

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

6 September 2023

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 14 September 2023 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Nee', written over a white background.

Chief Executive

Planning Committee Membership:

M J Nee (Chairman)
D G Cronk (Vice-Chairman)
J S Back
D G Beaney
E A Biggs
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 10 August 2023 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 6-10)

5 **APPLICATION NO DOV/19/01328 - UNIT 6, THE OLD TILMANSTONE COLLIERY, PIKE ROAD, EYTHORNE** (Pages 11-24)

Change of use to general industrial (Class B2) and the installation of a two-storey container unit, weighing hoppers, conveyors, aggregate reception bays, enclosed plant mixer, cement storage silos and replacement 2.5-metre-high fencing in association with the use as a concrete batching plant (Retrospective)

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

6 **APPLICATION NO DOV/21/00075 - 74 AND LAND REAR OF ARCHERS COURT ROAD, WHITFIELD** (Pages 25-45)

Outline application for the erection of up to 38 dwellings and formation of access road (with all matters reserved except access) (existing dwelling to be demolished)

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

7 **APPLICATION NO DOV/22/00737 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD** (Pages 46-63)

Reserved Matters application pursuant to outline permission DOV/16/01328 (APP/X2220/W/17/3191402) for the details of landscaping, layout, scale and appearance for 28 dwellings, together with details of conditions 6 and 13

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

8 **APPEALS AND INFORMAL HEARINGS**

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

9 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
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- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Electoral Matters Committee; (e) Governance Committee; (f) Planning Committee; (g) General Purposes Committee and (h) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube \(@doverdc\)](#)

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- The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.
- When you register to speak at a meeting of the Council, you will be asked whether you want your personal data (name, voice and image) and comments broadcasted on our website as part of the meeting. We will be relying on your consent for this processing; if you do not consent this will not affect your right to speak at a Council meeting. If you do not consent the microphone and camera in the Chamber will be temporarily switched off when you speak.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicable possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- Members of the Committee may receive confidential information relating to personal

data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

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Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Plan (2015)
Kent Minerals and Waste Local Plan 2016
Ash Neighbourhood Plan (2021)

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

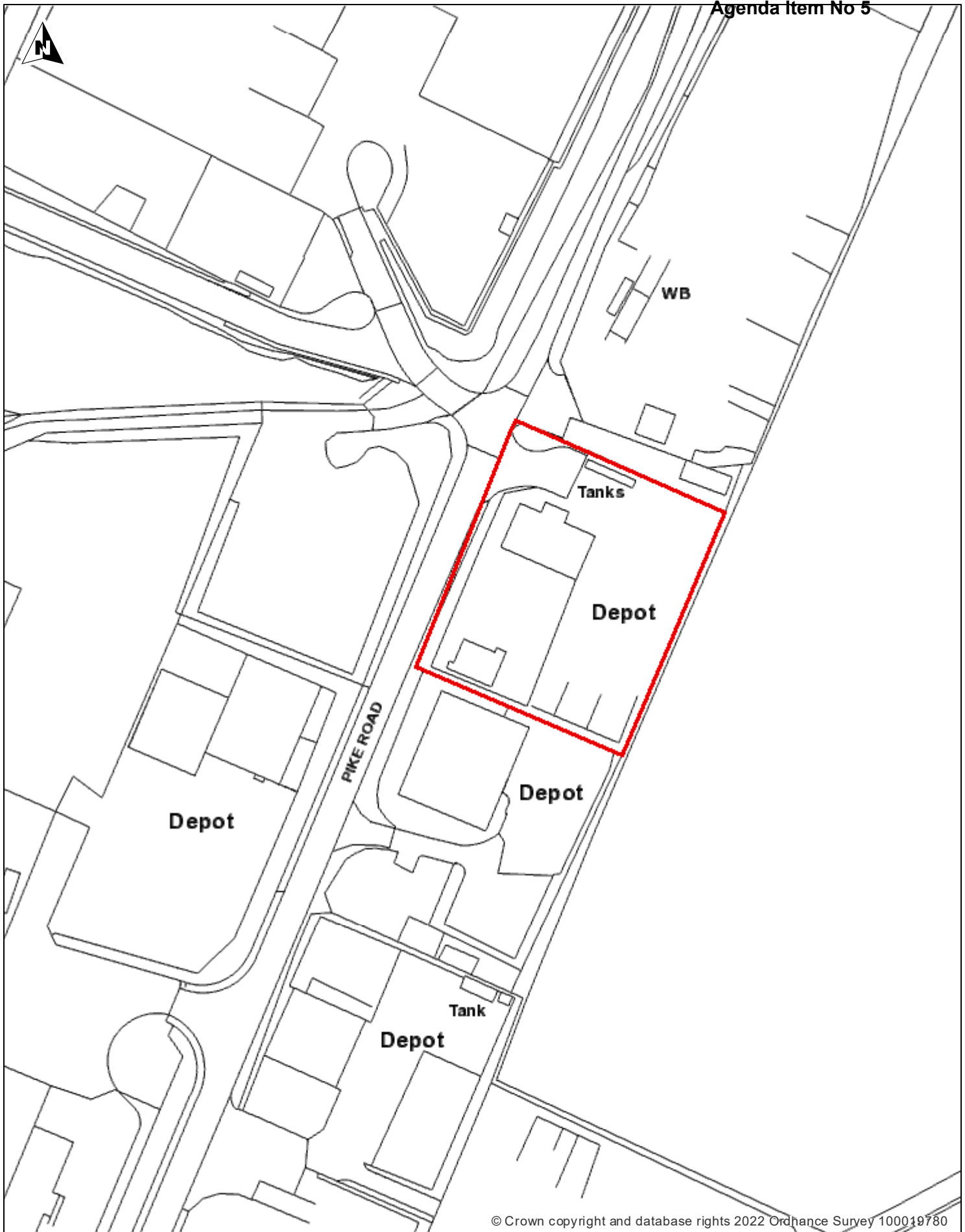
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.

