered through this application.

- 2.115 The applicant has indicated that they don't wish either the delivery of the heritage works or the hotel at the Heights to be phased/linked to the implementation/completion of the other development subject of this application. This would mean that while permission could be given for the Drop Redoubt/heritage works and hotel (as part of this application), there would be no actual requirement for these to be carried out should residential development (such as that at Farthingloe) be commenced. This introduces a substantial risk that the planning application would not be able to guarantee the delivery of the main economic benefits intended (in large part) to justify its approval, relative to the stringent NPPF tests (paragraph 116). Approval of the application under these circumstances would be extremely difficult to justify. As outlined below, this risk of non delivery is likely to be greatest in respect of the hotel.
- 2.116 It will be noted that English Heritage advise that a way should be found to ensure that the hotel (and the economic benefits associated with it) are ultimately delivered.
- 2.117 The applicant's intention is that the heritage payment (£5m) would be paid to the Council and made available to a newly created Heritage (charitable) Trust which might include representatives from DDC and English Heritage (the custodians of the Drop Redoubt). At this time, the Trust is not in place. Neither is there any agreement and/or memorandum of understanding between the relevant parties (such as DDC and English Heritage) regarding what the precise aspirations are for the Western Heights. There is nothing currently in place that would obligate parties to implement any permission in respect of the current application for a museum/visitor centre at the Drop Redoubt. In these circumstances, there's little certainty, in planning terms, that money once received would be used as suggested by the document attached as Appendix 3 to this report.
- 2.118 Greater weight as a material planning consideration could perhaps be given to £5m heritage works on offer in circumstances described by WEL, namely, where a clear business and funding plan was in place for the Heights, with a commitment from all relevant parties to its implementation. WEL state that this would add significant clarity to how the £5m contribution would be used and how the responsible authorities would capitalize on this financial injection. Such a plan/agreement could be included in a S.106 agreement attached to any grant of permission; the S.106 would need to include English Heritage as a signatory given their responsibilities for the monument and English Heritage have recently confirmed that this would be acceptable to them in principle. This approach would create greater certainty about what the £5m would be used to deliver (and when) and accordingly what economic/tourism benefit should be derived from it.
- 2.119 It would be for the Heritage (charitable) Trust to prepare and submit a detailed scheduled monument application for the heritage works and implement the permission. The compilation of the application would be funded from the £5m. The application would of course need to be approved before any work could commence. While there's a risk associated with needing to obtain a further consent, English Heritage

advise that they can see no reason at this stage why a scheduled monument consent could not be achieved.

- 2.120 In the case of the hotel/conference centre, this would also need to obtain detailed planning permission and scheduled monument consent prior to build-out taking place. While English Heritage (subject to safeguards) support the hotel in principle, gaining approval for a detailed scheme in this area would understandably involve careful scrutiny. English Heritage advise that the hotel would need to be an outstanding architectural design. At this stage it's also unknown whether there might be archaeological costs. These issues add a degree of risk therefore around deliverability. Arguably, there is also a greater risk of non-implementation with the hotel, compared perhaps to the heritage works, as the former's progression is dependent on the requirements/priorities and funding decisions of a commercial operator.
- 2.121 An important requirement relates to securing not just a hotel operator, but a high quality (4/5 star) operator that could improve and broaden the Dover market appeal. The current application is outline. In these circumstances and with no end user named, it would not be possible to condition an outline permission to specify use by a quality hotel brand only.
- 2.122 The wish of the applicant not to link the hotel to the implementation/completion of the other development subject of this application, in effect means that the delivery of the hotel could not be guaranteed. In these circumstances, it would not be possible to give the potential economic benefits associated with the hotel (which are identified here as being very important to the overall economic case) anything more than very limited weight as a material planning consideration.
- 2.123 NPPF (paragraph 116) also requires local authorities to consider the implications of refusing the application upon the local economy. In this respect WEL suggest that refusal is not likely to affect other major regeneration projects in Dover such as the Dover Waterfront, (DTIZ) Town Centre redevelopment and Terminal 2. The main implication of refusal would probably be on further investment interest in the Western Heights itself. WEL state that while refusal would represent an important potential opportunity foregone for a town much in need of regeneration, it would not cause direct damage to the local economy.
- 2.124 It's difficult to be precise about the impact of any planning decision on investor confidence generally. As the application is contrary to the development plan, the risk of refusal may be a more acknowledged possibility and as such might not undermine investor confidence to the same degree as say, a proposal which had greater policy support through the Core Strategy. That said, committee will wish to consider the comments of the Local Enterprise Partnership and others which take a contrary view and suggest a refusal would send out the wrong messages, namely that, "Dover is not open for business".
- 2.125 While not forming part of the application package, reference has been made by English Heritage and others to the potential to multiply the

benefit of the £5m (or parts thereof) by leveraging additional funds. In this respect the Head of Inward Investment states:

“...it should be noted that an approval and investment in Western Heights creates the foundations for significant opportunities for match funding to be bid for. It is evident that, through recent programmes such as the Regional Growth Fund and Growing Places Fund, the granting of a planning consent, private sector investment and the leverage it provides is crucial to the success of any bids. This is even more strongly aligned if the bid can demonstrate early delivery, quick and cross sector returns such as those that would be achieved with this application around housing and jobs.”

- 2.126 This opportunity for further future investment at the Heights is clearly important and if successful, could potentially bring significant benefits. WEL state, *“the developer contribution, if guaranteed in terms of amount and timing, could be used to unlock funding from other sources and start to create the critical mass of funding to achieve the Council’s objectives for Western Heights.”*
- 2.127 English Heritage refer to the importance of constituting a Trust such that it could achieve VAT relief (on the use of the monies available) and also be viewed as a credible recipient of funds by any awarding body. They also suggest that a body separate to DDC, English Heritage or the applicant might have a better chance of securing funding from diverse sources.
- 2.128 Within the context of the planning process (and as mentioned elsewhere) the weight to be given to bid funding as a material planning consideration turns on the certainty to be attached to a beneficial outcome. At this stage, while there’s no reason to question the intent of any party to make a bid, understandably the proposition is perhaps more conceptual rather than fully formed. The level of any potential benefit must also be seen against the current phasing programme. This possibly suggests a match funding bid occurring after development commences, utilising an initial sum of £1m; the other payments being dependent upon substantive build out of the Farthingloe scheme. Securing match funding on this basis (for £1m), while welcome, would not necessarily deliver a significant step-change benefit at the Heights. There’s also no certainty of course that a bid would be successful, although no doubt other funding sources would rightly be pursued. However, given the uncertainties relating to the outcome and/or possible benefits arising, doubt must be placed on whether the potential to secure match funding could be given anything more than very limited weight as a material planning consideration at this stage.
- 2.129 Section 70(2)(b) of the Town and Country Planning Act 1990 enables any local finance considerations, so far as they are material to the application, to be taken into account in determining a application. Through the New Homes Bonus, government finance is made available to local authorities based on new home completions. The materiality of this matter to planning decisions was recently addressed in a government parliamentary statement as follows: “[The New Homes Bonus] is not intended to encourage housing development

which would otherwise be inappropriate in planning terms. Local planning authorities will be well aware that when deciding whether or not to grant planning permission they cannot take into account immaterial considerations. The New Homes Bonus cannot change this and nor is it intended to. Local planning authorities will continue to be bound by their obligations here. However, this is not to say that the New Homes Bonus will always be irrelevant to decisions on planning applications. In some cases it could lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the Bonus and the proposed development – but this will vary according to the circumstances of the case”. No evidence has been presented here to the effect that any revenues received from the Bonus would be used for purposes directly connected to the proposed development. In the circumstances it is not considered that the availability of Bonus monies could be given weight as a material planning consideration in the assessment of this application.

Conclusion

- 2.130 The foregoing has identified that components ‘on the face of the application’ might be capable of delivering a sizeable economic benefit. In order to give these weight however, there must be reasonable certainty that they would actually be delivered.
- 2.131 In supporting the economic case for the development, the Head of Inward Investment states, “*that consent should be granted in such a way that allows it to facilitate early and maximum delivery of the various components thereby ensuring the benefits are captured at the earliest time.*” If this were to be realised and in order to give greatest weight to the economic case, the following matters would need to be secured by condition/legal agreement through any permission. Based on the application offer to date, it’s very likely that a number of these would be objected to by the applicant. Nevertheless, for the reasons outlined above, it’s considered that without these safeguards, the economic benefit case (relative to the AONB policy considerations) would be substantially diminished.
- (i) Seeking the phasing of the £5m heritage payment relative to the completion of 20%, 40% and 60% of the development with the final payment for any phase being no later than the completion of 80% of the development within that phase. The payment of the £5m should be index linked to ensure no devaluation over time.
 - (ii) The first heritage payment of £1m being upon the commencement of residential development at Western Heights or any residential and/or commercial development at Farthingloe. Explanation: All the proposals at Farthingloe, including the care home and other commercial elements would, in the absence of an exceptional case, be contrary to planning policy. As the exceptional case here relies in part on the heritage payment offer, it would be important for any development at Farthingloe to trigger the need for the first part of the payment.

- (iii) Phase and link the delivery of the hotel at the Western Heights to the wider application proposals such that work on the hotel would need to commence prior to a development phase (see also 2.221 in the Farthingloe - Scheme Appraisal section).
- (iv) Agree appropriate legal mechanisms to ensure that any outline planning permission for a hotel could only be taken up by a quality (4/5 star) operator.
- (v) Dover District Council and English Heritage set out a joint 'position' that would provide sufficient clarity and commitment to demonstrate that the proceeds from the heritage payment (£5m) could reasonably be expected to be used in the manner outlined in the heritage benefits works at Appendix 3 (or similar) together with some estimation as to the timing of their use. It's anticipated that such an agreement should be achieved as English Heritage have recently confirmed that they would (if it is resolved to grant permission) use best endeavours to deliver a successful project at Western Heights

2.132 The committee will wish to consider the risks identified regarding the ability of the £5m to deliver the scale of benefits identified in the applicant's submission. Efforts have been made to obtain accurate information on heritage costs and it's not anticipated that CGI would agree to refine the cost estimates further at this stage. A precise cost plan would need to be agreed with English Heritage prior to any works commencing at the Heights and this might require some refinement of the applicant's current costings. Perhaps a key matter to note at this stage, is that English Heritage consider the cost estimates to be broadly acceptable.

2.133 A further risk relates to the potential for a reduction in the £5m contribution. The option of seeking a 'bond' guaranteeing the £5m payment would address this, although as noted, this has so far been declined by the applicant. It would also be possible to draft any S.106 to allow for a higher sum than £5m should market conditions improve more than currently anticipated; English Heritage make this point. The applicant has not commented on this possibility, although it's understood the £5m is a fixed ceiling offer. Furthermore, in the current fragile economic climate, this might conceivably deter investor/developer interest. The Committee will wish to consider the merits of both approaches.

2.134 The on balance officer view is that provided points (i) to (v) (above) are addressed in full, then there should be sufficient certainty that significant economic benefits would emerge. In terms of surety around receiving the £5m, the making of more graduated payments (upon completion of 20%, 40% etc) would enable closer monitoring of the payment process and should avoid the risk of underpayment issues emerging only after large parts of the development had been built-out.

Farthingloe – Scheme Appraisal

2.135 The level of proposed development sought at Farthingloe is detailed at 1.12 of this report. The proposals are essentially residential led with outline planning permission being sought for up to 521 residential

units. The main objective is to deliver a high quality housing development, which it is hoped would provide a significant uplift in the Dover housing offer, and generate funds to secure heritage improvements at the Western Heights.

- 2.136 As described at 1.31, the application also proposes the creation of a Countryside Access Area (CAA) immediately adjoining the Farthingloe site which is intended to improve recreational opportunities and deliver biodiversity and landscape enhancements.
- 2.137 As outlined in the Policy Overview section above, the proposal would be a major development within the nationally designated AONB. The CAA would also represent a large scale intervention into this landscape.
- 2.138 Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty on the local planning authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 2.139 As indicated at paragraph 2.14, NPPF policy requires that consideration be given to whether the development in the AONB would have any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which these could be moderated. This section of the report considers the development relative to this key policy requirement.
- 2.140 The above NPPF objective coincides with the Policy DM16 of the Core Strategy (CS) which concerns itself with assessing the impact of development on landscape character. The policy states that where development would harm the character of the landscape, as identified through the process of landscape character assessment, it will only be permitted if it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.141 It is also relevant within this assessment to consider other policies aimed at delivering suitable and contextually appropriate forms of development.
- 2.142 The NPPF makes it clear that 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' (NPPF paragraph 56).
- 2.143 The need to promote high quality design in new housing is highlighted by the CS, which points to the need for new development to be of an appropriate design which restores, reinforces and creates locally distinctive development. The Kent Design Guide also encourages good design in new housing, which should be appropriate to its context, and sets out criteria for the evaluation of proposals. More detailed guidance on achieving good design is given in the Building for Life initiative. This is endorsed by Government and sets out 12 key areas that need to be considered when promoting and evaluation design solutions, as well as highlighting elements and features that should be avoided.

- 2.144 Policy CP4 of the CS provides guidance on appropriate residential densities. It states that while density should be design led, it should wherever possible exceed 40 dwellings net per hectare and would seldom be justified at less than 30 dwellings net per hectare. (The 'net' density figure is usually calculated by including only those site areas which would be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play space). Although the absence of a five year housing land supply means that this policy arguably has limited weight (see 2.10), the density figures outlined nevertheless provide a helpful context for assessing the current proposals.
- 2.145 The NPPF refers to the important role of planning in promoting healthy communities where social interaction and safe and accessible environments, with legible routes, attractive quality public spaces and good access to community and recreational facilities are provided. The NPPF also refers to locating development where sustainable travel choices can be maximised.
- 2.146 The NPPF (paragraphs 123 & 125) seeks to avoid pollution impacts, such a noise and light, which could adversely affect areas valued for their tranquillity and dark landscapes respectively.
- 2.147 The NPPF requires protection to be afforded to heritage assets. Where less than substantial harm is caused to such an asset, this should be weighed against the benefits of the proposal.
- 2.148 The Kent Downs AONB Management Plan includes a range of policies (listed at part c) of the report) which aim to safeguard the natural beauty and integrity of the designated landscape.
- 2.149 The following sections assess the Farthingloe proposals against the NPPF (paragraph 116) policy and other related policy objectives. Attention is given to the landscape and environmental impacts of the proposals and how the proposed design responds to the landscape context. The particular urban design characteristics of the scheme are considered and an assessment made of the ability of the site to support the quantum of development sought and realise the aspiration to achieve a high quality development. Consideration is also given to the potential of the Farthingloe development to form a sustainable community. The contents and merits of the CAA are also assessed.

Impact on landscape

- 2.150 The landscape assessment submitted with the Environmental Statement (ES) sets out the applicant's evaluation of the existing landscape character and how this has then informed the development proposals. The ES also includes a landscape and visual impact assessment (LVIA) of both the proposed development and (for comparison purposes) the extant employment permission (DOV/97/893).

- 2.151 Concerns have been raised by Natural England, the AONB Unit and officers regarding the description and evaluation in the ES of the existing landscape character. Natural England and the AONB Unit also point to the lack of viewpoints for the LVIA to fully appreciate the impact of both the proposed scheme and extant permission on the AONB. The absence of illustrations (such as photomontages or artist impressions) showing the before and after impact of the development on the AONB are also referred to; it would not be unreasonable to expect such information given the potential impact on a nationally designated site.
- 2.152 While criticisms have been raised about the content of the ES, no suggestion has been made that the information within it is critically deficient such that it would be unsafe for the Council to determine the application as submitted. It will be noted however that both Natural England and the AONB Unit ask Committee to hold a site visit to assess the proposals, citing the lack of photomontages and adequate viewpoints (in the ES) as one of the reasons why this is needed.
- 2.153 As detailed at 1.13 & 1.14, the Farthingloe development comprises two distinct areas: FL-B, which is predominantly greenfield/agricultural land; and FL-C, at the eastern end of the site located on the former Channel Tunnel workers site and with an extant B1 permission (DOV/97/893). While both areas are within the AONB, they can be readily differentiated on the basis of landform. (A plan of these areas is attached at Appendix 2).
- 2.154 Taking FL-C first, the elevation of this area is predominantly between 40m - 50m AOD, with a maximum illustrative elevation of 75m AOD. The site is mainly mown grassland on the lower northern slope of the Farthingloe Ridge, including the terraces remaining from the earlier siting of mobile homes associated with the former Channel Tunnel workers use. Farm buildings and other ancillary infrastructure lie within the valley floor. On the highest part of the slope, along the southern boundary is a substantial woodland screen (planted as part of the Channel Tunnel workers site planning permission - see 1.7), while to the west a double hedgerow provides boundary screening. At FL-C, both sides of the B2011 are lined with trees creating a heightened sense of enclosure. The character as described limits views into the site from the wider landscape although high views, such as from the Western Heights are readily gained.
- 2.155 To the west of FL-C, the valley opens out and the landscape difference between the two site areas becomes more distinct. FL-B sits proud of the B2011 valley floor on land between 60m – 80m AOD with a maximum illustrative elevation of 95m AOD. It reads as a protrusion into the valley side and moving east to west, appears progressively more visually prominent within the open landscape. FL-B is clearly seen from high views. The elevated and exposed nature of the southern and western extremities of the site in particular, enables it to be seen as an integral part of the open ridge/valley landscape characteristic of this part of the AONB.
- 2.156 Strong objections have been raised to the impact of the development on the landscape character of the AONB by both the AONB Unit and

Natural England. The AONB Unit firmly object to the principle of the development at Farthingloe as summarised at part e) of this report.