11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



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19/01328
Unit 6, The Old Tilmanstone Colliery
Pike Road, Eythorne
CT15 4ND

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/19/01328 – Change of use to general industrial (Class B2) and the installation of a two-storey container unit, weighing hoppers, conveyors, aggregate reception bays, enclosed plant mixer, cement storage silos and replacement 2.5-metre-high fencing in association with the use as a concrete batching plant (Retrospective) - Unit 6, The Old Tilmanstone Colliery, Pike Road, Eythorne**

Reason for report – Number of objections (30).

- b) **Summary of Recommendation**

Approve planning permission subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

Policies: DM1, DM2, DM3, DM11, DM12, DM13, DM15, DM16

Dover District Local Plan (2002) Saved Policy LE10 - Development of Tilmanstone Spoil Tip (North) supports B2 Use Classes

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 12, 38, 47, 81, 82, 83, 84, 85, 104, 110, 111, 112, 113, 119, 120, 126, 130, 174, 180, 181, 185

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. The relevant policies are for this application:

Draft Policies: SP6, PM1, E1, E2, TI2, T13, T14, NE1, NE2, NE4

Employment Site reference: ELR5a&b – Pike Road Industrial Estate

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that considers context as part of the evolution of the design.

Other

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

- d) **Relevant Planning History**

- 99/00217 (Unit D) - Revised plans for the erection of portacabin offices & plant store Granted 1st June 1999 (no details on IDOX)
- 92/00844 - Use of land for lorry and trailer parking, and erection of workshop/office facilities Granted 23rd June 1994 (no plans)

- 91/00909/A - Amended details of industrial building for garage maintenance and offices Granted (no plans)
- 91/00909 - Erection of new industrial building for garage maintenance and offices Granted 23rd December 1991 (no plans)
- 91/00680/A - Details of proposed lighting and portacabin GTD
- 91/00680 - Change of use from industrial to transport yard and associated offices Granted 24th October 1991
- 91/00498 - Use of site for transport business and provision of temporary Use of site for transport business and provision of temporary buildings GTD 25th September 1991
- 91/00117 - portal frame building & 2 p/cabins for manufacture & storage timber sheds manufacture and storage of timber sheds GTD
- 87/619 – Change of Use of use to industrial B1 use class – Granted

e) **Consultee and Third-Party Representations**

Environmental Health - Has reviewed the preliminary phase 1 risk assessment report conducted by Reports 4 Planning (report ref: 19CLR4622CW). The recommendations of the report are accepted and note the recommendation for the further intrusive investigation and recommends contamination land conditions.

Environment Agency – No objections. The plant mixer and cement storage silos associated with this development may require an Environmental Permit under the Environmental Permitting Regs and the applicant should contact the EA for further details.

KCC Highways – No objection, in respect of highway matters subject to conditions or s.106 agreement.