- 2.157 While FL-B and FL-C are quite different from each other in terms of landscape character, one of the criticisms of the development is the lack of regard for this in the design approach. References in the Design and Access Statement (D&AS) to density and layout being informed by the need to transition between urban and rural areas for instance appear at odds with the layout illustrations for both FL-B and FL-C.
- 2.158 The density of the residential development across the whole site equates to some 36 dwellings net per hectare. Interestingly, within FL-C the density is 34 dwellings net per hectare whereas on the more visually sensitive FL-B, this increases to 41 dwellings net per hectare. While, for the purposes of the density calculation, the care home within FL-B is not strictly 'residential', the inclusion of these 90 apartments would increase the density of FL-B to 48 net dwellings per hectare. It is this higher density figure that the eye would perceive when viewing the site.
- 2.159 These density figures are considered to underline the shortcomings in the design layout and in particular the inappropriate treatment of FL-B. Policy CP4 states that density should seldom be justified less than 30 dwellings net per hectare. In view of the sensitivity of the site as a whole, and assuming the application was otherwise acceptable, however, there would be a strong case for arguing that the density should be substantially reduced from its current levels and that an exception to Policy CP4 might apply.
- 2.160 In the case of storey height, the D&AS refers to siting higher buildings (3-4 storey) within the valley bottom where tree screening prevails. This approach perhaps best applies to FL-C, where the site lies below the B2011 and where trees provide some visual containment. With buildings at this height distributed along the northern boundary of FL-B and FL-C however, the more elevated and visually open character of FL-B means that their impact would become much more intrusive within the AONB landscape, moving east to west. This concern applies in particular to land west of a spur which sits approximately mid way between the east/west boundaries of FL-B, some 200m east of the existing access with the B2011.
- 2.161 Concerns relating to the design approach are perhaps most evident at the western end of FL-B (on and west of the spur) where the proposals show a 90 unit retirement village within a 2 and 3 storey and part 4 storey structure. To the south of this (on higher ground) the hillside would be partly cut into to form a street fronted by a row of 2½ and 3 storey dwellings. The existing landscape character is such that these elements would be clearly visible from within the wider AONB to the west where views are currently dominated by the natural beauty of the area.
- 2.162 The applicant refers to woodland planting being introduced to the west of FL-B to part screen this area. Even with a substantial increase in

the area of planting however, the change in levels east of any planting would mean that, over time, screening would still be largely ineffective.

2.163 The ES submitted with the application acknowledges that the development would have a *significant adverse* impact on the landscape character and views within the AONB. When taking the extant permission for B1 (DOV/97/893) into account however, the ES states that the overall effect would reduce to *moderate adverse*. This conclusion is based on an analysis to the effect that the extant B1 permission (DOV/97/893), which relates to only part of the site (primarily FL-C), would in itself have a *significant adverse* impact and as such should, if implemented in full, offset the harm.

2.164 The AONB Executive contend that the impact of the development should be assessed as *significant adverse* impact rather than *moderate adverse* as the ES implies it could be. There are several matters relevant to this view.

- While the extant B1 planning permission (DOV/97/893) is a 'fallback' position, as detailed at 2.23 of this report, only limited weight could reasonably be attributed to this a material planning consideration at this time.
- The B1 scheme has not been built out and there is no immediate prospect of it being so. As such, there is a strong possibility that the landscape character would remain as it is for the foreseeable future. This would suggest that the current application should be evaluated against the prevailing landscape character and not one presumed to be altered by the implementation in full of the extant B1 permission.
- Even if the landscape impact of the B1 permission was to be given greater weight, there are several reasons for concluding that it would be less harmful than the housing (currently proposed) at the eastern end of the Farthingloe site (FL-C). This position is contrary to the applicant's case (Planning and Regeneration Statement Update) which contends that the proposed development would have less impact than the extant B1 permission:
 - The consented business park (B1) scheme sits predominantly on the valley floor and utilises substantial site-wide tree planting to reduce the visual impact of six large office blocks and associated parking.
 - The illustrative plan for FL-C has little structural planting/vegetation. The proposals show the siting of development extending further south (up the valley side) resulting in the loss of the existing structural woodland planting, which the B1 scheme shows as retained.
 - Whereas the B1 proposal would appear as a number of large buildings and parking placed in a woodland setting, the current proposals for FL-C are more high density with comparatively little structural vegetation to break up the development massing.
 - In terms of landscape character therefore, the extant B1 permission would have a less adverse impact as an urban edge development than the current FL-C proposals.

- In the unlikely event that DOV/97/893 was built out at FL-C, account would need to be given to the visually more prominent nature of FL-B in landscape terms and the implications this would have for the significance of the development impact. In this case, objections are raised to the proposals within FL-B alone with Natural England stating that the scale of buildings and the urban character of the development in this location would have a significant adverse impact contrary to the objectives of the AONB.
- 2.165 Against this background, there would be a strong case for concluding that, irrespective of whether DOV/97/893 was built, the current proposals at FL-B and FL-C would have a *significant adverse* impact on the AONB.
- 2.166 Reference has been made in the application to FL-C being previously developed land. The AONB Unit state however, that with the removal of the channel tunnel workers site, FL-C has, over time, reverted to greenfield. The Council's recently produced employment study in support of the emerging Land Allocations Local Plan (LALP), which reviewed FL-C, tends to support the applicants position as does the assessment of planning application DOV/06/088; there has been little change in the sites physical appearance since that application was determined. The NPPF seeks to encourage the effective use of previously developed land. Importantly however, this objective is subject to the site not being of high environmental value. In this case, FL-C is considered to have such value.
- 2.167 Concerns have been raised by Kent County Council in relation to the visual impact of the development along the valley bottom, at Farthingloe and the impact that this would have, on the historic setting and character of the Western Heights, in views towards the AONB. The existing open outlook from the Western Heights towards Farthingloe helps to reinforce the setting of the historic fortifications on the western edge of the town, overlooking and commanding the road from Folkestone. The applicants have sought to mitigate this impact by soft landscaping, however the concerns remain a real issue, and the possible harm caused by the proposals need to be weighed against the wider public benefits of the scheme.

Place Making

- 2.168 While the application is for outline permission, CGI has sought to demonstrate, through an indicative layout, how a high quality residential development can be achieved for a scheme of up to 521 units.
- 2.169 The proposals have been evaluated using the guidance set out in the Building for Life initiative. Achieving good design not only considers the aesthetic qualities of individual buildings, but must also address the connections between people and places, and the interaction of new development into the natural, built and historic environment.
- 2.170 The indicative layout shows the creation of a 'village centre' around the grade II listed Farthingloe farmhouse and associated outbuildings, and includes a shop, a pub/restaurant, and bed and breakfast

accommodation, reusing existing buildings, together with a health club within a new building.

- 2.171 The existing buildings are currently set in open countryside, which makes a significant contribution to their setting. While this would be significantly compromised by the proposed development, it's recognised that the application would also provide long-term sustainable uses for these important heritage assets, thus securing their long term future. The NPPF acknowledges that, 'intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.'
- 2.172 The use of these buildings would also give an identity and community focus to this part of the scheme. Similarly the retention of specimen trees on this part of the site would help to embed the proposals into their context, helping to give it some instant 'maturity'.
- 2.173 The 'village centre' is encompassed by residential development arranged along a number of access roads, on an east-west axis, following the contours of the land, with development cascading down the side of the valley. A 90 apartment retirement/care home is also proposed at the western end of the site (FL-B).
- 2.174 The illustrative material shows how a number of different 'character areas' could be created, separated by 'green lungs' extending down from the open countryside to the south. These aim to break up the mass of the housing and embed it into its rural context. A range of housing typologies are proposed, including detached, semi-detached and terraced town houses, together with a range of flats. Illustrations of how the development could appear have been provided and are attached as Appendix 4.
- 2.175 The application gives information on possible storey heights, the residential mix, open spaces, pedestrian and vehicular access and materials together with some design principles. A key aspect of this is the commitment to provide flat 'green roofs' throughout the development. This would give the buildings a very distinctive appearance.
- 2.176 One of the key opportunities for the Farthingloe scheme is to improve the 'housing offer' in the District, in terms of its form and variety. There is also a real opportunity for the development to have a distinctive character, with appropriate house typologies within a very attractive and sensitive landscape location. There is also the need for some diversity within the built form, in order to aid legibility and making it easy to find your way around the site. The density of development is an important aspect of producing a distinctive and legible environment.
- 2.177 The proposals acknowledge the importance of the above issues, however concern is raised that the indicative details don't demonstrate how these matters have been adequately addressed.
- 2.178 Houses along the southern boundary (on the most elevated part of the site) appear to have been squeezed into very small plots, with very little space between buildings and very small gardens - comments

have already been made about the appropriateness of density at 2.158 and 2.159. The desire to create streets that are both safe and accessible, is welcomed, as is the use of 'shared surfaces' for a significant part of the scheme. There is however a predominance of on-site, front of house parking, which would detract from the street scene. On street parking has the potential to be both space efficient and can help to create a more vibrant street, with more social interaction. A number of units are also shown to back on to the street, which gives a 'dead' frontage, limited street activity and poor natural surveillance.

- 2.179 With regard to how the scheme is likely to 'fit' current market demand, Wessex Economics (WEL) is not convinced that the non-traditional housing designs shown would have wide market appeal. Smiths Gore also state that the inclusion of flats, comprising 24% of the total unit numbers, would be totally against current market requirements. Should more housing emerge through any detailed scheme, in place of flats, this might suggest that the quantum of residential units currently sought (up to 521) is too high.
- 2.180 This likelihood that the indicative scheme would translate into a deliverable detailed permission is further undermined by concerns relating to surface water drainage. The site has a history of flooding. In order to address this, the layout shows the vast majority of roof areas under grass/green roofs. Permeable paving is also proposed to most hard surface areas. Cellular flood storage tanks are proposed under the green adjoining the 'village centre'.
- 2.181 While the above solution would technically deal with surface water flooding, the Environment Agency state that any detailed scheme would be expected to provide a more natural (less engineered) solution based on SuDS principles. This would be likely to involve more of the site given over to swales, attenuation basins, wetland areas etc. The submitted flood risk assessment (FRA) also shows the existing tarmac access road through FL-B serving FL-C to be permeably paved. There must be doubt that this route would be dug up and resurfaced. In any event it's understood KCC would not adopt a permeable paved road used by buses, as this route is so proposed to function.
- 2.182 Smiths Gore also comment that the flat/grassed roofed modular buildings pays little heed to the current market and are unlikely to be built by a national house builder.
- 2.183 There is a strong possibility therefore that actual proposals to deal with surface water flooding would have to substantially move away from the current solution in any detailed design. Importantly, this could reduce the amount of land available for housing.
- 2.184 The development would also need to fully satisfy requirements for new open space facilities arising from the requirements of new residents, including accessible green space, children's equipped play space and allotments/community gardens. Based on emerging standards within the Land Allocations Local Plan (LALP), it's quite possible the current layout would need to be re-visited to account for an existing open

space deficit. Green Infrastructure (open space) provision is considered further at 2.416.

- 2.185 Comments raised by Southern Water (at part e) of this report) regarding the need to finalise the exact position of the public sewers before the layout is finalised will be noted. Information provided by Southern Water shows a main sewer running through part of FL-C and FL-B. The indicative layout has not been amended to account for it. The costs of diverting the 800mm sewer in particular could be substantive and as such it's perhaps more likely a detailed scheme would need to be designed with 4m wayleaves either side of the sewer.
- 2.186 Concerns have also been raised by KCC Highways (see Highways/Travel Demand section) regarding the adequacy of car parking shown within the indicative scheme to serve the pub/restaurant use.
- 2.187 Taken together, the above issues cast strong doubt on whether the site would, in the interests of achieving a high quality design/layout, be able to adequately accommodate up to 521 units as sought to be demonstrated by the indicative layout.
- 2.188 An important ingredient in delivering a quality (residential) environment is the creation of a viable and healthy community where social interaction and safe and accessible environments, with legible routes, attractive quality public spaces and good access to community and recreational facilities can be achieved.
- 2.189 The indicative layout includes a network of roads and footpath/cycleways which would give permeability within the site and would connect within adjoining footpaths linked to the countryside access area (CAA). The scheme illustrates a substantial number of different types of play spaces, although some of these are unacceptable/not well placed in terms of road safety and neighbourliness. A large play area, with its attendant play equipment, would be also likely to harm the setting of the listed farmhouse. The submitted details are of course only indicative at this stage and there's no reason to believe that these matters couldn't be appropriately addressed in a properly arranged layout.
- 2.190 The creation of a diverse community would be assisted by the range of house sizes and building typologies illustrated. The siting of facilities around the 'village' centre would provide a community focal point, although, given the proximity of the site (as detailed in the Highways/Travel Demand section) residents would generally be heavily dependent on utilising facilities outside the site, (e.g. schools, doctors, shops etc) for normal every day use and would most likely be largely car dependent.
- 2.191 Importantly, the objective of creating a diverse community would be significantly undermined by the absence of any affordable/social housing within the development.

- 2.192 Access to formal and informal recreational opportunities would be provided on site and by access to the proposed CAA, the merits of which are considered in more detail below.
- 2.193 Overall, the proximity of the site beyond the current Dover urban confines and the absence of affordable housing, arguably works against the NPPF objective to creating a healthy and sustainable community. Any shortcomings in this respect must be weighed against the wider impacts of the development.
- 2.194 Should the principle of development be accepted, it would be necessary for opportunities to be taken, including in the design and layout, to maximise the sense of community. In addition to securing funding for bus services (and ensuring early implementation of the new access to FL-C, which is nearest to Dover), the re-siting of the residential care home from FL-B to within close proximity of the 'village centre' would be important to realise.

The Countryside Access Area (CAA)

- 2.195 The application refers to the substantial recreation, landscaping and biodiversity improvements at Farthingloe (essentially within the CAA) which are cited as part of the exceptional justification for outweighing the impact of development on the AONB landscape character. The CAA also performs an important role in helping establish a functional link between the Farthingloe and Western Heights development areas through (in part) the establishment of a 'heritage trail'. A Landscape Cost Plan (LCP) was submitted May 2013 in order to explain how the £825k cost set aside for the CAA in the applicant's viability appraisal had been calculated. An Ecological Management Plan is proposed to be drawn up for the CAA in order to maximize the biodiversity value.
- 2.196 The CAA comprises some 116 ha lying predominantly to the south and west of the Farthingloe site. Some 54 ha of the CAA is already open access land, designated under the Countryside and Rights of Way Act 2000, providing a general right to roam. A further 39 ha is currently under arable production and is proposed for chalk grassland creation. The remaining land comprises some 13 ha of fields alongside the B2011 and a field of some 5 ha adjacent to the A20 which was subject to a chalk grassland restoration programme following completion of the Channel Tunnel. The CAA adjoins land in DDC ownership at Western Heights.
- 2.197 One of the stated objectives of the CAA is to create a large swathe of chalk grassland for residents of the new development to access and which would also benefit the wider community. The improved links to existing open access land and expanded area available for recreational purposes would divert pressure away from the Folkestone Warren SSSI. The CAA also includes an area of woodland screen planting shown immediately to the west of FL-B.
- 2.198 It is understood the applicant/developer would provide the CAA. CGI state that this area would be delivered prior to the completion of 80% of the development.

- 2.199 A detailed review has been undertaken of the costings set out in the LCP, which regrettably shows that the current budget allocated by the developer for the CAA has been underestimated.
- 2.200 The only feasible method of maintaining the CAA would be through the use of grazing animals. The LCP makes some allowance for repairing existing stock fences, but there is neither any indication of the lifespan of the existing fences, nor provision for new fencing of the new chalk grassland seeded areas. Costs associated with the establishment of new chalk grassland on the ex-arable land, 1.75km of hedging, path creation and stock infrastructure such as water supply, significantly exceed the budget set aside by the applicant.
- 2.201 A further significant concern is that the applicant's budget makes no provision for maintenance which would be essential if areas such as new chalk grassland are not to fail.
- 2.202 Taking these matters into account, the capital costs for providing the CAA as proposed (at £825k) are considered to be some £250k short. Furthermore, accounting for maintenance over 7 years, this deficit increases to £550k and over 15 years to about £750k.
- 2.203 The applicant has been advised of the above findings and states that the Council's assessment of costs as described are wholly unacceptable and that the evidence provided by the agent (on behalf of CGI) is a true and accurate cost projection to cover the works necessary. They also advise that all landscape and planting would carry a 2-5 year maintenance and replacement obligation from the contractor. In response, your officers' stand by the estimates provided which are informed by current experience in delivering similar works at sites in close proximity to Farthingloe. Furthermore, and critically, the applicant has acknowledged that no provision has been made for a maintenance budget. This would be necessary to manage grazing livestock - fundamental to chalk grassland management. Without such a budget, the general condition of the site, including fencing, bins, signage etc., could also simply deteriorate.
- 2.204 The applicant states that while they would not expect the Council to take on the liability of delivering the CAA, it is unclear who would maintain the site. It's been suggested that a third party could manage the area, although this is unlikely to happen in the absence of maintenance funding.
- 2.205 In practical terms, the financial provisions are considered to be insufficient to implement the proposals (as presented) and manage/maintain the whole site properly.
- 2.206 Notwithstanding the above, the funding available for the CAA (£825k) is not inconsiderable and should be capable of delivering the necessary biodiversity enhancements and recreational/tourism benefits as part of the overall scheme. One option might be to redraw the focus of the CAA on the area connecting Farthingloe to the Western Heights. This would probably mean the majority of the CAA (as identified) continuing under the existing management regime with funding being restricted to a more limited area towards the east with

the available monies used for both capital and maintenance. It would be important to balance recreational opportunities with safeguarding pressure on the chalk grassland in the nearby Local Wildlife Site (LWS).

- 2.207 In order to augment the linkages between Farthingloe and the Western Heights and to enhance the recreational opportunities (properly facilitate the 'heritage trail'), it would be necessary to seek improvements to the existing routes which currently lie outside the application site (on Council land). This would require a developer contribution; considered further at 2.417 and Appendix 8. Subject to the necessary spend on the CAA, it might be possible to use some of the £825k monies for this purpose.
- 2.208 In conclusion, the improvements indicated for the CAA must be treated with caution, and given the funding deficit relating to the delivery and maintenance of the CAA, it would not be possible to prescribe the level of weight to the benefits currently implied by the application. However, with some redefinition, the CAA should be capable of providing appropriate biodiversity enhancements and improved recreational opportunities.

Conclusions

- 2.209 The foregoing has identified that the current development proposals for Farthingloe would have a significant adverse impact on the AONB. Strong objections on this basis have been raised to the application by the AONB Unit and Natural England (both statutory consultees).
- 2.210 The application is outline with all matters reserved (except access). While the information submitted with respect to design and layout therefore is not binding, it is important, as it seeks to demonstrate how a maximum of 521 units could be adequately accommodated. The indicative layout is considered to fall short of demonstrating how this quantum of development could be achieved in a manner that would address detailed planning issues and provide scope to moderate the harm to the AONB, this being a fundamental consideration under NPPF policy (paragraph 116).
- 2.211 The current proposals show a very urban design solution, the appropriateness of which must be questioned, particularly within FL-B where the development interjects most strikingly with the open AONB landscape. The siting, form and higher density of development within FL-B is considered to underline the lack of care with which application has sought to respond to the challenge of developing within a very sensitive landscape context.
- 2.212 Relative to the requirements of Policy DM16 (CS) and the NPPF (paragraph 116), the proposals as presented would have a significant detrimental impact on the landscape and would result in long-term, irreversible harm to both the AONB and the urban edge of the town. While recreational/biodiversity opportunities have been suggested within the CAA and some mitigation measures put forward, none of these would be substantive enough to address the harm that would arise.

- 2.213 It should also be noted that advice provided to the local planning authority indicates that the current scheme would not be of interest to a national house builder and would probably not be marketable. There is no guarantee that an outline permission based on the amount of housing sought would lead to a quality development capable of offering a significant improvement to the Dover housing offer. Concerns regarding capacity also suggest that a maximum quantum of 521 units could lead to a higher density of development which would not be consistent with trying to change housing market perceptions. Subject to satisfying NPPF policy objectives, it might be thought that the Farthingloe site could provide an opportunity to create a unique urban extension to Dover, with a 'step change' to the type and quality of housing provision. However, the indicative layout is felt to fall very far short of delivering this and would not support the applicant's policy case which is reliant, in part, on delivering a high quality housing scheme.
- 2.214 The foregoing sections of this report (Housing Delivery and Socio-Economic considerations) demonstrate that there are (subject to conditions) benefits associated with the objectives of the application. Together with the encouragement in the NPPF to take advantage of opportunities for growth and to find creative planning solutions to resolve problems, it is appropriate to investigate opportunities that would enable the current application to move towards the important national policy requirements relating to major development in the AONB (NPPF, paragraph 116).
- 2.215 Achieving a design solution for this location that would help moderate harm to the AONB and deliver a viable quality development is challenging. In view of the concerns relating to the deliverability and marketability of the indicative proposals, Smiths Gore (as part of the viability assessment) examined an alternative outcome. This suggested a more traditional, lower density development at Farthingloe of around 375 dwelling houses. Smiths Gore concluded that this would be more marketable, financially viable and could also afford the relevant monetary contributions (and £5m heritage payment) currently on offer. This would require a reduction in the Code for Sustainable Homes (CSH) rating from Code 4 to Code 3 (saving build costs of some £4,900 per average unit). This option was included in the information previously sent to and considered by the applicant's viability assessor (BNP Paribas) which has not been challenged and was also subsequently brought to the attention of the applicant, although no comments have been received to date.
- 2.216 A refinement of the above approach has since been carried out in liaison with Smiths Gore. This suggests that a viable scheme could be achieved with the removal of development from a 2ha part of FL-B (to the south/west) where officers consider the landscape harm caused by the current proposal is most acute (a plan showing this area is attached as Appendix 5). The overall quantum of development in these circumstances would be around 365 units at a density of 30 net dwellings per ha (the minimum advocated by Policy CP4). Smiths Gore have confirmed that such a scheme should still deliver the required financial contributions.

- 2.217 Regarding the suggested CSH change from code 4 to code 3, while financial viability reasons can be used to justify a code change, the following should also be noted: Policy CP5 (CS) requires residential properties to achieve code level 4 from April 2013 with the objective before this date being code 3. The CS was adopted in February 2010. In November 2010 however the CSH standards were changed, with higher standards sought at each code level. Such a change was not anticipated at the time Policy CP5 was drafted. As a consequence, achieving CSH level 3 instead of level 4 would still be consistent with the original aims of the CS. For instance energy efficiency standards under the original code 4 (February 2010) are comparable (actually exceeded) by the current code 3. In these circumstances and notwithstanding viability or Policy CP5, it's considered, in the context of this application, entirely reasonable to apply code level 3 at this time.
- 2.218 The modifications suggested would not alter the overarching view that development at FL-B & C would cause harm to the AONB, reflected in the statutory objections in particular. The reduction in density and setting back of the developable area however would represent a notable material moderation of that harm both in terms of direct landscape impact and degree of urbanisation, the merits of which would need to be weighed with the other policy considerations in this report.
- 2.219 WEL advise that a scheme at Farthingloe should be able to deliver a development that contributes to diversifying Dover's housing market. It's considered that a more 'arcadian' environment where building densities and forms defer to rather than dominate the landscape character would be far more appropriate, especially to the western and southern reaches of the site, and would be likely to deliver a much higher quality residential product.
- 2.220 One of the key justifications for this development in the AONB is the delivery of exceptional socio-economic tourism and regeneration benefits at the Western Heights. As such, it's essential that development phasing at Farthingloe occur to ensure areas of least landscape importance are developed first and that only when economic benefits are secured, are more sensitive areas brought forward. Given the increasing sensitivity of the Farthingloe landscape, moving east to west, it's recommended that phasing progress in this direction, with FL-C being developed first.
- 2.221 Harm to the AONB would be disproportionate and difficult to justify in planning terms should FL-B be developed without suitable outcomes being achieved at the Western Heights which support the exceptional NPPF policy case for major development in the AONB. Reference has been made in the Socio-Economic section of this report to the importance of delivering the hotel (as well as the heritage payment) as part of the economic benefits case. It is recommended therefore that the commencement of any development at FL-B be tied to work progressing on the hotel at the Western Heights. It's recognised that this might prevent payment of the full (£5m) heritage benefit should the hotel be delayed/not progress. As the development at the Western

Heights (40 units) in addition to FL-C however would equate to 68% of the likely residential quantum, this should allow for the release of an equal proportion of the heritage offer (approximately £3,400,000). This is a sizeable sum that should deliver a large part of the heritage works while also helping create confidence for a quality hotel operator to invest at the Heights.

- 2.222 If FL-C was developed alone, justification for this, in planning terms (relative to NPPF paragraph 116), could include the weight attributed to the absence of a 5 year land supply (see 2.46) and the payment of a large part of the heritage benefit. While development at FL-C would have a significant adverse impact on the AONB, the sites relatively low lying and visually self-contained appearance, would be important moderating factors. To a limited extent its planning history, including the physical traces of the former use as a channel tunnel workers camp would also have relevance.
- 2.223 Progressing FL-B would be important to secure the final heritage payment which in turn would be critical to help deliver the minimum necessary heritage works identified. Without certainty that FL-B could progress and secure further heritage funds, as noted by WEL, this might also affect the confidence of a hotel operator to make an initial investment at the Western Heights. The absence of a five year housing land supply would be an important although, given the landscape sensitivities of the location, not (in itself) an overriding justification. The moderation of harm to the AONB through the removal of a 2 ha area to the south/west (as described above) at FL-B would offer substantial weight to any exceptional justification case.
- 2.224 Should Committee be satisfied that an exceptional case exists to grant permission, the approach recommended above would provide scope for some 236 dwellings (at 30 net dwellings per ha) and the 90 apartment care home together with the other commercial elements coming forward on FL-C; with some 129 dwellings on FL-B. The applicant has referred to market-testing revealing interest from a care home operator in land to the west of FL-B and that this location is strongly preferred for both position and early delivery. While this point is understood, it's advised that the planning case, relative to releasing land on a phased approach (as described), moderating harm to the AONB and creating a stronger community (around the 'village centre'), makes this proposal in the form presented, very difficult to support in principle. The current application is outline with layout reserved. As such, the illustration showing the care home within FL-B would not commit the Council to accept this location.
- 2.225 Limiting the density to 30 dwellings net per ha (some 365 units) and applying Code 3, while still allowing the £5m heritage payment to be made, would reduce the resident occupancy from that anticipated on a 521 unit development, thereby lowering the overall level of S.106 infrastructure contributions required. This should provide some assistance in helping the proposal fund necessary infrastructure as required by Policy CP6 (see 2.390).

- 2.226 A reduction in the housing numbers should not reduce the potential of the development to contribute towards the Council's five year housing land supply deficit.
- 2.227 If approved, it's understood the applicant would not directly implement the permission but would make site areas available for individual developers, who would then lodge separate reserved matters applications. In this context, it would be essential that any outline permission seek (by condition) a masterplan, design code and phasing scheme prior to the first submission of reserved matters. This would be appropriate given the AONB setting and would provide a framework to ensure that individual proposals came forward in a planned/structured way that contributed to site wide objectives such as surface water drainage and landscape management/protection. The site is elevated and buildings would be erected on part hillside terrain. In the interests of safeguarding the AONB, it would be important that a maximum above ordinance datum (AOD) level be established to ensure the impact of built development is minimised. While the current indicative layout refers to the extensive use of green roofs, utilising innovative low rise eco-home architecture under green roofs, might be exceptionally necessary to create a more transformational urban edge development within limited parts of FL-B. These issues could be addressed/sought through the masterplan or by condition. The agreed Design Code would also allow developers to be aware of the Council's design aspirations for the site. This would help secure high and consistent standards of design during the implementation stage which would be over a number of years and could involve several different applicants/developers.
- 2.228 Without prejudice to the assessment of this application, it would be possible for the current application to be determined and conditioned on the basis of the changes suggested above; the NPPF (paragraph 203) advises local authorities to consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. Any approval would need to be for up to 365 units (at Farthingloe) rather than the current (higher density) 521. Legal advice confirms an approval could be issued in this form and that the plan at Appendix 5 (or similar) could be added to any decision notice.
- 2.229 Reference has been made to the current shortcomings in the CAA and the need to clarify the extent/content and management arrangements for this part of the proposal. It's considered that these clarifications should be resolved before the grant of any permission.

Western Heights – Scheme Analysis

- 2.230 This section provides an assessment of the Western Heights proposals with particular regard to the likely impacts of development on heritage assets, including built heritage features and archaeology. Other relevant policy matters are also considered.

- 2.231 Heritage assets are defined in the NPPF as: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets, such as ancient monuments, listed buildings and conservation areas, as well as those of more local interest identified by the planning authority. Significance, in this context, can be defined as the value of a heritage asset to this and future generations because of its archaeological, architectural, artistic or historic interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 2.232 In determining planning applications the NPPF states that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.' (paragraph 131).
- 2.233 The NPPF advises (paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional.
- 2.234 Where a proposed development would lead to substantial harm or total loss of significance of a designated heritage asset, the NPPF advises that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 2.235 Where the harm to a designated heritage asset is less than substantial, the NPPF advises that 'this harm should be weighed against the benefits of the proposal, including its optimum viable use' (NPPF paragraph 134).
- 2.236 The Core Strategy (CS) does not include any specific policies for guiding proposals affecting heritage assets, however it does acknowledge that Dover has a particularly rich military history which has 'elevated the town to an international symbol of resistance to invasion', thus acknowledging the importance of its military history. One of the key objectives of the CS is to, 'ensure the intrinsic quality of the historic environment is protected and enhanced, and that these assets are used positively to support regeneration, especially in

Dover'. Additionally it also seeks to make better use of its historic assets.

- 2.237 Kent Design seeks to encourage good design in new housing, which is appropriate to its context, and sets out criteria for the evaluation of planning applications.
- 2.238 The Built Heritage Conservation Framework for Dover Western Heights (2012) identifies the significance (the sum of its heritage values) of the Western Heights and its component parts, identifies the main issues which affect those significances and makes recommendations on how to preserve or enhance them. Taken as a whole, the report concludes that the Western Heights fortifications comprise an unparalleled group of components that add up to more than the sum of their constituent parts, and as such have the highest level of significance. The report also looks at each component of the fortifications and ascribes a value to its particular significance, its vulnerability and makes recommendations for its preservation or enhancement.
- 2.239 The Draft Dover Heritage Strategy highlights that the district has an extraordinarily rich historic environment, and that these assets have played a major role in shaping the District's development and identity. It also recognises that its heritage assets can provide a unique opportunity for place-making and guiding and stimulating regeneration. The report highlights the importance of the Western Heights, in terms of the defence of the Realm, particularly during the Napoleonic period, and illustrates various advances in military technology during the 19th and early 20th Centuries. The report also looks in some detail at the Farthingloe site, providing an overview of its historical development, key vulnerabilities and issues arising from its possible redevelopment, as well as identifying opportunities to enhance access, interpretation and enjoyment of the site's heritage assets.
- 2.240 The Dover District Land Allocation Pre-Submission Local Plan (LALP) identifies the Western Heights as an 'Area of Change' where greater access and interpretation of the ancient monument is encouraged.
- 2.241 English Heritage Guidance, "The Setting of Heritage Assets", sets out guidance on managing change within the setting of heritage assets, including archaeological remains, historic buildings, conservation areas and landscapes. Setting is the surroundings in which an asset is experienced, or can be experienced from or with the asset. Setting does not have a fixed boundary, and the contribution that setting makes to the significance of an asset does not depend on their being public access to it. The guidance, sets out a framework for evaluating the impact of proposals on the setting of heritage assets.
- 2.242 A further English Heritage document, "Seeing the History in the View – A Method of Assessing Heritage Significance Within Views", explains how the heritage significance of views can be assessed in a systematic and consistent way and how these views have come into being. The guidance is designed to provide a positive approach to managing change.

2.243 The Western Heights is of outstanding importance in terms of its contribution to the historic environment. It is a Scheduled Monument and Conservation Area and contains a number of listed structures as well as a number of structures of local importance. It tells the story of a very important part of our military history, and played a key role in the defence of the Realm. It is against this backdrop that the proposals need to be evaluated relative to the policy context outlined above. The following sections assess each element of the proposals in turn.

Construction of up to 31 residential units (Western Heights)

2.244 The site for these units lies to the south of Citadel Road, between Victoria Hall and the Citadel, to the north of three pairs of semi-detached houses. This area is part of the former South Front Barracks, which were built between the late 1850s and 1860s and formed large casemated barrack block accommodation. The barracks were demolished in 1959. Little of the structure now remains above ground. A motor transport shed, probably constructed during the Second World War, fronts Citadel Road adjoining which is an area of hardstanding. The single storey structure is of brick construction under a hipped slated roof. It has been much altered and is of little significance in terms of its historical/architectural merit and doesn't make a significant contribution to the character of this part of the conservation area. There would be no 'in principle' objection to its removal.

2.245 It is proposed to construct three apartment buildings to the south side of Citadel Road on the site of the transport shed, hardstanding and an area of green space, also fronting Citadel Road. The land falls away steeply from Citadel Road, forming part of the south eastern slope to the Western Heights. As a consequence, buildings in this location are likely to appear on the sky line; the development aims to take advantage of the spectacular views to the south, over the channel.

2.246 The plans show each block at 3-4 stories in height with 9-12 units per block. Car parking would be provided in a basement which would link all three units, with access to the south of Victoria Hall. Substantial spaces would be left between each block, thus retaining public views out from the Western Heights, over the channel.

2.247 The development would increase the modern built footprint within the Monument, introducing further non-military development, and as such would change the character and appearance of the immediate area as well as long distance views from the south. In evaluating the impact on the heritage assets the following issues and conclusions are relevant: It's recognised that the area was formerly part of the site of the South Front Barracks, and has therefore been subject of considerable change, in the past; the height of the proposed apartment buildings, would not be a jarring feature, when seen against the adjoining buildings; there would be no loss of important historic buildings; the former military 'grain' of the area would be respected; and important public views out of the monument, over the channel would be retained. Overall, an understanding and appreciation of the monument and its original purpose would not be prejudiced by the proposal.