Have advised that mitigation may be required if there is an increase in HGV movements compared to the previous use. In line with the Stantec Note (assuming each HGV will enter and leave the site once a day) the suggested cap will be between 66 & 72 daily HGV movements (total). I really do feel that this is a generous worst-case first principles benchmark in the absence of comparable sites within the TRIC's database.

Officer comment: The 66 vehicle cap is based on the site with the smaller southern most building in situ and the 72 vehicle cap is based on this building being removed as shown on the proposed site plan.

Eythorne Parish Council – Raises the following summarised concerns:

- Oil contamination.
- Increase in vehicle / HGV movements.
- How will the HGV movements be monitored and will there be a routing agreement.
- Silos are larger in comparison to the surrounding environment.
- Noise and light pollution.

Tilmanstone Parish Council: Objects for the following summarised reasons:

- Lack of proper infrastructure to accommodate a concrete batching plant.
- Significant impact on local villages and houses near the site.
- Environmental / landscape impacts.
- Proposed 24 hour 365 days operation.
- HGV movements at the Ovenden site opposite are limited to 150 (75 in and 75 out) in a single day in KCC decision DO/17/1244. The reason stated is in the interests of highway safety and capacity and safeguarding local environment.
- Ovenden were required to maintain HGV movement records for a three year period.
- HGV movements were restricted due to the impact on Barville Road.
- Concrete lorries will cause significant additional damage to the roads.
- Traffic safety along Barville Road – high hedgerows, poor visibility, is unlit with sharp bends and blind corners.
- No indication of how many lorry movements are proposed.
- Visual impact on the rural area from proposed development.
- Noise and light pollution.
- Silo alarms will create noise.
- Dust and lorry noise.
- The mitigation measures adopted at the Ovenden site have not been proposed in the current application and may not be possible to achieve.
- Cumulative impact in terms of increased traffic, noise and light pollution.
- HGV routing agreement required.
- Safety impact on pedestrians, cyclists and horses using nearby PROW and bridleways.

Third Party Representations:

30 objections have been received. Material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- Increased HGV traffic on roads that cannot accommodate them.
- Dust and dirt produced by HGV movements.
- Traffic along Barville road has increased exponentially causing the roads to deteriorate in safety and structure.
- Narrow rural lanes not suitable for HGVs.
- The width of Barville road does not allow HGVs to pass each other.
- Noise and disturbance on local residents from batching plant use and 24/7 site operation.
- Light pollution.
- Air pollution and health hazards from harmful cement dust and other raw materials.
- Impact on wildlife.
- Surrounding villages impacted by industrial uses.
- Lorries inappropriately use Eythorne village as a rat run.
- Pike Road is dangerous, the parking, the mud on the road, the litter.
- If this is to be approved the council need to consider slalom traffic calming along Sandwich Road.
- Visual impact of the silo's on the countryside.
- The nearest residential properties are 385m away.
- Noise from HGV movements including tonal / reversing HGV alarms.

- Pike Road has reached capacity for vehicle numbers and access roads are insufficient for the amount of current traffic.
- There doesn't appear to be any limitation to the number of lorry movement each day, nor time/ hours of movement.

Cllr Linda Keen – Objects strongly to the application and fully supports the objection by Eythorne Parish Council. Summarised comments from Cllr Keen:

- At the moment there are only a couple of HGV movements in and out of this yard daily.
- 12 employees parking spaces will decrease the area on site for HGVs.
- Pike Road has already become an informal lorry park for HGVs.
- Local residents and legitimate businesses are already inconvenienced.
- Increase in vehicles will add to safety concerns.

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

- 1.1 The application site comprises an industrial premises located within Pike Road Industrial Estate which is identified as an established employment site for B2, B8 uses and class E – offices. The site is located on the east side of Pike Road and there are industrial uses on either side of the site and on the opposite side of Pike Road. To the east of the site are arable fields with Barville Road beyond.
- 1.2 Planning permission has been granted for various industrial uses at the application site. The most recent / relevant is a 1991 planning permission (ref: 91/680) which represents the current lawful planning use for the site and comprised a change of use from B1 industrial to a transport yard and associated offices. The site was principally used as a base for lorries involved in transport following the grant of this permission. In approximately 2010 a vehicle recovery company (use class Sui Generis) called Shamrock occupied the site operating 24/7 under the terms of planning permission 91/680. The current owner and applicant, the Stewart Brothers, took over the site and started operating a concrete batching plant (use class B2) which constitutes a change of use from the lawful 1991 planning permission and forms the retrospective part of this application.
- 1.3 The application site and wider Pike Road Industrial Estate have a long history of industrial uses and associated HGV vehicle movements. To the north of the application site is a log storage facility. To the south is a warehouse and distribution site which is currently occupied by an events management company and a freight transport company. Further to the south there is a lorry park and haulage company, coach depot and an aggregate supplier. On the opposite side of Pike Road there is a waste management facility operated by Ovenden (a haulage, plant hire and aggregate supplier), a transport company and bus and coach company. The Tilmanstone Spoil Tip is located on the land further to the west which is identified for employment use (B2 – General Industrial Use) by Saved Policy LE10 of the Dover District Local Plan (2002).
- 1.4 The site is also located within an area of archaeological potential.