- 2.248 It could be argued that some harm would be caused by the introduction of further non-military buildings. This however should not be substantial. The NPPF recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.
- 2.249 English Heritage do not object to the principle of the proposed residential blocks in this location, but comment as follows, 'Buildings of the scale and design now proposed for new apartments have no precedent in the former military character of this part of the site but this does not mean that they must therefore be so harmful to its character as to be unacceptable within the terms of the NPPF. Detailed design will again be crucial to a successful application for scheduled monument consent'.
- 2.250 English Heritage also consider it unlikely that any archaeological remains would exist such that planning permission or scheduled monuments consent could not be granted, subject to appropriate conditions safeguarding any archaeology.
- 2.251 It will be noted that planning permission for a terrace of five houses (DOV/02/00781) relating to this site was refused and dismissed on appeal. The Inspector cited two main reasons in support of this decision: The topography relative to the town centre would result in most journeys being by car, contrary to achieving a more sustainable pattern of development; and harm to the conservation area/Scheduled monument arising from the specific design, which included long gardens on the grassed slopes.
- 2.252 In this case, the layout suggests a more considerate design solution than that appraised by the Inspector. The concerns relating to the likely reliance on the use of the car by prospective occupiers however is a particular concern here. This adverse impact needs to be weighed against the wider benefits of the scheme, which include the financial contribution towards the heritage benefit payment and helping meet the current housing land supply deficit (see Appendix 3 and 2.46 respectively). At the time of the DOV/02/00781 decision, it should be noted that the Inspector was satisfied the Council had a sufficient housing land supply, which is not now the case.
- 2.253 The proposed flats would be located on elevated land to the north of existing residential properties in Western Close. The separation distance between the two, in excess of 35m, should be sufficient to avoid any unacceptable overbearing/overlooking impacts on the living conditions of existing residents. A similar conclusion was also reached by the Inspector in respect of the DOV/02/00781 scheme.
- 2.254 The submitted layout shows the provision of a Local Equipped Area for Play (LEAP) north of Citadel Road and opposite the site for the proposed apartment blocks. The location (between two roads) is not considered appropriate. The (£5m) heritage benefits payment makes provision for the cost of this LEAP at £15,000. The capital cost of creating a LEAP is typically at least four times greater than this figure and no provision has been made for maintenance costs. That said, in view of the scale of development at the Western Heights, and having

regard to the thresholds established by Policy OS2 for open space provision, a Local Area for Play (LAP) would be sufficient in this area. The £15,000 sum should be capable of funding a LAP. The precise location of the facility would need to be agreed through any reserved matters submission.

Reconstruction of Victoria Hall to provide 9 residential units (Western Heights)

- 2.255 Victoria Hall fronts Citadel Road and following a fire in 2003, is now in a very poor state of repair. The hall comprises two main phases. The first was the main hall, which was erected in 1898 by the Church of England Soldiers and Sailors Institute. It is a single storey structure, of brick construction under a slate roof, although most of the roof is now missing. It illustrates the contemporary concern for soldiers' Christian moral welfare, and the provision of a range of supporting buildings for the garrison, as the Western Heights ceased to be regarded as a land fortress, and instead operated as a large barracks and mobilisation centre. In 1903 a two storey wing was added to the south western end of Victoria Hall which was primarily designed for educational purposes. The complex, remains the last standing example of the wide range of institutional buildings provided for the garrison, and as such has some significance in terms of the history of the Western Heights.
- 2.256 The proposal to provide 9 units seeks to work with the original envelope and grain of the building, re-using existing openings where possible. Some new building work would be required where the structure has been lost/badly damaged through fire. The majority of the existing structure would however be retained. New openings would be kept to a minimum, on the public side of the building, fronting Citadel Road. The proposals do however include a series of roof lights, fronting the road, and a series of dormer windows on the southern elevation; the latter are needed to provide sufficient space at first floor level, and to take advantage of the sea views. A small amount of private amenity space would be provided for some of the units to the south.
- 2.257 The proposals would achieve a significant improvement in the appearance of the building, and would give it a long term sustainable use. They would retain the essential character of the building, and as such, the character of this part of the conservation area and Ancient Monument. The NPPF seeks to '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'. It is considered that these proposals would represent an appropriate way of achieving this requirement. English Heritage also welcome the re-use of this important, late C19 former military building.
- 2.258 While the description of the proposal refer to 'reconstruction', the local planning authority would expect as much of the existing structure to be retained as possible.
- 2.259 Permission was previously dismissed at appeal (DOV/02/00782) for the conversion of Victoria Hall to two residential units on sustainability/travel grounds. As mentioned at 2.52 above, this harm

would also apply here and needs to be balanced against the wider benefits of the proposal, which in this case also include safeguarding the character of the conservation area by bringing a redundant/semi-derelict building (of some historic significance) back into use.

Construction of 130 bed hotel and 150 person conference centre (Western Heights)

- 2.260 While the application seeks to reserve all matters (including layout) for the hotel/conference centre, a relatively detailed submission has been made to demonstrate the potential impact of the proposal on the heritage asset and wider townscape.
- 2.261 The site for the hotel and conference centre, lies to the north of St Martins Battery, and to the east of Military Road. It is currently covered by a large number of mature trees, which mask the land form below them, which comprises a number of terraces relating to the former military use of the site. The site is very prominent when viewed from the Drop Redoubt and Grand Shaft Bowl to the north and east, as well as from more distant views from the town, the harbour and Dover Castle.
- 2.262 St Martin's Battery is of considerable significance, built in the early 1870s, it takes the form of a large curved triple battery, of brick construction, and illustrates the importance attached to defending the harbour and port of Dover from seaward bombardment. The structure was adapted in 1940, with the provision of a concrete roof and bomb-proofing earth covering reflecting concern for defence from air attack. Views of this complex, from harbour level allow its former role to be appreciated.
- 2.263 To the north of St Martin's Battery is a former Gun Shed, now used as a vehicle repair depot. It dates from the late 1850s, and is the only surviving building on the Western Heights designed for the storage of mobile artillery pieces, and illustrates the transition from a reliance on fixed defences to mobile field forces during the late nineteenth century. It has subsequently been altered to accommodate its current use, but nonetheless remains a significant structure in heritage asset terms.
- 2.264 The proposals show the re-use of the former Gun Shed which would form the main entrance to the hotel together with the accommodation for the conference centre, and the main drop off point will front this building. The main hotel accommodation is shown located in two connected buildings, of two, three and four storeys, which would cascade down the western slopes of the Grand Shaft bowl, on stepped levels below the former Gun Shed. The form and mass of the new buildings has been designed to follow the natural contours of the site, producing a faceted façade.
- 2.265 While the application states that the proposals would retain as many trees as possible, there is inevitably a tension between the desire to retain some tree cover in order to reduce the visual impact of the buildings and the desire to ensure that the accommodation takes maximum advantage of the views across the town, harbour and beyond. The proposals show the loss of substantial tree cover (some

37% of the woodland at this point), with new tree planting proposed to compensate for this over time. Car parking is shown located below the main bedroom accommodation blocks, (providing 172 spaces).

- 2.266 Concern had been raised with the applicants over possible damage to tunnels underneath the hotel site, and a construction methodology statement has now been provided, to show that the tunnels should not be damaged.
- 2.267 The provision of such a large structure, in a prominent position within a currently undeveloped part of the site would inevitably cause some harm to the integrity of the Monument, and this is acknowledged by the applicants. The building would be most prominent from views from the south, east and north east, and in particular from the Grand Shaft and the Drop Redoubt, both of which are of exceptional significance from a heritage asset point of view. It would also be seen from Dover Castle.
- 2.268 The applicants have sought to minimise the negative impact of the structure, by taking advantage of the topography, setting the structure into the hill-side, providing underground parking and utilising the tree cover to break up the scale and massing of the structure. The use of a faceted façade also helps in this regard. The proposed building has been moved further away from St Martin's Deep Battery, than originally proposed, in order to reduce its impact on this particularly important heritage asset.
- 2.269 Sections and photomontage illustrations have been submitted to help demonstrate the likely impact of the proposed hotel, in terms of its bulk and massing, on the Monument. These show the new structure no higher than the Gun Shed. They also show that the proposal would not break the skyline when viewed from the Drop Redoubt, or from the Prince of Wales Pier and suggest that only glimpses of the structure would be gained, as much of it would be hidden by a treed backdrop.
- 2.270 There is little doubt that the hotel would result in a major intervention due to its size, location and the sensitive nature of the site. At the same time it is relevant that parts of the site have previously been developed, particularly at the base of the Grand Shaft bowl, where a substantial number of very large barrack blocks were located. While the hotel would not emulate a barrack block, it would, nonetheless, have some reference to the former military buildings on the Western Heights, in terms of its size and massing. The proposals would also secure the long term future of the former Gun Shed, which is of acknowledged historic importance.
- 2.271 Part of any evaluation process must also recognise the wider public benefits of a proposal, and this is acknowledged in the NPPF. As detailed elsewhere in this report, a hotel in this location could potentially make a significant contribution to the long-term regeneration and wider public appreciation of the Western Heights. It could also support a visitor centre at the Drop Redoubt and play a key role in advancing the Dover tourism economy.

- 2.272 English Heritage don't object to the principle of a hotel in this location provided it is demonstrated that this is the optimum location – this matter is considered at 2.61 to 2.67 of this report. English Heritage highlight the need for an outstanding design in such a sensitive location. In terms of the impact on archaeology they point to the need for an archaeological investigation at the detailed design. This would inform the mitigation needed under a reserved matters and scheduled monument consent application.
- 2.273 Concerns remain over the adequacy of any remaining tree cover, the possible impact of vehicular access points and the precise design. These matters would need to be fully addressed at the reserved matters stage and through an ancient monument consent application.
- 2.274 English Heritage acknowledge the importance of the hotel to the success of the whole scheme and state that, 'The proposed hotel was not included in the viability report but must be seen as a component of the overall balance of harm and benefit. The public benefits argued by the applicant as being capable of outweighing the AONB issues at Farthingloe include both heritage benefits to the Scheduled Monument and economic benefits from the impact of a high-quality new hotel. To have the desired impact, we think both will be required and thus you will need to find a way to ensure that, if approved, the hotel is ultimately developed'.

Conversion of the Drop Redoubt to a Museum/Visitor Centre (Western Heights)

- 2.275 The Drop Redoubt is located at the north eastern corner of the Western Heights and was built in the 1780s as an ambitious defensive scheme to protect the Western Heights and thereby the port and town of Dover. It is of outstanding importance from an architectural/military history, point of view, and makes a significant contribution to character and appearance of the Monument and conservation area generally. Despite some loss of features, the Redoubt remains relatively intact in layout, and its later alterations are an important part of its development and history.
- 2.276 The main access was originally provided by a swing bridge on the southern approach, however this has been removed. Whilst this may have helped to protect the Fort from vandalism, it has severely restricted public access and appreciation of this exceptionally important part of the Western Heights. The Fort is now in a very poor state of repair, and is on the English Heritage Buildings at Risk Register, and needs substantial investment in order to arrest its deterioration.
- 2.277 The applicant states that the transformational regeneration of the historic fortifications at Western Heights, to provide a new focal point for tourism and leisure within Dover, lies at the heart of the application.
- 2.278 While approval (in effect) for the principle of using Drop Redoubt as a museum/visitor centre is sought through this application, the submission includes some indicative sketch plans to illustrate the type

of works that could be carried out. As detailed elsewhere in this report, it is intended that a sum of £5m be paid to help facilitate some of these works. This section of the report considers the merits of the change of use and potential improvement works. The works include;

- Reinstating the bridge at the southern entrance to the Drop Redoubt,
- Extensive structural repairs to parts of the Drop Redoubt, in order to provide safe public access,
- A visitor centre to include restaurant, and shop. Appropriate services (water, electricity) for the functioning of the visitor centre.
- A lift to provide access from main entrance level to the parade ground and visitor centre.
- Repairing and upgrading the Guard room, cells and Officers quarters, as you enter the Fort from the bridge.
- Repairs to one of the Caponiers to show how it would have looked in the 1800s, together with an educational work space.
- Safety fencing to the Drop Redoubt.

2.279 The provision of a visitor facility would be central to a tourist facility. Following detailed negotiations with the applicants, it is now proposed to re-use existing buildings/structures for the visitor centre, instead of creating this within new buildings, which is welcomed by English Heritage. Following any agreement 'in principle' to the creation of such a facility, detailed discussions and proposals would be required to support any subsequent reserved matters and scheduled monuments applications.

2.280 Additional car parking has been indicated along Drop Redoubt Road, to support the new visitor attraction. Concerns had been raised over the possibility of this causing damage to the monument with some re-grading of the land, however the latest amended plans show the parking provided without compromising the integrity of the monument.

2.281 It is considered that the proposed works to the Drop Redoubt, would help to make a transformational change to the appearance and use of this part of the Western Heights, as well as helping to secure its long term future. One of the stated goals of English Heritage is to see the monument, 'repaired and used in a manner that allows it to be enjoyed by the public' and the current proposals would go a long way to achieving this goal.

Wider Heritage/Landscape Improvements

2.282 Other works proposed for the Western Heights are also proposed to be funded from the £5m heritage benefit payment. These include: Improvements to the interior and exterior of the Grand Shaft; landscape/footpath improvements, including within the Grand Shaft bowl; repairs to St Martin's Battery; and upgrading of the St Martin's visitor car park. These works would secure important improvements to the Scheduled Monument and can be supported.

Conclusions

- 2.283 Elements of the proposal, such as the hotel and new residential blocks, could cause some harm to the integrity of the monument. Information submitted to date however suggests that any harm ought to be less than substantial. Relative to the NPPF policy requirements therefore, consideration can be given to whether wider public benefits arise from the proposal sufficient to outweigh any harm.
- 2.284 The full assessment of harm/benefit can only be made once a reserved matters and schedule monument consent applications are lodged. At this outline stage however it's considered that sufficient evidence exists to demonstrate that the proposals should be capable of bringing about a substantial positive transformation that would more than outweigh harm. The repair and compatible re-use of the Drop Redoubt and the enhancement of its environs (Grand Shaft bowl) would be a significant benefit in its own right. Linked to the tourism/economic impetus of a high quality hotel, this could help stimulate the wider regeneration of the Western Heights. Significant public benefits should also emerge from the assistance this could give to the local economy.
- 2.285 The siting of new housing at the Western Heights (where reliance would be on travel by car) would not accord with the objective of creating a sustainable pattern of development. In the context of the wider proposals for the Heights however, it's considered that this would be offset by its ability to contribute to the £5m heritage payment and the Council's five year housing supply shortfall. This view also takes into account the benefits arising from bringing a redundant historic asset back into (residential) use and the absence of objections from English Heritage to the principle of the overall development proposals in so far as they impact the historic environment. Some mitigation might also be provided by a proposed £100,000 contribution towards bus service improvements linked to operation of the hotel at the Heights.
- 2.286 NPPF (paragraph 116) states that in assessing major development within the AONB, consideration should be given to the need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy. This matter is addressed in more detail elsewhere in this report. It is important to note however that the Drop Redoubt is a nationally significant fortification which is currently on the English Heritage 'At Risk' register. The opportunity presented through this application to secure funds for the regeneration of the Redoubt and surrounding area would be a national consideration material to the assessment of the application under NPPF policy.

Highways/Travel Demand

- 2.287 Development Plan policies and the objectives of the NPPF seek to create of a more sustainable pattern of development, reducing the need to travel and increasing the choice of alternative travel modes to the private motor car.
- 2.288 Policy DM11 seeks to limit development that generates high levels of travel to locations within the urban areas (defined, in this case, by the

Dover urban confines). It requires that all applications for such development detail the type of travel likely to be generated and include measures to satisfy demand to maximize walking, cycling and the use of public transport. This said, it will be noted from the analysis at 2.10 of this report, that when assessing residential proposals, this policy cannot be considered up to date, albeit it still retains full weight when considering the commercial (non residential) elements of the application.

- 2.289 The NPPF states (para.34) that decisions should ensure development that generates significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 2.290 Policy also requires that suitable access to a site be achieved for all people (NPPF, para 32) and that provision of parking is made in line with the requirements of the Core strategy and KCC guidance (Policy DM13).
- 2.291 The Local Highway Authority (Kent County Council) has responsibility for ensuring that the access arrangements proposed by the development are acceptable in highways safety terms and that the impact of additional traffic on the network can be adequately accommodated. Where the traffic volumes affect a trunk road, approval from the Highways Agency must be sought.
- 2.292 The application has been accompanied by a Transport Assessment (TA) which seeks to demonstrate how the proposal complies with policy and the requirements of the highways authorities. The TA was prepared in light of the original proposals, including the additional 54 residential units at the Western Heights. The applicant has not updated the TA to account for the amended proposals on the basis of the lesser scale of development proposed.

Implications for travel/car use

- 2.293 The application seeks some 641 residential units (C2/C3) and other development, including commercial uses, at locations beyond the Dover urban area. In the interests of managing travel demand, Policy DM11 indicates that development that generates high levels of travel will only be permitted at appropriate locations *within* the urban area. Paragraph 34 of the NPPF also highlights the importance of locating development where the need for travel will be minimized and sustainable travel maximized.
- 2.294 The Farthingloe residential site, at its western end, is over 1km from the Dover urban edge. While the development proposes a local convenience shop, health club and pub restaurant, most regular amenities/services for residents would be beyond the site and at a distance likely to deter regular travel by foot and/or cycle.
- 2.295 The Western Heights is closer to the town however the steep topography would also act as a barrier to such travel modes. The TA refers to the lack of cycle networks in the vicinity of the development

and states that it would not be feasible to provide cycle access beyond providing access to the existing road network.

- 2.296 Opportunities to use public transport at Farthingloe exist by diverting the current regular Stagecoach service (Dover/Folkestone on the B2011) through the site. In the case of Western Heights, the TA suggests that enhancing the bus service may be justified by the demands arising from the combination of uses proposed. One option would be to seek the diversion of an existing Stagecoach service to facilitate a bus route via the Heights.
- 2.297 Measures to enhance/provide public transport services to both sites would ultimately need to be agreed with KCC Highways and Stagecoach and would involve a level of developer contribution to fund service delivery/enhancement. At the time of drafting this report, it's understood a figure of £500,000 has been allocated for this purpose (£400k for Farthingloe and £100k for the Western Heights). The most cost effective use of the contribution would involve the early implementation of the new access at Farthingloe to ensure buses access and leave the site en route. In this respect, KCC Highways advise that buses should not be expected to loop in and out of the current access as this would cause a delay to the service, and that they must be able to use both access points.
- 2.298 A Framework Travel Plan (TP) accompanying the TA sets out a range of measures aimed at reducing reliance on travel by private car at both the Farthingloe and Western Heights sites. These include the provision of a welcome pack to advertise available local routes and facilities, a travel and community website to encourage on-going information sharing and a car sharing scheme to minimize single occupancy car journeys, especially for journeys to work. KCC Highways state that a Travel Plan would need to be submitted with any permission and that a contribution of £5000 (£1000 per year) would be required for monitoring.
- 2.299 While opportunities for public transport use and the TP measures are welcomed, it's likely that the development locations (beyond the urban confines) would result in a high reliance on the use of the private car for frequent journey types. The inclusion of several uses at Farthingloe, such as the pub/restaurant and 730sqm health/leisure facility, while serving residents of the development, are also identified by the NPPF as town centre uses and as such would be open to others to use, thereby potentially encouraging additional car borne travel beyond the urban area.
- 2.300 The Scott Brownrigg Retail and Employment Update study for the Council (Sept, 2012) carried out a sustainability appraisal of a number of sites including Farthingloe. It scored the site 'poor' for accessibility stating, "the site is on the edge of town relatively remote from the urban area and although very well connected by road, is less accessible by public transport, on foot or cycling. In addition there are not many community facilities in close proximity for new employees on site. As a result the development will be heavily dependent on car journeys to either Dover or Folkestone."

- 2.301 No convincing evidence has been submitted with the application to demonstrate that development wouldn't place a greater reliance on car borne travel. While DM11 currently has less overall weight, the conclusion of KCC (Highways) and officers is that the proposal would be contrary to Policy DM11 and most likely work against the objectives of the NPPF (paragraph 34).
- 2.302 The scope for the development to encourage a high level of car use must also be considered against the extant employment permission (DOV/97/893) for part of the site. The general weight to be given to this permission is considered further at 2.23 above. Notwithstanding, as the volume of trips anticipated through the development are likely to be twice the extant permission, this wouldn't provide sufficient mitigation to offset the policy conflict identified.
- 2.303 The above adverse impacts need to be weighed in light of the other policy considerations raised by the proposal.

Access arrangements/road capacity

- 2.304 The application has been amended since the original submission, with approval of access for the hotel/conference facility and visitor centre at the Western Heights now a reserved matter. Approval for access continues to be sought for the Farthingloe development and the residential component at the Western Heights.
- 2.305 The Farthingloe development would be served by the existing priority T-junction into the site from the B2011 and a new vehicle and pedestrian access to the east within FL-C near the current 40mph limit restriction. The new access would be ramped (to bridge the change in levels between the site and the B2011) and result in the loss of a number of the mature trees which currently line the highway. The application refers to the loss of some 22 trees resulting in a 30m gap in the tree frontage. The proposal would require the introduction of a right hand turn lane on the B2011. The plans also show the option of relocating the 40mph limit to a point some 80m west of the new junction.
- 2.306 A single access is shown from Citadel Road into an area of undercroft parking to the residential properties at the Western Heights. Changes are proposed to the junction of Citadel Road and North/South Military Road in order to improve visibility commensurate with the additional traffic demand. This wouldn't necessitate any material change in landform. Neither of these access arrangements are felt to materially harm the Ancient Monument and no objections have been raised by English Heritage.
- 2.307 The development gives rise to additional traffic movements which would impact the wider highway network, including the A20 trunk road, and individual junctions. The TA outlines the result of a capacity assessment and proposes mitigation measures involving on-road modifications to the existing Folkestone Road junctions with Elms Vale Road and York Street/Priory Road. The plans show the addition of a single lane on both approach roads to the York St roundabout and the removal or relocation of the mini-roundabout serving Elms Vale Road.

Any such works would be carried out under S.278 of the Highways Act.

- 2.308 The Highways Agency raise no objections to the proposals (as they affect the trunk road). KCC Highways also outlines its support for the access proposals and the road capacity implications of the development.
- 2.309 While approval for access is no longer sought in respect of the other development at Western Heights, consideration needs to be given to whether a suitable access is likely to be achievable relative to highways safety and the impact on the Scheduled Monument. In this respect, neither KCC Highways nor English Heritage raise objections to the suggested (indicative) access details.

Parking

- 2.310 While layout is reserved at Farthingloe, consideration needs to be given to whether the indicative layout (which informs the proposed residential capacity and uses proposed) adequately provides car parking for the quantum of residential units and commercial facilities sought. In this respect, KCC Highways advise that the indicative parking for the pub/restaurant is insufficient with concerns that a high volume discount operator would lead to parking spilling into adjoining residential areas.
- 2.311 Layout is also reserved for the hotel/conference centre and museum/visitor centre at Western Heights. 172 parking spaces are shown to serve the hotel/conference centre. A parking solution for the visitor centre needs to strike a balance between providing sufficient parking (in the right place) to make a tourist venue attractive/accessible whilst safeguarding the heritage asset. Information provided by the applicant states that a visitor facility attracting 250,000 persons per annum, should provide about 54 spaces. There are currently around 60 spaces at the St Martin's Battery car park and the parking area (adjoining the North Entrance) off North Military Road. Parallel parking along Drop Dedoubt Road can accommodate about 20 spaces. A single coach drop off/pick up point is proposed south of the access to the St Martin's Battery car park. The applicant refers to other opportunities for coach stopping in North Military Road to serve the visitor facility.
- 2.312 Generally speaking, no objections have been raised by KCC Highways or English Heritage to the parking levels/options, although (for KCC) some queries still remain over the quantum of parking for the hotel. KCC Highways suggest monitoring should be carried out to assess the adequacy of parking for the visitor attraction and if necessary a £130k per annum be sought (through the S.106) to secure a shuttle bus linking the site with Dover Town Centre and Dover Priory. This sum would be sought for 3 years after which it might be possible to establish the extra bus on a commercial basis. This option would need to be secured through the current S.106.
- 2.313 KCC Highways raise no objections to the undercroft parking proposals associated with the residential proposals at the Western Heights.

Biodiversity

- 2.314 Policy CP7 (CS) requires pressure on Green Infrastructure from new development to be offset by appropriate quantitative and qualitative measures. In this section the biodiversity element of Green Infrastructure is considered.
- 2.315 The NPPF requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The following detailed considerations apply to planning applications:
- Proposals that cause significant harm to biodiversity should be refused unless the harm can be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for;
 - Development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI Interest (either individually or in combination with other developments) should not normally be permitted; and
 - Opportunities to incorporate biodiversity in and around developments should be encouraged.
 - The conservation of is important in conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB).
- 2.316 The NPPF also indicates that for planning purposes, sites that are designated as potential Special Protection Areas (SPA), possible Special Areas of Conservation (SAC) and listed/proposed Ramsar sites, should be treated as European sites.
- 2.317 The Environmental Statement (ES) submitted with the application considers the impact of the proposals on a number of ecological issues:
- Nearby European sites: Special Areas of Conservation (SAC); Special Protection Areas for Birds (SPA) to include Ramsar Site;
 - Sites of Special Scientific Interest (SSSI);
 - Local Nature Reserve (LNR) & Local Wildlife Sites (LWS); and
 - Habitats/presence of vegetation and wildlife (Badgers, Bats, Birds, Reptiles & Invertebrates).
- 2.318 The following sections consider the impact of the proposal on ecological/biodiversity interests.

European Sites

- 2.319 A number of European protected sites lie within material proximity to the application site. These are: Folkestone to Etchinghill Escarpment SAC; Lydden and Temple Ewell Downs SAC; Dover to Kingsdown Cliffs SAC; Thanet Coast and Sandwich Bay SPA and Ramsar site.
- 2.320 Regulation 61 of Conservation of Habitats and Species Regulations, 2010, is concerned with ensuring that planning decisions do not have significant impacts on European sites unless an appropriate

assessment of the implications for relevant sites is carried out to ensure their integrity is not adversely affected. The duty of compliance with this regulation lies with the planning authority. If appropriate assessment is required, the authority must liaise with Natural England. Procedurally, a development proposal is initially screened to determine whether it's likely to have an impact on a European site. This screening should consider both the potential for in-combination impacts and measures incorporated in any proposal or secured by an enforceable obligation, such as a S.106 agreement, that would mitigate impacts.

- 2.321 Notwithstanding Regulation 61 falling to the LPA, the applicant, of his own volition, undertook a screening of impacts on European sites in the ES. This screening was without benefit of the considerable body of work carried out by the LPA and Natural England, with whom the LPA has worked for several years on strategic sites in the Core Strategy.
- 2.322 A detailed critique of the applicant's screening and the LPA's own Habitats Regulation Screening is appended (Appendix 6), upon which the following summary is based.
- 2.323 Recognised impacts on European sites have been identified as being recreational pressure and air pollution. A Dover-wide potential recreational impact on the Thanet Coast and Sandwich Bay SPA and Ramsar site has been identified through combined housing growth. A mitigation strategy has been drawn up whereby residential development over 15 dwellings should contribute a financial payment (secured through a S.106) to the Thanet Coast and Sandwich Bay SPA Mitigation Strategy, to offset any potential in-combination recreational impacts on the SPA and Ramsar site interest. A similar approach on this development should enable in-combination impacts on the Thanet Coast SPA and Ramsar site to be screened out.
- 2.324 Recreational pressures on other European sites are considered to be insignificant due to a lack of parking facilities, walking distance, or ongoing successful visitor management.
- 2.325 Regardless of the findings of the assessment, in respect of recreation, the provision of the Countryside Access Area (CAA) at Farthingloe and its accessibility from Western Heights through open access land, should be sufficient to satisfy local recreational needs, such as dog-walking, arising from this proposed development.
- 2.326 There are considered to be potential air quality concerns associated with increase in traffic on Jubilee Way caused through the proposed development at Whitfield. However, the contribution that this proposed development would make is considered insignificant.
- 2.327 The local planning authority has submitted the screening under Regulation 61 to Natural England for comment and they are satisfied that the requirements of the Habitats Regulations have been met.

Sites of Special Scientific Interest (SSSI)

- 2.328 SSSI (designated under the Wildlife and Countryside Act, 1981) gives legal protection to the best sites in England for wildlife and geology. The purposes for which SSSI are designated can and do differ from European site designation, even though the two boundaries may be contiguous. In this case, however, the relevant SSSI features and European site features coincide and as, subject to provision of the mitigation cited in the later section on Habitats Regulations Assessment, no significant impacts have been identified for the European sites, only the nearby SSSI, Folkestone Warren, on the southern side of the A20, requires detailed consideration.
- 2.329 There are a number of crossing points under/over the A20 that could enable access to be achieved to the SSSI from the Farthingloe/Western Heights application area. This has the potential to increase recreational pressure on the designation. Notwithstanding, the applicant has gone to some length to demonstrate that sufficient deflection from the SSSI should be achieved through provision in the CAA. 116 Ha of CAA are offered. A considerable portion of this is designated open access land (Countryside and Rights of Way Act, 2000), which apart from access management improvements, should be discounted. However, 39 Ha of previously private farmland are included and this does constitute substantial mitigation. To give this some context, extensive calculations were carried out for the Whitfield Urban Expansion SPD which indicated that a total of 47Ha was required to counter recreational impact from a 5750 house development on the Lydden and Temple Ewell SAC. As a consequence, the provision of access to 39 Ha of previously inaccessible land is considered to be more than adequate.

Western Heights Local Nature Reserves

- 2.330 At Western Heights there is a Local Nature Reserve (LNR). LNR is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006, by principal local authorities.
- 2.331 The function of an LNR is to maintain and enhance its particular wildlife and provide access to nature for local communities. The current proposals show the area within which the location of the proposed hotel is set encroaching onto the LNR. Care would need to be exercised at the reserved matters stage of any approval to ensure that the LNR was not physically damaged during construction and that adequate information was provided for hotel guests such that the function of the LNR was not undermined.

Local Wildlife Sites

- 2.332 Local Wildlife Sites (LWS) are proposed by Kent Wildlife Trust (KWT) and their designation has for some years been ratified by the Kent Biodiversity Partnership (now Kent Local Nature Partnership). The sites are open access land (Countryside and Rights of Way Act 2000), which give the public a right to roam.

- 2.333 There are two LWS within the application area: Great Farthingloe Downs LWS and Western Heights LWS. Both are designated for their chalk grassland. Great Farthingloe Downs LWS lies within the AONB. The Western Heights LWS is reasonably contiguous with the Western Heights Local Nature Reserve (LNR), except to the east of South Military Road where the LNR extends beyond the LWS boundary.
- 2.334 The major impact on these sites if development were permitted could be their incorporation into the CAA, subject to landowner agreements for those areas outside the application site. Incorporation into the CAA would both increase recreational pressure on the LWS, and include impacts such as dog exercising, fouling and stock worrying. It would also lead to greater management for wildlife.
- 2.335 KWT raises concerns about recreational impacts on Little Farthingloe Woods and Downland (to the north of the B2011) and Lydden Spout Pasture LWS (to the west of the Folkestone Warren SSSI). In respect of the former, it is considered that this is less accessible and far less attractive, scenically, than Great Farthingloe. Lydden Spout Pasture is a narrow area of predominantly neutral grassland bound by the North Downs Way (within the Folkestone Warren SSSI) and National Cycle Route 2, some 1.5 Km from the nearest proposed development at Farthingloe. With such well used and maintained routes, it is considered that increased recreational impact on the LWS interest itself would not be significant.
- 2.336 KWT also state that development at Farthingloe would 'fix' the habitat separation between Great Farthingloe and Little Farthingloe and be contrary to Green Infrastructure intentions to de-fragment habitats. Although it is considered that the consented development has, by and large, already caused such separation, the landscaping associated with that consent would maintain a green infrastructure link. Kent Wildlife Trust objects to the proposed layout for lack of sufficient green infrastructure. However, this layout is illustrative only.
- 2.337 As a consequence, the proposals should not conflict with the objectives of Policy CP7.

Habitats (Vegetation)

- 2.338 The Natural Environment and Rural Communities Act 2006 lists a number of habitats and species that the local planning authority must have regard to. At Dover, the most significant of these habitats, which also occurs on the application site, is chalk grassland. This habitat also supports a number of protected plant and invertebrate species and constitutes approximately 2% of the UK resource. Policy DM15 (CS) also seeks to protect ecological habitats.
- 2.339 The ES has mapped vegetation on the application site. This is considered to be reasonably accurate. Habitats that would be lost and that are of significance are an area of woodland at Western Heights and the woodland plantation at Farthingloe (FL-C). The importance of the Western Heights woodland is predominantly for landscape and is discussed in that section. The plantation woodland at FL-C dates from the Channel Tunnel workers camp and was planted to provide

screening of that site. It appears from the additional ES information supplied December 2012 that it could be significant for both breeding birds and as a foraging route for bats.

- 2.340 The numerous iterations of landscape plans submitted with the application have shown differing areas of tree planting. The latest submission (April 2013) indicates what is considered to be a reasonable balance between planting to soften development while maintaining the open landscape character of the area.
- 2.341 The ES states that small amounts of chalk grassland would be lost to woodland in the CAA. It is also indicated that significant areas of chalk grassland would be created which would mitigate any small losses. The creation is indicated as being through conversion of the arable farmland. However, it is probable that the soils here constitute the "*slightly acid loams and clays with impeded drainage*" that are cited in the Soil Resources chapter of the ES. Conversion of such to chalk grassland is not usually possible. It is also likely to be resource intensive (financially) and at this stage it's unclear whether sufficient funds have been allocated or are available within the development programme for this purpose. Notwithstanding, much more detailed work would be necessary to confirm how this benefit might be released.
- 2.342 The minor loss of chalk grassland would be offset by the reversion of the arable to a semi-natural grassland, whether it be 'chalk' or 'neutral' and as long as sufficient funding is available to achieve such, the will be a benefit to habitats.

Badgers

- 2.343 Badgers are a common species. Nevertheless, they are protected from deliberate killing under Schedule 6 of the Wildlife and Countryside Act, 1981 (as amended). They are also protected under specific legislation: The Protection of Badgers Act, 1992. The purpose of the legislation is not conservation, but animal welfare. In accordance with the purpose of the latter, it is common practice not to disclose details of survey findings in planning applications.
- 2.344 Badgers are communal animals utilising several setts within a particular territory. In this application, one main sett has been identified, together with an outlier. Neither is within an area proposed for development and subject to a condition ensuring avoidance of disturbance, the presence of the species should not be a constraint on development. For development of the CAA, badger gates are proposed and these are welcomed.

Bats

- 2.345 Bat species and their roosts are protected by the Wildlife and Countryside Act, 1981. Additionally, the Conservation of Habitats and Species Regulations, 2010 requires maintenance of the conservation status of bats, which has implications in respect of feeding and rearing young. In Kent thirteen species of bat have been identified as of 2012, and although much remains unknown about individual species, there

are certain aspects of behaviour which enable them to be treated as a group. Major concerns with bats involve maternity roosts, autumnal swarming (mating), hibernation/torpor, and foraging, all of which can be adversely affected by development. Bats are known to be in decline and current major threats include loss of roosts and feeding areas.