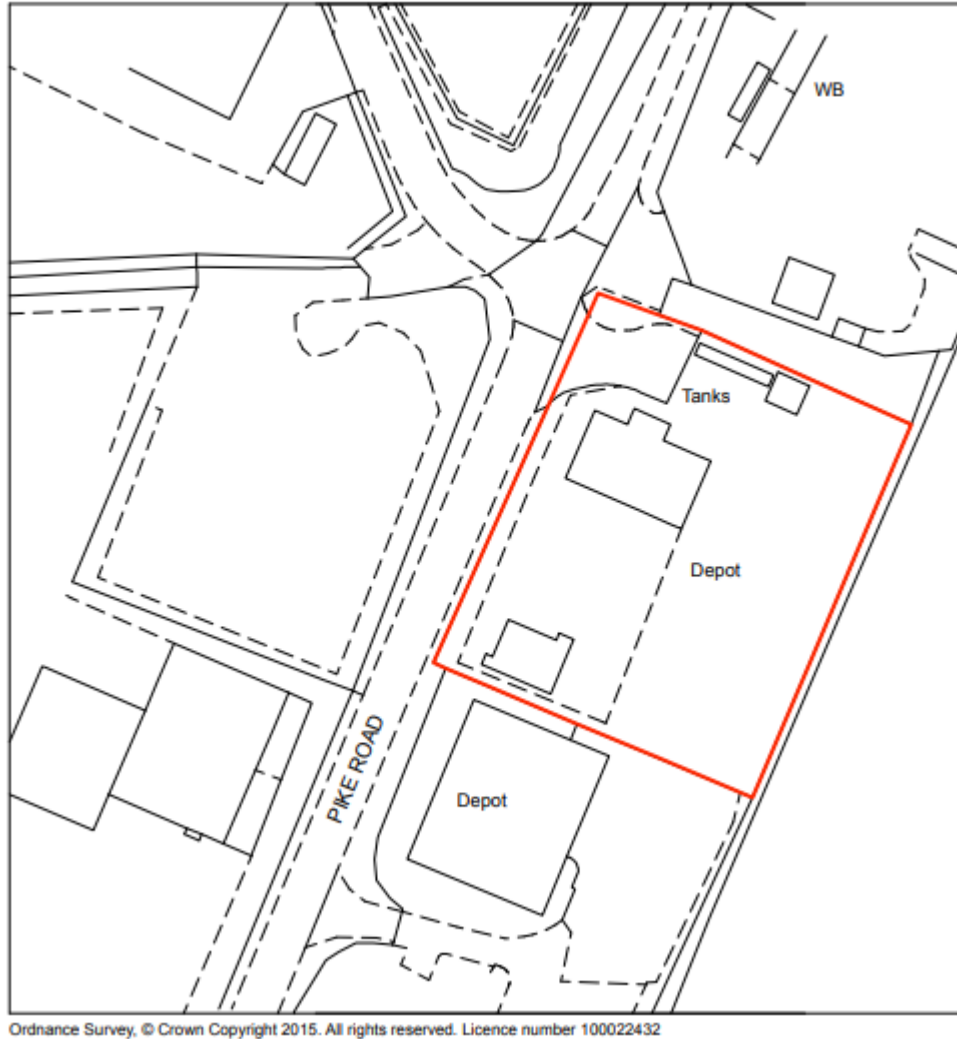


Figure 1: Site Location Plan

- 1.5 This is a retrospective application for a change of use to general industrial (Class B2) and the installation of a two-storey container unit, weighing hoppers, conveyors, aggregate reception bays, enclosed plant mixer, cement storage silos and replacement 2.5m high fencing in association with the use as a concrete batching plant.
- 1.6 The proposed site plans show a two-storey container for offices in the northeast corner of the site. The majority of the development would be located along the west boundary towards the front of the site adjacent Pike Road. Three silos (approx. 14.5m high) are proposed between the existing workshop building and the line of Silver birch trees located on the Pike Road boundary. To the south of the silos and also located adjacent the Pike Road boundary there are four bin feeders / hoopers (approx. 4m high) with a conveyor linked to the silos. The bin feeders would be located behind the line of Silver Birch trees and would be accessed via a vehicle ramp within the site. A W.C. unit is proposed in the southwest corner of the site with the existing buildings shown as being removed. An aggregate open storage container is proposed in the southeast corner of the site. The storage container would be 21m long x 8m wide x 2.4m high. A new palisade fence is proposed along the Pike Road boundary. Dedicated on-site parking is proposed along the north and east boundary with the internal area within the site retained for HGV vehicle movements in association with the concrete batching plant. The established vehicle access onto Pike Road would not change.

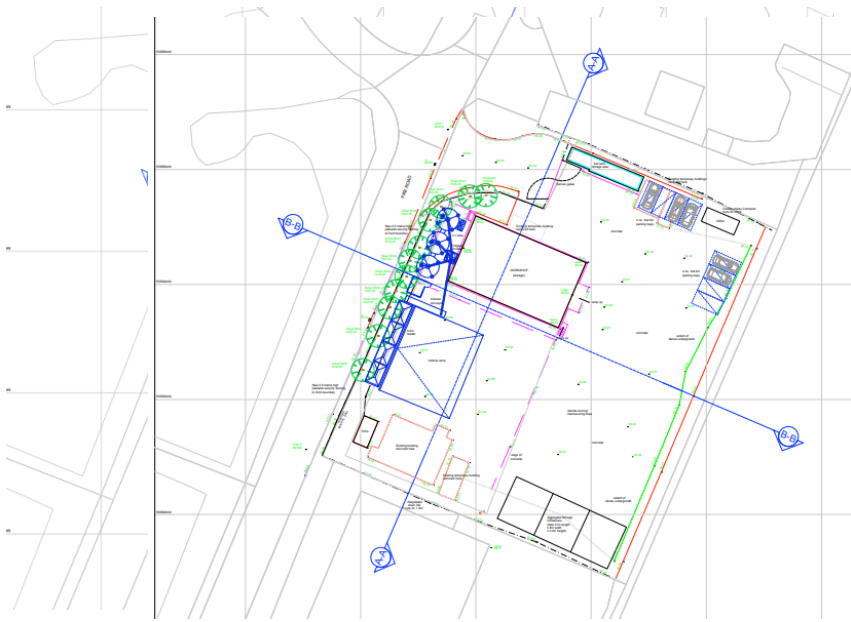


Figure 2 & 3: Existing and Proposed Site Plan

2. Main Issues

- 2.1 1. Principle
- 2. Highways safety/increase traffic HGV movements
- 3. Rural/visual impact
- 4. Residential amenity

Assessment

Principle