- 2.346 The applicant undertook a range of bat surveys between April 2011 and September 2011 at Western Heights and Farthingloe. The information in the ES, however, being simply a summary of the findings, prevented any independent assessment of the data. As a consequence, Natural England raised an initial objection.
- 2.347 At the proposed hotel site, the presence of tunnels linking the ex-Grand Shaft Barracks area and St Martin's Battery was confirmed after the submission of the ES. Natural England advised that surveys of the tunnel system should be undertaken for bat hibernation and swarming. Survey work in February 2013 indicated that the upper section of the tunnel network was a hibernation site for bats but that no part of the network appeared to support summer roosts. Independent opinion from the Kent Bat Group, which has carried surveys at Western Heights over many years, supports the likelihood of swarming. A geotechnical assessment report (April 2013) indicated potential instability of the chalk tunnels, but concluded that provided high-impact construction activities (driven piles, dynamic compaction etc.) are avoided during construction, then ground-borne vibration would be unlikely to influence the stability of the tunnels during construction.
- 2.348 The applicant has now submitted more bat survey information (Dec 2012 and March 2013). Natural England considered the information sufficient and has now withdrawn its objection relating to the impact of the proposals on protected species. Together with the geotechnical assessment, it's considered that sufficient information exists to enable the project to proceed, subject to conditions covering: Construction methodology of the proposed hotel foundations; a surface exclusion zone above the tunnels; reinforcement of the tunnel stability in keeping with its historical significance; provision of hibernation features within the tunnel network; timing of the construction of foundations to avoid disturbance to hibernating bats; and details of measures to avoid disturbance to any bat swarming activities.

Birds

- 2.349 Wild birds and their nests are protected by the Countryside and Wildlife Act, 1981.
- 2.350 The applicant undertook a number of breeding bird surveys between April and June 2011 and recorded numerous species breeding or potentially breeding, although the majority were not on the areas proposed for development. Nevertheless, substantial areas used for breeding would be lost, or damaged, including woodlands at Farthingloe (FL-C) and the Western Heights (hotel site) and hedgerows separating Farthingloe FL-B and FL-C Mitigation can be provided by selective replanting. In order to minimise impacts a landscape management plan would be necessary, which would

include sequential tree/scrub removal and replanting to maintain nesting opportunities. This should be prepared prior to the submission of any reserved matters to address provision of new bird habitats.

Reptiles

- 2.351 Common reptiles are offered partial protection under the Wildlife and Countryside Act, 1981. Adder, slow worm and common lizard were recorded at across the site, although the greatest numbers were recorded at Western Heights. It is considered that translocation/protection of such species can be adequately dealt with by planning condition as/if necessary.

Invertebrates

- 2.352 The environmental impact of the proposed development on this group should be relatively minor and would in any event be mitigated by proposed habitat improvements in the CAA, particularly the arable reversion to grassland.

Role/function of the Countryside Access Area (CAA)

- 2.353 The CAA is considered further in this report at 2.195. Taking all the land subject of the CAA into appropriate management provides opportunities for both enhancement of existing habitats – chalk grassland and scrub, some within the LWS and LNR, together with the opportunity of habitat creation.
- 2.354 In respect of recreational access, the new land proposed to be available for recreation could provide significant mitigation for recreational pressure on nearby habitats. However, it is considered that the best management of the overall CAA is by pastoral farming and, for stock protection and ground-nesting birds, this would place some practical limitations on the use of the land for recreational purposes.
- 2.355 There are concerns in respect of deliverability of the CAA as presented in the application. In the event that there are insufficient resources to achieve improvements across the CAA, then it would be preferable, in ecological terms, to concentrate resources on those areas which would accrue the greatest benefit for people and biodiversity.

Pollution Impacts

- 2.356 The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by preventing new 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.

Ground Conditions

- 2.357 The NPPF indicates that consideration should be given to whether land is suitable for development taking into account ground conditions

and land instability, including the impacts of natural hazards or former activities.

- 2.358 The Phase I Geo-Environmental Assessment (forming part of the ES) accompanying the application identifies potential sources of contamination arising from historical farming and military uses at Farthingloe and the Western Heights respectively. Contamination from off-site sources due to the permeable nature of the geology in the area is also referred to.
- 2.359 The ES proposes a series of mitigation measures to address the risk from ground contamination. These are acknowledged by the Environment Agency and the Council's Environmental Health Dept. as providing an acceptable approach and planning conditions are recommended to ensure that risks to future occupiers are satisfactorily minimized.
- 2.360 The ES doesn't highlight any particular risk arising from ground instability, although reference is made to the potential for tunnels under the Western Heights (based on its previous use as a military installation). A tunnel network has been identified beneath the site of the proposed hotel, although at this stage it's understood appropriate foundation design should ensure a safe form of development.

Air Pollution

- 2.361 The NPPF (paragraph 124) states that planning decisions should ensure that new development in Air Quality Management Areas (AQMA's) is consistent with the local air quality action plan.
- 2.362 Dover District Council has designated three AQMA's, two of which are located near the development; along the A20 (and partly within the application site boundary at the Western Heights) and at the High St/Ladywell area of Dover. Potential exists for impacts on air quality from both the construction and operational phases of the development, the latter relating to traffic generation and the former dust emissions. The ES details how the applicant has modelled the likely change in air quality at specific receptor sites over the period 2010 to 2022, accounting for 'with' and 'without' the development. The modelling technique has been agreed with the Council's Environmental Health Department. The results show no new exceedences of statutory objectives with the operational impacts of the development being negligible from on nitrogen dioxide and particulate matter. There should therefore be no adverse affects on the AQMA's. Good site construction practices are considered appropriate to mitigate harm from dust pollution. No objections are raised by Environmental Health subject to appropriate conditions.

Water Quality

- 2.363 Development should be avoided which results in a high risk of pollution to groundwater. While the application doesn't propose development within a groundwater source protection zone, the sites location on an upper chalk formation warrants a precautionary approach to the potential for contamination leakage into the public

drinking water supply. Measures are recommended in the Environmental Assessment (ES) to mitigate risk at both the construction and operational phase of the development; potential for operational contamination is likely to be limited to vehicle fuel/oil spillage into the drainage system. The Environment Agency has been consulted and raises no concerns regarding the impact on groundwater subject to appropriate conditions.

Noise Pollution

- 2.364 The NPPF (paragraph 123) refers to the need to appropriately mitigate (though planning conditions as necessary) noise from new development
- 2.365 The submitted ES concludes that construction noise/vibration associated with the development would have only short term, temporary and negligible effects. With the exception of buildings proposed immediately adjoining the B2011 at Farthingloe, no sound attenuation measures (acoustic glazing/mechanical ventilation) would be required for the residential development. Noise impacts associated with the commercial elements of the scheme (e.g. hotel) would be negligible; where necessary, noise from fixed plant could be adequately dealt with by condition. For existing residents at Farthingloe, background traffic noise from the B2011 would remain dominant with noise from the development (in comparison) being insignificant. At Western Heights, the ES concludes that residences in Knights Templars, overlooking Citadel Road, would experience a potentially significant change in noise levels (permanent negative moderate), albeit (by 2022) noise within gardens here would be below the 'moderate annoyance' level cited by the World Health Organisation Guidelines for Community Noise. This impact must also be seen in the context of the reduction in housing numbers for the Western Heights which has occurred since the application was first lodged and which should reduce the estimated noise increase.
- 2.366 The Council's Environmental Health Dept. concur with the conclusions of the ES and (subject to conditions) raise no objections concerning noise and vibration impacts.

Light Pollution

- 2.367 Saved Policy ER6 of the Dover District Local Plan seeks to limit light pollution by normally requiring external lighting to use full cut-off lanterns. The nature of the current application (outline with most matters reserved) means that measures to limit light pollution cannot be properly addressed/assessed until the detailed design stage. This matter could be picked up in any Design Code document and would be important to address given rural/historic character of the site areas.

Flood risk

- 2.368 The NPPF (paragraph 103) seeks to reduce flood risk by directing development to areas less susceptible to flooding, including areas at particular risk of surface water flooding. The objective is to ensure that development doesn't increase flooding elsewhere.

- 2.369 Sustainable Drainage Systems (SuDS) and other water retention and flood storage measures within development can be used as a means of minimising direct surface water run-off. The NPPF states that, in areas at risk of flooding, priority should be given to the use of SuDS.
- 2.370 The application site lies within Flood Zone 1 which is at low risk of tidal and/or fluvial flooding. Consideration must be given however to whether adequate provision has been made to manage surface water run-off.
- 2.371 The Dover Surface Water Management Plan (SWMP) (November 2011) was commissioned jointly by DDC, KCC, Southern Water and the Environment Agency. The study identifies problems arising from surface water flooding within Dover urban area including along Folkestone Road. The potential for flooding within the application site, at the eastern end of the Farthingloe land, is also identified. The history of surface water flooding (on and off-site) suggests that a comprehensive approach to surface water management would be needed in the development to prevent any increase in flood risk within the site and in the wider Folkestone Road area.
- 2.372 The Flood Risk Assessment (FRA) accompanying the application seeks to address the above by measures including: Green roofs to buildings; permeable surfacing (e.g. block paving) to all roads, parking spaces etc; and the use of cellular storage units to collect surface water from impermeable surfaces. The FRA states that this would manage surface water up to a 1 in 100 year event (accounting for climate change).
- 2.373 The Environment Agency (EA) has not objected to the proposal at this (outline) stage. They advise however, given the size of the site and history of flooding, that a more natural alternative to the cellular storage should be pursued (swales, attenuation basins, wetland areas, etc) and that the Agency would expect to see clear justification at the detailed stage if this alternative could not be implemented. They recommend a planning condition therefore requiring (prior to development commencing) details of a sustainable surface water drainage scheme for the site.
- 2.374 It should be noted that a surface water drainage scheme based on SuDS principles (as required by the EA) might reduce the amount of developable land within the Farthingloe site and as such could limit the potential to satisfactorily accommodate the level of development being sought. It is also understood that KCC might be unwilling to adopt a permeable surfaced route through the site which is also used by buses. The likelihood of house builders subscribing to green roofs throughout the development, to the degree envisaged by the indicative layout, has also been questioned. Taken together, these issues suggest a substantial revision to surface water drainage in any future reserved matters submission.
- 2.375 The application shows similar measures to mitigate surface water flows at the Western Heights with all dwellings and the hotel

incorporating green roofs. A 390m³ storage tank is also considered necessary beneath the hotel to restrict flows.

Loss of Employment Land

- 2.376 The application submission states that the proposal would involve the loss of buildings last in use as B1a (500m²), B1c (360m²) and B2 (630m²). Part of the application site also has an extant consent for 19,510m² of B1 employment floorspace (DOV/97/893 primarily at FL-C).
- 2.377 The Farthingloe site has extensive planning history: The Council does not consider that any of the buildings are currently in lawful use for employment (B1, B2 and B8) uses. Moreover, those buildings last in employment use (but not currently) were either operating under temporary planning consents, for which planning permission has now expired, or a significant period of time has lapsed such that any (lawful) use has now most likely ceased.
- 2.378 The part of the site subject to the extant permission falls within the Core Strategy (CS) definition of employment land, which is protected under current policy. In order to provide the District's existing stock of employment land and premises with a degree of protection, CS Policy DM2 states that land with extant planning permission will not be granted planning permission for alternative uses unless it has been subsequently allocated for an alternative use in a Development Plan Document. The second half of the policy states that permission for land currently or last in employment use will only be granted if the land is no longer viable or appropriate for employment use. The proposal at Farthingloe involves the redevelopment of land with the benefit of extant consent (for employment) and should be assessed under Policy DM2.
- 2.379 The Council also has draft Marketing Guidelines, which set out the level and type of marketing information that would be expected with an application in order to demonstrate the absence of employment interest. The land at Farthingloe with the benefit of extant consent is a large site (with a floor-space of over 1,000 m²) and should be marketed and evidenced in accordance with the relevant advice set out in the Marketing Guidelines. This information has not been submitted.
- 2.380 The Employment Update (2012) assessed each saved Local Plan employment allocation and the need for non B class uses. The Farthingloe site is located in the AONB and was granted a specific temporary consent for the Channel Tunnel Workers Camp and subsequently a permission for a business park (B1) under DOV/97/893. In view of the significant amount of potential floorspace already accounted for, particularly at the White Cliffs Business Park, the Employment Update did not recommend the retention of the Farthingloe site for employment. Consequently the Council's emerging policy, in the LALP does not allocate the site at Farthingloe for employment uses. It is also relevant to mention the recent availability of a substantial area of employment land/buildings at the former Pfizer site and the focus for employment created there by the sites

Enterprise Zone status. These circumstances are considered to outweigh the lack of marketing information in support of the application and no objections are raised in principle to the development relative to the requirements of Policy DM2.

Loss of Agricultural Land

- 2.381 The NPPF states (paragraph 112) that local planning authorities should take into account the economic and other benefits of the best and most versatile (bmv) agricultural land (grades 1, 2 and 3a) and that 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. The AONB Management Plan (Policy GNR2) also seeks to safeguard soil resources.
- 2.382 The development at Farthingloe would involve the loss of some 13.5ha of agricultural land. 7.6ha of this would be to built development. While no detailed survey has been undertaken of the site, the ES submitted with the application estimates that the land is probably a mix of grade 3a and 3b with about half being 3a (bmv). The ES concludes that this loss, while adverse, would be negligible in scale.
- 2.383 The Council's agricultural consultant has assessed the application. He notes the evidence provided in the ES (including anecdotal information provided by the tenant farmers) and concludes that the combination of the soil types, being shallow or hard to work, and the unfavourable slopes, makes it likely that little, if any, of the agricultural land in question would be bmv. As such he considers that the loss of the relatively small area of farmland should not be regarded as a particular constraint. On this basis your officers are satisfied that any harm associated with the loss of productive farmland in this case should only be given limited weight as a material consideration when assessing the overall merits of the proposal.

Heritage Payment – Legal Considerations

- 2.384 Planning Obligations, in the form of Agreements under Section 106 of the Planning Acts (s106 Agreements) must meet certain tests in order to be acceptable. The fact that a developer might be prepared to freely offer a contribution, or because the contribution is intended to fund 'good causes' is not, in itself, sufficient reason to make it appropriate or lawful.
- 2.385 The Community Infrastructure Levy Regulations 2010 (CIL Regs) came into force on 6th April 2010. Part of Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (i) necessary to make the development acceptable in planning terms;
 - (ii) directly related to the development; and
 - (iii) fairly and reasonably related in scale and kind to the development.

2.386 The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the above (three) tests.

2.387 While any S.106 contribution sought through the application would need to comply with the tests as outlined, the particular characteristics of this application involving a £5m heritage payment derived (primarily) from the proceeds of development in one area (Farthingloe) for use in another (Western Heights), has required a detailed assessment (including advice from a QC) to determine whether the payment can be held to be a material planning consideration and if so, whether the payment would comply with Regulation 122 (CIL Regs).

2.388 Initial QC advice regarding compliance with Regulation 122 was sought in 2011 during the early stage of pre-application negotiations with CGI. At that time it was held, on the basis of the information available, that the heritage payment would not satisfy tests (i) and (ii) and as such would not constitute a reason for granting planning permission for the development. This advice was made available to CGI. The concept of the application was developed further taking into account the legal position. CGI also took their own legal advice, paving the way for a more detailed and comprehensive proposition to be put before the Council's QC for further consideration. The current QC advice (May 2013) is attached as Appendix 7. The following important conclusions are reached (relevant/related comments are made in *italics*):

- The application now demonstrates how the various elements of the proposal are connected or linked in one scheme. The overall purpose of the scheme is to achieve regeneration objectives (through stimulating tourist activity and economic regeneration). A linkage is proposed between the two main development areas (at Farthingloe and Western Heights) by the Countryside Access Area (CAA) which would in itself also contribute to the tourism/regeneration objectives. (*The need to secure S.106 funding to consolidate the linkages and refine the scope of the CAA is considered at 2.417/Appendix 8 and 2.195 of this report*).
- The principle is established that it is material for the financial viability of one part of a scheme to fund another part of scheme provided there is a real connection between the contribution and the development proposed. In this case, the payment to restore the heritage asset, arising from development (primarily) at Farthingloe, is an essential part of the regeneration/tourism scheme objective. As such the contribution is a material consideration.
- Accepting that the proposals can be considered as a composite whole (as detailed above), it is open to the Council to conclude that the heritage payment is necessary to make the development acceptable in planning terms in that the benefits to be derived are necessary to outweigh harm to the Scheduled monument and to the AONB. In taking this view, the Council would need to form a judgement on the prospects of restoration taking place if the funds are made available. (*This last issue, together with recommended measures to provide certainty around delivery of the heritage benefits are considered at 2.118 and 2.131(v) of this report*).

- As the restoration of the heritage assets, funded by the heritage payment, forms part of the overall regeneration scheme, and each element of the development forms part of a composite whole, it is open to the Council to form the view that the payment is directly related to the development.
- The scale of the contribution is related to the scale of the works required to the heritage assets, as part of the comprehensive scheme and therefore it is open to the Council to view that the heritage payment is reasonably related in scale and kind to the development proposed.

2.389 Taking into account this legal advice and subject to the pre-determination measures outlined elsewhere in this report, relating to further reinforcing the linkages between Farthingloe and Western Heights, clarifying the scope/nature of the CAA and creating certainty around the delivery of the heritage benefits, it's considered that the heritage payment would comply with Regulation 122 (CIL Regs) and as such could constitute a reason for granting planning permission.

Infrastructure

- 2.390 The Core Strategy (CS) requires development proposals to be supported by the timely provision of an appropriate level of infrastructure. Policy CP6 states that development generating a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism in place to ensure it will be provided at the time it is needed. The policy requires applicants and infrastructure providers to first assess whether existing infrastructure can be used more efficiently or whether demand can be reduced through promoting behavioural change, prior to increasing infrastructure capacity. For the purpose of the policy, infrastructure is defined as the following: Transport; education; affordable housing; health, social infrastructure; green infrastructure; public services; utility services; and flood defences.
- 2.391 Accompanying Policy CP6, Table 3.3 identifies the 'high level' infrastructure necessary to support the CS proposals. While the proposals subject of the current application are contrary to the CS, part of the applicant's case is that the scheme would nevertheless support the objectives of the CS, including meeting the Council's housing growth target at Dover. It is relevant therefore to consider how the application addresses the infrastructure needs identified at Table 3.3 and also whether all reasonable site specific infrastructure demands arising from the development have and/or are capable of being addressed through this proposal. The following sections consider each infrastructure type in turn and assesses the need or otherwise for provision.
- 2.392 Since the CS was published, the NPPF (paragraph 173) requires local planning authorities to pay careful attention to ensuring requests for infrastructure are reasonable and that they don't place a burden on development that threatens viability and ultimately deliverability.

- 2.393 Where an infrastructure payment/delivery is sought through a s.106 planning obligation, any such obligation would need to comply with the Community Infrastructure Levy (CIL) Regulations 2010. This is explained further above 2.385 above.

Transport

- 2.394 There are not felt to be any 'high level' transport infrastructure proposals at Table 3.3 relevant to the current development. A more detailed assessment of the site specific transport issues is provided at 2.287 to 2.313. This outlines measures to improve the capacity of specific road junctions. Otherwise, neither KCC Highway nor the Highways Agency identify any specific infrastructure measures necessary to support the development.

Education

- 2.395 KCC Education have analysed the likely requirement for additional school places arising from this proposed development, taking into account the capacity of ten existing primary schools and five secondary schools, their current rolls, forecast rolls due to the indigenous population and forecast rolls based on planned development of the town. Forecast rolls for primary schools are based on Office for National Statistics data and GP registrations, while primary schools' rolls help to inform predictions for secondary demand. Development data was incorporated into the calculations in the form of a housing trajectory that includes strategic sites from the adopted Core Strategy, extant permissions and sites put forward in the Land Allocation (Pre-submission) Local Plan (LALP). Although the LALP has not yet been through Examination in Public, the proposed sites have been through several rounds of consultation, and therefore consideration should be given to the additional demand they will place on school provision.
- 2.396 Based on the KCC New Build Survey 2006, it is estimated that the 'pupil product', i.e. number of school places required by residents of the proposed development from the date of full occupation will be 116 primary and 83 secondary. Figures supplied by KCC indicate that although in the current year there is a surplus of 153 places in relevant primary schools, this will fall into deficit by 2016 due to indigenous population growth within the town. According to KCC this is being caused by a substantial rise in birth rate that was not predicted at the time the 'Commissioning Plan for Education Provision Kent 2012-2017' was prepared. In the current year there is a surplus of 422 places in relevant secondary schools, and KCC predict that indigenous growth will not fill these places within the forecast period. However planned growth in the district is predicted to fill the surplus places within a couple of years: (Note that developments at Whitfield and Aylesham are excluded from the primary school calculations because new primary schools are expected to be delivered as part of the Whitfield Urban Extension, while a substantial contribution towards refurbishment of existing primary school facilities in Aylesham has been agreed. However, these substantial developments are taken into account by KCC when assessing the expected future demand on secondary schools in the Dover town area).

- 2.397 If spare capacity is allocated to strategic sites from the adopted Core Strategy, extant permissions and sites put forward in the LALP before this application is considered, then KCC calculate that the need arising from this application is 116 primary school places as part of a newly built school and expansion of existing secondary provision by 56 places. If spare capacity is distributed equally between strategic sites from the adopted Core Strategy, extant permissions, sites put forward in the LALP and this application, then KCC calculate that the need arising from this application is 116 primary school places as part of a newly built school and expansion of existing secondary provision by 16 places. (This second approach is costed in Appendix 8)
- 2.398 While the development would give rise to a clear need for educational places, KCC have as yet, been unable to identify any specific project(s) (type/location) to confirm how a financial contribution sought through this application would be used. Without this it would currently be difficult to conclude that the contribution satisfies the requirements of Regulation 122 of the CIL Regs.
- 2.399 KCC have not been able to advise (in time for drafting this report) what the school places requirement would be for a reduced quantum of development at Farthingloe (up to 365 units).

Affordable Housing

- 2.400 Table 3.3 identifies affordable housing as a required infrastructure type. In accordance with Policy DM5 the Council should seek the provision of affordable housing at 30% of the total housing proposed. In this case up to 561 (C3) dwellings and 90 (C2) retirement units are proposed. At the time of drafting this report, the nature of the retirement accommodation had not been clarified and as such it is uncertain whether the 90 units would attract an affordable housing contribution.
- 2.401 Notwithstanding the requirements of paragraph 173 of the NPPF (above) it is accepted practice that affordable housing provision should not be sought without regard to economic viability. It is for this reason that Policy DM5 *seeks* rather than *requires* 30% affordable housing.
- 2.402 The applicant has confirmed that affordable housing is not proposed to be delivered through this development. The reason is not economic viability per se but the intention to divert £5m from the scheme towards the heritage benefits. The applicant contends that to provide affordable housing on top of this payment would render the development unviable. The Council's viability assessor (Smiths Gore) generally concurs with this view.
- 2.403 It is recognised that the £5m heritage payment is central to the rationale for the application as a composite regeneration package. To seek the use of these monies for another purpose (such as affordable housing) would deconstruct the very aim of the submission. The absence of an affordable housing contribution on viability grounds can therefore be exceptionally justified on this basis. If after other necessary infrastructure payments have been accounted for however,

monies remain (from that set aside by CGI for infrastructure), then consideration should be given to their use for affordable housing.

Health

- 2.404 Table 3.3 of the Core Strategy (CS) refers to the need for two/three new general practitioner based facilities in Dover to support primary healthcare needs.
- 2.405 Since publication of the CS, the White Cliffs Medical Centre on Folkestone Road has been rebuilt and expanded, but NHS Property Services indicate that further expansions will be required to meet the need anticipated during the plan period.
- 2.406 Based on the KCC New Build Survey and the proposed housing mix, it is possible to estimate the additional population arising from this development as 1,442 (the NHS accepts this estimate). The applicant states that this development would take about 7 years to build out, and the permission currently being sought (primarily for residential) is outline with all matters reserved, therefore it is appropriate to evaluate demand for GP facilities in 2021.
- 2.407 Using the KCC modelling it is possible to estimate the number of new residents expected from developments in the Dover Urban Area, which (including strategic allocations in the adopted CS, extant permissions and proposed allocations in the Land Allocations Pre-Submission Local Plan documents) would be 7,188 by 2020. The current proposal would therefore account for up to 17% of the additional demand for GP registrations.
- 2.408 NHS Property Services has provided information on the spare capacities and deficits at eight relevant GP surgeries in Dover town. This indicates that currently there is spare capacity in the region of 478 patient registrations across the relevant surgeries. If the spare capacity identified is offset against the predicted additional demand it may be predicted that 1,168 patient registrations would arise directly from this development.
- 2.409 NHS Property Services have identified two possible projects at practices in Dover that could increase capacity without the requirement to create new premises. Capacity at Pencester Surgery could be increased by way of a first floor re-design, including installation of a lift, to accommodate approximately 4,000 extra patients. Works at St James' Surgery could expand capacity by 500 patients, again including a lift to allow access to all floors, which are currently only partly accessible via a stair lift.

Social Infrastructure

- 2.410 Social infrastructure includes social and community facilities, sports centres, open spaces, parks and play space.
- 2.411 The CS identifies that social service/community needs are likely to require ongoing support. The local planning authority will rely on the

service provider (KCC) to identify specific needs relevant to individual development proposals. In this case, KCC has submitted requests for off-site contributions towards the following categories of social infrastructure:

- Family and Social Care projects such as Community Hubs, estimating that around 20 new clients would be generated over the build period.
- Community (adult) Learning to cover additional stock / equipment and class provision
- Youth Service to cover additional stock / equipment and class provision

2.412 Regrettably, none of these requests are supported by evidence that would comply with Regulation 122 of the CIL Regulations (for example no information has been presented on existing surpluses or deficits in provision). As such a contribution request cannot be supported in this case.

2.413 The CS identifies a number of sports needs in Dover that are anticipated to require infrastructure support. In order to help secure appropriate funding from development for such needs, the Council has developed local open space policies and standards. This includes a standard for natural turf playing pitches. Sport England has commented on the application (as a non-statutory consultee in this case) and objects to the lack of development contributions for sport. Their comments are summarised at part e) of this report. The Sport England requests however are not supported by evidence to satisfy Regulation 122 of the CIL Regs and as such cannot be pursued.

2.414 The Council's emerging open space standard (for play pitches) suggests the development should give rise to 1.48 ha of new natural grass pitches. The identified need cannot be met within the site due to terrain and access and as such would have to be addressed through an off-site contribution to increase capacity at pitches within Dover. An appropriate location would be Elms Vale recreation ground, which is also relatively near the Farthingloe site.

2.415 Policy OS2 requires new residential development to provide children's play space in accordance with set standards either on site or where appropriate, through a commuted sum, towards off-site provision at a level equivalent to the cost of providing the play space on-site. In this case, funding (£15,000) is set aside within the £5m heritage contribution for play space at Western Heights. At Farthingloe, it would be expected that any reserved matters submission provide suitable children's play space on site and that this be managed/maintained by a management company.

Green Infrastructure

2.416 Policy CP7 requires pressure on Green Infrastructure from new development to be offset by appropriate quantitative and qualitative measures. In addition, and in accordance with the Council's emerging open space standards, development must provide adequate accessible green space to meet the needs of its residents.

2.417 In this case, the intended Countryside Access Area (CAA) should provide informal recreational opportunities for residents. Essential to supporting this would be the upgrading of paths (to help access by less mobile residents) and opportunities created by the enhancement of the existing linkages between Farthingloe and Western Heights. Financial contributions are sought for these elements. These improvements would reduce pressure on existing Green Infrastructure and help, in part, offset a current 1.88 ha shortfall of accessible green space in the current indicative layout at Farthingloe (based on the Council's emerging open space standards). The recommended reduction in the density of the Farthingloe development together with concomitant 2 ha safeguarded area, should more than fully address this shortfall.

Public Services

2.418 Public services are defined in the CS as including waste management & disposal, libraries, cemeteries, emergency services, places of worship, prisons and drug treatment centres.

2.419 There are no needs identified in the CS that would require an expansion/enhancement of such infrastructure through this proposal. No consultations have been received relating to these matters, other than a KCC request for libraries, for which a financial contribution towards book stock at the Dover Discover library would be justified.

Utility Services

2.420 Utility services include water supply, disposal of waste water, gas and electricity infrastructure. Southern Water state that there is inadequate capacity in the local network to provide foul sewerage disposal for the development and that increased flows might lead to land/property being subject to a greater risk of flooding. Additional off-site sewers would therefore be required to service the development and the applicant would need to enter into an agreement with Southern Water under the Water Industry Act 1991 to facilitate the funding and delivery of necessary sewerage infrastructure. Affinity Water point out that there may be inadequate capacity in the local network to provide water supply to service the development and that additional off-site mains, or improvements to existing mains may be required to service the development. No objections/concerns are raised from other utility providers.

Financial Viability & S.106 Financial Contributions Summary

2.421 The NPPF (paragraph 173) highlights the importance of ensuring development proposals are financially viable and capable of being delivered. It states, to ensure viability, the costs of any requirements likely to be applied to development should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. This is particularly relevant in the context of this application, the merits of which rely, in part, on the ability of the project to yield a heritage benefit payment and meet infrastructure contributions. For this reason it has been necessary to

carry out a viability appraisal, with independent advice provided to the Council from Smiths Gore.

- 2.422 A viability appraisal by BNP Paribas (BNPP) was received from the applicant (October 2012). This concluded that the development could deliver a £5m heritage payment together with £1.8m for developer contributions. Local transport and accessibility improvements totalling £1.17m (of which £500k was for bus service improvements) and £825k for the countryside access area (CAA) were also accounted for in the development costs. The appraisal concluded that the provision of and/or a payment towards affordable housing would not be financially viable in this instance, taking into account the above contributions.
- 2.423 Smiths Gore evaluated the BNPP submission and following some agreed refinement of the appraisal, were able to broadly agree the viability conclusions (above).
- 2.424 The applicant has latterly cast some doubt on these agreed figures, although, as yet, the extent of any change has not been clearly outlined/justified. To revisit the figures at this late stage would necessitate a further submission by BNPP and analysis by Smiths Gore. In the circumstances, and without clarity as to what, if any, changes are proposed and why, the viability of the scheme has been considered on the basis of the already agreed details.
- 2.425 An assessment of the financial contributions sought by consultees together with other necessary payments are set out in detail at Appendix 8. A summary of the relevant financial payments is provided below. This shows that the current offer from the applicant of £500,000 for bus service improvements and £1.8m for other general S.106 contribution matters, currently falls short of meeting the infrastructure requests as identified. While this could conflict with Policy CP6, it's important to note that while the Education request has been included, as detailed at 2.398, this request remains provisional given concerns regarding compliance with the CIL regulations.

Developer Contributions Summary Table		
Contribution Type	Contribution based on submitted scheme	Contribution based on recommended scheme (lower density/quantum)
Sustainable Travel/Linkages		
<i>Bus payment (Farthingloe)</i>	£400,000	£400,000
<i>Bus payment (W.Heights)</i>	£100,000	£100,000
<i>Travel Plan (monitoring)</i>	£5,000	£5,000
<i>Travel Plan (contribution)</i>	£100,000	£100,000
<i>Footpath (to PRow in CAA)</i>	£27,000	£27,000
<i>Footpath (bet. F & WH sites)</i>	£98,550	£98,550
Libraries	£37,518	£28,470 (est. tbc)
Health	£106,580	£72,544
Sport	£289,200	£221,400
HRA Mitigation	£26,117	£19,819 (est. tbc)
Sub Total	£1,189,682	£1,072,783
Education (to be confirmed)		
<i>Primary</i>	£2,581,410 (tbc)	To be confirmed
<i>Secondary</i>	£342,171 (tbc)	ditto
Total	£4,113,263	To be confirmed

2.426 Further consideration will be given to the Education contribution by the S.106 Executive Committee at which KCC will be able to outline their position. At this stage, and once the other necessary contributions are settled/agreed, one option might be to delegate officers to resolve the appropriate KCC education contribution taking into account (as required by the NPPF) overall scheme viability. This would give more time for KCC to hone their case, taking into account viability. Proceeding on this basis should enable infrastructure payments to be dealt with in accordance with Policy CP6 and the monies available for the development. One eventuality might be to seek an appropriate contribution for education (supported by further evidence from KCC), but held by the local planning authority (for a time limited period) until a relevant/fully costed education scheme emerges, at which point the monies could be released to KCC.

Pre-application Engagement/Statement of Community Involvement

2.427 The NPPF highlights the importance of pre-application engagement between developers, local planning authorities, statutory consultees and the local community and states that this can help identify key issues at an early stage and potentially resolve problems, speed up the planning process and improve outcomes for the community. The NPPF suggests that applicants and local planning authorities should also consider the merits of entering into a planning performance

agreement (PPA) in order to achieve a faster and more effective process.

2.428 In line with the Council's Statement of Community Involvement (SCI, 2006), the application is accompanied by an SCI. This explains the extent of the pre-application engagement/consultation with stakeholders. Reference is made to presentations/discussions with local groups and statutory agencies. A series of public exhibitions and meetings were also held – as follows: A public exhibition in the Market Square between 27th and 30th March 2012 (event advertised in the local press); meeting with residents at the Western Heights 28th March; and exhibitions at Farthingloe (29th March), St Pancras Station (30th March); De Bradellie Wharf (2nd April); and Lydden Race Circuit (9th April). Invitation letters to the public exhibition were sent to local residents at Western Heights and Folkestone Road and to stakeholders including Dover Town Council, Western Heights Preservation Society, Dover Society, National Trust and English Heritage. Feedback forms were provided at the exhibitions and information given about a project website to which further comments could be submitted.

2.429 The proposals for the Western Heights have evolved and have been refined since the pre-application consultations took place. At the time of the applicant's consultation (summarised in the SCI) the Western Heights works were described as follows:

- Possibly including refurbishment and redevelopment of the Drop Redoubt including quality restaurant/café bar, tourist information centre, shop and office workspace for the Western Heights Preservation Society; consideration to an archive/information centre for the proposed War memorial; and landscaping, creation of a central courtyard and bringing back to use elements of the original structure; and the connection of services (electricity) and comprehensive health and safety works.
- Upgrading of the Grand Shaft as a tourist attraction and connection to Western Docks, with possible inclusion of a glass lift to aid connectivity for ease and disabled access, visitor area at entrance level and facilities to enhance a visitor experience overall.
- Construction of a swing bridge to create an authentic and safe visitor entrance for the Drop Redoubt.
- Public viewing area as part of the St Martin's Battery with views of Dover Castle and the town clock in Calais; and a possible café/coffee bar area.
- 150 bed 4 star hotel with conference facilities, overlooking the port and English Channel.
- Community centre with meeting, kitchen and changing facilities.
- Improved access to existing areas of interest – detached bastion, north entrance etc.
- Enhancing the need for a cable car connection to Dover Waterside; an extension to the Dover Castle direct link.
- Accounting for inclusion of proposals for a War Memorial dedicated to the casualties of the Commonwealth of Nations from 1914 – 1945.