- 2.2 The proposal would be contrary to policy DM1, DM3 and DM11 as the application site falls outside of the settlement confines. However, policy DM1, DM3 and DM11 are considered out of date as they apply a blanket restriction on development outside the built-up area which is in tension with the NPPF.
- 2.3 At this stage the policies in the Regulation 19 Local Plan Submission only carry limited weight, however the Pike Road Industrial Estate is allocated as an employment site under reference ELR5a&b and emerging policy E2, which carries moderate weight, seeks to retain the existing employment uses within the Industrial Site. The proposed use would accord with emerging policy E2 of the Regulation 19 Local Plan Submission as it constitutes an industrial employment use. However, at this stage the Reg 19 Local Plan only holds limited weight in the determination of this application. Whilst the starting point for determining planning applications is the development plan, the Core Strategy policies relevant to this application are out of date.
- 2.4 Paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. As a whole, it is considered that the main policies for determining the application are not up-

to-date and as such the paragraph 11 of the NPPF is engaged and the proposals need to be assessed against the NPPF.

- 2.5 Paragraph 84 NPPF supports the sustainable growth and expansion of all types of businesses in rural areas subject to respecting the character of the countryside. In addition, paragraph 85 recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport providing development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 2.6 The site constitutes previously developed industrial land with a lawful industrial use as a transport yard and the site is located within a designated industrial estate and would be compatible with the neighbouring uses and wider industrial estate. As such the proposed industrial / employment use is considered to be acceptable in principle, subject to a detailed assessment of the highway, visual and environmental and neighbour amenity impacts and all other material planning considerations.