- Erection of 64 houses and 122 apartments, a new sports pavilion for local use, an improved sports pitch, car parking, landscaping improvements together with new amenity space and play space provision.
 - Improved footpaths across the site to enhance access to heritage assets around the site and improve links along the ridge to Farthingloe.
- 2.430 The SCI states that the headline results from the consultation showed 63.8% of respondents supporting the proposals; 22.3% opposing, 6.38% undecided, 2.12% giving a mixed response and 5.31% expressing no opinion. 51% of those responding gave their postal address as Dover District with some 10% living outside the district. The remaining 38% supplied an email contact addresses only.
- 2.431 The SCI indicates that the most important issues relating to the scheme, as raised by respondents, were (in order of priority): Relationship with the rest of the town; community and heritage benefits; vehicle, pedestrian, cycle access; design; public transport access; traffic, job creation; and noise and light pollution.
- 2.432 The pre-application process included the signing of a planning performance agreement (PPA) between the applicant and the local planning authority. This set out an agreed basis for project managing the process leading up to the submission of the planning application. The PPA was entered into by both parties on the understanding that it in no sense prejudiced the Council in its consideration of the planning application itself.
- 2.433 Since the publication of the SCI further changes have been made to the scheme. These are detailed in this report. The changes have been instigated primarily as a consequence of comments from statutory consultees as well as the availability of more information relating to the potential financial viability of the proposal and the scale of 'benefits' that could be afforded. While the applicant's SCI suggests a large level of public support for the proposals, consideration also needs to be given to the changes made which have arguably reduced the scale of the public/regeneration benefits on offer. Account must obviously be given to the extent and nature of the public representations at part e) of this report.

Review and Conclusions

- 2.434 The issues raised by the application are extremely challenging and complex, borne out in particular by the conflict with the Development Plan and the intention to develop within two nationally protected designations (AONB and Scheduled Monument).
- 2.435 It is not surprising that the nature of the proposals have given rise to a wide range of often strongly competing views. This flows through both the response of statutory consultees and the public consultation.
- 2.436 Comments from the statutory consultees have been wide ranging. Most notably:

- English Heritage has no objections insofar as the proposals impact the historic environment. They advise that it is for the local planning authority to assess the application against paragraphs 115 and 116 of the NPPF.
- Natural England object, stating the proposal would significantly affect the purposes and objectives of the AONB designation and should be refused, subject to the assessment against the NPPF paragraphs 115 and 116.
- The AONB Executive object to the impact on the AONB and contend that the application, as a whole, would not satisfy the requirements of paragraph 116 of the NPPF.
- KCC do not raise an objection in view of its potential economic benefits and the aim to conserve the heritage of the Western Heights.

2.437 A large number of public representations have been received and are relatively evenly split between objections and support. The removal of 54 residential units from the Western Heights early in the application process might have helped ameliorate some, although certainly not all of these; the objections from the National Trust, CPRE and Kent Wildlife Trust will be noted. A strong level of the support has been received from representatives of the local business/economic development community, including the Chairman and Vice Chair of the South East Local Enterprise Partnership.

2.438 While concerns remain from some parties about the proposals at the Western Heights, the main objections relate to the impact of major development at Farthingloe within the AONB.

2.439 The requirements of paragraph 116 of the NPPF are central to the evaluation of the application. This states that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. As part of this assessment, paragraph 116 requires that three matters be considered. These are set out in italics below, with a brief review of the conclusions reached in this report:

The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

2.440 The impact of permitting the development on the local economy would in particular, through the creation of a tourist/visitor destination at the Western Heights, focused around the Drop Redoubt and a new high quality hotel, have potential to bring significant local economic benefits. The proposals provide an opportunity to secure much needed funding in support of a nationally important heritage asset which is currently on the English Heritage 'At Risk' Register. A need for development has been identified in terms of helping make good the current deficiency in the Council's five year housing land supply against a backdrop of lack of progress on the Core Strategy's strategic housing sites at Dover. Addressing this shortfall is recognised as a national planning objective. While refusal of the application would not

be likely to cause direct damage to the local economy, it has been suggested that it would be an important opportunity foregone for a town much in need of regeneration.

The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- 2.441 It is concluded at 2.41 that while there are options to develop outside the AONB, they are not viable for a combination of reasons such as conflict with Core Strategy locational policy, access issues, flood risk, and overriding landscape prominence. There is no proven practical scope for developing elsewhere outside the AONB. Furthermore, development on any of these other options could not replicate the composite regeneration package proposed as part of this application.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 2.442 The proposals for up to 521 residential units together with other commercial development, including a 90 bed retirement village at Farthingloe would, as informed by the indicative layout to the application, have a detrimental urbanising affect and result in long-term and significant irreversible harm to the AONB. There are strong doubts about the delivery of the Countryside Access Area (CAA) in the manner proposed by the application, although subject to modifications, the CAA function should be facilitated. Benefits derived from the CAA however would not offset the harm to the AONB identified.

- 2.443 A considerable moderation of harm could be achieved by reducing the density of development and safeguarding areas from development to the south/west of FL-B (as shown at Appendix 5). This would reduce the amount of housing at Farthingloe to approximately 365 units. Advice from the Council's viability advisor (Smiths Gore) indicates that, subject to a reduction in the Code for Sustainable Homes rating from Code 4 to Code 3, this would deliver a viable development, capable of providing the same range of monetary contributions as currently proposed. It would also achieve a more marketable and higher quality housing scheme than that illustrated on the submitted indicative layout, this being important to help diversify and improve the Dover housing offer. A lower density of development would also reduce, to a limited extent, the level of payments required to support necessary infrastructure.

NPPF (paragraph 116) review

- 2.444 The statutory obligation in respect of the AONB, is to conserve and enhance the natural beauty of the area. Major development should only be permitted in exceptional circumstances and where a public interest can be demonstrated. Strong objections have been received to the impact of the proposals on the AONB from two statutory consultees in particular. Set against this, the application as a whole offers notable economic benefits and other important outcomes

commensurate with national planning objectives, including helping to meet the Council's five year housing supply deficit.

- 2.445 While the benefits are far from modest, the level of harm to the AONB, based on the submitted indicative scheme, would be significant, particularly to the south/west of FL-B where built development on elevated and exposed terrain would seriously compromise the landscape character. NPPF (paragraph 116) requires regard be had to the extent that harm to the landscape can be moderated. The proposals as presented are considered to fall short of demonstrating any suitable moderating effect. The recommendations in this report, as described, seek to address this and in a manner that safeguards development viability and delivers benefits in terms of housing quality.
- 2.446 While no response and/or challenge has been made by CGI (or their financial advisors) to the reduced density option, it's anticipated the recommendations, including the setting back of the development from the south/west periphery, will be objected to by the applicant. The concerns about the impact of development at FL-B on the AONB were aired with CGI during the course of the application, but no solution was agreed.
- 2.447 Nevertheless, it is your officers' opinion that offsetting the landscape harm by the modifications outlined in this report would shift the planning balance in favour of the economic and other national benefits of the application. The local economic issues and specific circumstances of this case, relating in particular to a recognised need for growth and regeneration at Dover and the policy implications (identified in this report) of the Council's five year housing land supply deficit, are considered to provide a finely balanced exceptional justification for this major AONB development, the benefits of which would be in the public interest. Essential to this conclusion would be seeking all the recommended conditions (changes) and ensuring (by condition/S.106 agreement) the deliverability of all the relevant application 'benefits'. The rationale for the application is as a composite package, and any permission should therefore be framed to ensure the emergence of the proposals in a structured and comprehensive fashion.
- 2.448 If Committee supports these changes in principle, one option might be to delegate officers to discuss any minor variation of the proposed residential quantum with the applicant. It is not envisaged that this should lead to any notable change in the recommended approach (of up to 365 units at 30 net dwellings per ha, excluding the safeguarded land at FL-B), however it would be reasonable to take account of any comments from the applicant (which have not been available to date) prior to finally fixing the precise upper capacity figure. A similar approach could be taken to defining the precise boundaries of the safeguarding area at FL-B.

Sustainability appraisal and overall planning balance

- 2.449 Achieving sustainable development lies at the heart of the planning process. The NPPF (paragraph 8) states that to deliver this, economic, social and environmental gains should be sought jointly

and simultaneously. The NPPF continues (paragraph 9), “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to): making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature; replacing poor design with better design; improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes”.

- 2.450 While the proposal would conflict with Development Plan policy, the conclusions of this report are, that subject to the implementation of the composite scheme (and through the use of the planning conditions/obligations recommended), the application should be capable of complying with national planning policy relating to major development within the AONB and development affecting a national heritage asset. Inherent in these conclusions is the recognition that while harm would be caused to environmental interests, this would not be disproportionate relative to the economic and social benefits arising. Account has also been taken of the potential to secure important environmental improvements at the Western Heights Scheduled Monument, the biodiversity enhancements anticipated through the CAA and energy efficiency measures in the new development (through Code 3 of the Code for Sustainable Homes and the BREEAM ‘very good’ standard for new commercial premises).
- 2.451 The proposal would involve a significant inward investment. Related economic and regenerative benefits are fully set out in this report. Social benefits would include the contribution to the districts shortfall in housing provision, the improvement in the quality and choice of housing, local employment opportunities and the improvement to the living/working environment connected with the leisure/recreation proposals and the regeneration of an important and locally valued historic site at the Western Heights.
- 2.452 Set against the above, the application would result in some limited loss of best and most versatile farmland. The development, at Farthingloe in particular, would be likely to encourage travel by car contrary to sustainability principles. The financial contribution towards bus improvements, and early construction of the access into FL-C, would be important to help moderate this harm to some extent. The opportunity to locate the retirement accommodation within the ‘village centre’ at FL-C would also help establish a more viable community at Farthingloe. The lack of affordable housing is regrettable, although fully justified in viability terms and with regard to the overall objectives of the composite regeneration package.
- 2.453 Having regard to project viability, the reasonable infrastructure needs of the development should be capable of being addressed.
- 2.454 The on balance conclusion reached in this case is that the application would, as a single comprehensive scheme, support rather than work against the overall objectives of sustainable development as defined by the NPPF.

Conclusion

- 2.455 The application provides a very important opportunity for the district to secure significant inward investment centred around the key planning objective for Dover of growth and regeneration. For this reason, officers have sought to work with the applicant to find mutually acceptable solutions to problems where possible, with the aim of achieving an appropriate form of development that could overcome some of the legitimate planning concerns associated with major development affecting the AONB and an ancient monument. It is considered that the recommendations set out in this report should enable an acceptable development to be progressed, the benefits of which can be fully supported.
- 2.456 Based on discussions with the applicant over the course of the submission, it's very likely that the conditions/changes proposed to the application (in order to address some of the planning challenges) will be opposed by CGI on the basis that some/all might put the project 'at risk'. It's anticipated that some of the main areas of concern for CGI would include:
- (i) The requirement that the hotel be delivered as part of the proposal with this ensured by phasing the hotel to development at Farthingloe.
 - (ii) The requirement that development at FL-C progress first, before FL-B and relative to the emergence of other development 'benefits' (namely, the hotel).
 - (iii) The reduction in the housing quantum and density at Farthingloe, with a setting back of development from the south/west periphery of FL-B.
 - (iv) The graduated payment of the heritage contribution in smaller sums based on the completion of 20%, 40%, 60% and then 80% of the development.
- 2.457 The application has been presented by CGI as a "once-in-a lifetime opportunity to deliver regeneration for Dover". It would be open to the Committee (having regard to the relevant requirements of the NPPF) to review the economic, housing delivery, heritage and other benefits associated with the proposals and come to a view as to whether these, and/or any other material planning considerations, would be sufficient to justify permission without one or more of the conditions/restrictions recommended. Based on anticipated concerns from the applicant, the Committee might consider what scope, if any, might exist to increase the residential density on say, FL-C, from that recommended (30 dwellings net per ha) to account for the safeguarding area (Appendix 5). However, the officer position is that the conditions/changes as set out in this report (informed by independent legal and financial viability advice) are well founded and that all are necessary to deliver the right composite package, including the economic benefits, so that an on balance recommendation of approval can reasonably be made.

- 2.458 In accordance with the NPPF, officers have approached the application in a positive manner in order to realise the possibilities presented by this important investment opportunity. The nature of the application however and the policy context have added to the complexity and challenge of arriving at a straightforward solution. Overall however, the recommendations at g) of this report are considered to steer a reasonable course between the important planning objectives of safeguarding the AONB and achieving economic growth and regeneration, which are so fundamental to taking Dover forward. The measures outlined would also help to diversify and improve the quality of the Dover housing offer - something the current indicative housing scheme is considered to fall short of achieving.
- 2.459 The recommendation at g) takes into account the legal advice received regarding the treatment of the application as a 'hybrid' submission (part outline/full) as described at 1.43. Determining the application on this basis has complications and as such further discussions with the applicant regarding the precise framing of any decision might be beneficial. The recommendation is therefore cast to give delegated authority to officers to resolve some matters, where specified in consultation with the Chairman of the Planning Committee.
- 2.460 The recommendation of this report has had regard to the information submitted as part of the Environmental Statement.
- 2.461 Account has also been had to the Public Sector Equality Duty under S.149 of the Equalities Act 2010. In this respect it is not considered that the proposals would disproportionately affect any particular group.

g) I SUBJECT TO the following:

- (i) The resolution of any outstanding details to be delegated to the Head of Regeneration and Development, including: Clarifications regarding the extent, content and funding arrangements of the Countryside Access Area (CAA) and maintenance responsibilities/measures (see 2.206 to 2.208); issues raised at 2.448 regarding any minor variation of the Farthingloe residential quantum/safeguarding area; the clarification of the level of funding secured through the S.106 for KCC Education having regard to education need and the financial viability of the development (as detailed at 2.426); and the wording of the 'reasons for approval' to the application.
- (ii) The completion of a necessary S.106 agreement (to include English Heritage and other parties) and any other legal procedure to facilitate: The payment of the £5m heritage contribution; the achievement of the objectives outlined at 2.131 (i) to (v) of this report; any other measures to support the S.106/legal agreement and to ensure proper development including (if not addressed by planning condition), a phasing schedule to cover relevant works subject of both the outline and detailed proposals and the safeguarding of land at FL-B as part of landscape management (Appendix 5); and the payment of development contributions (as agreed/modified by the Committee) and resolution of trigger points for payment.

(A) Outline planning permission BE GRANTED (with all matters reserved except access) for the construction of:

1. (Subject to I (i) above), Up to 365 residential units (Use Class C3);
2. Up to 9,335sqm 90 apartment retirement village (Use Class C2);
3. Up to 730sqm health facility (Use Class D2);
together with associated landscaping and ancillary infrastructure and works at Great Farthingloe Farm, Dover; and

(with all matters reserved except layout and access) for:

4. Construction of up to 31 residential units (Use Class C3); and

(with all matters reserved) for:

5. Construction of up to 7,400sqm 130 bed hotel & 150 person conference centre (Class C1)
together with ancillary infrastructure and works at land at Western Heights, Dover; and
6. Provision of a pedestrian access network to facilitate enhanced recreation access together with associated landscaping and works on land at Great Farthingloe Farm and Western Heights, Dover; and

(B) Full planning permission BE GRANTED for:

1. Conversion of thatched barn to pub/restaurant (Use Class A4/A3);
2. Conversion of stable block to retail shop (Use Class A1/A2);
and
3. Conversion of farmhouse to bed & breakfast (Use Class C1);
together with associated landscaping and ancillary infrastructure and works at Great Farthingloe Farm, Dover; and
4. Conversion of the Victoria Halls to provide 9 residential units (Use Class C3); and
5. Conversion of the Drop Redoubt to a Museum/Visitor Centre (Use Class D1)
together with associated landscaping and ancillary infrastructure and works at land at Western Heights, Dover.

SUBJECT TO conditions (relating to the outline and/or detailed permission) to include: (i) Time conditions; (ii) Development in accordance with approved plans; (iii) Conditions in accordance with the recommendations at 2.227 relating to a masterplan, design code and phasing; (iv) Details of access, appearance, landscaping, layout and scale of development as appropriate (v) Archaeology conditions; (vi) Environmental Health conditions; (vii) Surface water drainage conditions; (viii) Foul sewerage conditions; (ix) Sustainable construction conditions including code level 3 of the Code for Sustainable Homes and BREEAM 'very good'; (x) Ecology conditions, including necessary bat surveys in respect of tunnels associated with

(A)5 above; (xi) Details to confirm the retention of existing structures to be converted; (xii) Material samples, joinery details and other detailed matters; (xiii) Highways conditions, including a condition seeking early implementation of the new access to FL-C; (xiv) Landscaping conditions, including a landscape/open space management plan which should reflect the safeguarding of land at FL-B (Appendix 5); (xv) Details of provision of Play space; and (xvi) Any variation/deletion of these conditions and/or additional conditions as appropriate.

- II Powers be delegated to the Head of Regeneration and Development to conclude the S.106 and settle any necessary planning conditions (in accordance with issues set out in the report and as resolved by the Planning Committee) in consultation with the Chairman of the Planning Committee.
- III Informatives to be delegated to the Head of Regeneration and Development.

Case Officer

Peter Wallace