Highway Impacts and Parking

- 2.7 The majority of the objections to this application relate to the impact of HGV movements particularly along Barville Road which neighbours advise is not wide enough for HGVs to pass and this has caused damage to the road verges and causes highways safety issues.
- 2.8 Many of the objections relate to the impact of existing HGV vehicle movements from the Pike Road Industrial Estate (which includes the application site) on the surrounding rural road network, including along Barville Road.
- 2.9 However, it should be noted that the current planning application cannot solve existing problems relating to HGV movements to and from the wider Pike Road Industrial site. In addition, it is acknowledged that the concrete batching plant would potentially result in an increase in HGV movements compared to the previous company operating from the application site. However, in planning terms it is necessary to assess whether there would be an increase in HGV movements from the concrete batching plant compared to lawful use as a transport yard, not just the previous company operating from the site.
- 2.10 In this regard the application site has a lawful planning use as a transport yard as approved under planning application 91/00680. Unlike some of the industrial premises within the Pike Road Industrial Estate there are no conditions attached to planning permission 91/00680 that restrict the number of HGV movements to and from the site. In addition, there are also no time restrictions and the site can operate lawfully as a transport yard 24/7 365 days a year. There is however a condition which requires all HGV traffic to and from the site to be routed along Barville Road.
- 2.11 The site can operate as a transport yard under planning permission 91/00690. A transport yard constitutes the use of land for the parking or storage of vehicles (including HGVs) in active use with or without serving and repairs to vehicles occurring as an incidental use.
- 2.12 As there is no restriction on the number of HGVs that can use the site under planning permission 91/00680 the applicants transport consultants (Stantec) have undertaken a review of the existing site and have demonstrated how many HGVs could be stored on the site at any one time under the lawful transport yard use. This approach enables

the maximum likely vehicle trips to be calculated for the lawful use of the site as a transport yard.

- 2.13 It is therefore necessary to assess whether the concrete batching plant would result in an increase in HGV movements over and above what could reasonably occur under the lawful use of the site as a transport yard which could include logistics / transport / haulage companies.
- 2.14 If there would be an increase in HGV movements this could have a negative impact on the existing situation regarding HGV movements from the Pike Road Industrial Estate which could require appropriate mitigation, such as improvements to Barville Road, to make the increase in HGV movements acceptable.
- 2.15 The applicants Transport Statement has indicated that the concrete batching plant would generate an average 70 two-way HGV movements per day, 35 arrivals and 35 departures.
- 2.16 In the absence of comparable sites to a transport yard within the TRIC's database KCC Highways have agreed the HGV movements for the lawful use of the site as a transport yard can be calculated by assessing the maximum number of HGVs that could be accommodated on the site at any one time, including sufficient space for manoeuvring of HGVs within the site. In this regard, the applicants transport consultants have produced a scaled site plan showing how many HGVs could be accommodated / parked on the site under the lawful use as a transport yard by a transport or haulage company. The site plan allows for space within the site for vehicles to manoeuvre when parking and entering / leaving the site. This site plan indicates that the site could accommodate a maximum of 36 HGV vehicles (with the smaller building in the south of the site removed as shown on proposed on the site plan). It is reasonable to assume that each HGV would enter and leave the site once a day and therefore the maximum HGV movements for the lawful use of the site as a transport yard would be 72 vehicles, 36 arriving and 36 departing. In order to control the HGV movements for the concrete batching plants and to ensure they do not increase over the existing lawful use of the site KCC Highways has recommended that the HGV daily movements are capped at 72 vehicles, which can be secured by condition.
- 2.17 As demonstrated by the applicants transport assessment the concrete batching plant would not result in an increase in HGV movements over and above the existing lawful use of the site and future HGV movements can be controlled and secured by condition. As a result there is no requirement to provide any mitigation and/or provide any enhancements or improvements to Barville Road under the current planning application.
- 2.18 As set out above the existing lawful use as a transport yard could generate a potential worst case scenario of 72 daily HGV movements based on the size and site layout. However, it is also noted that there are no conditions or planning restrictions to prevent more than 72 HGV movements at the application site under the 1991 planning permission. Therefore, whilst it is unlikely that more than 72 daily HGV movements would occur, this cannot be controlled by the Council. As set out above a condition can be attached to the current application restricting the daily HGV movements to no more than 70 which is the number of HGV the applicant requires for the daily operation of the business.
- 2.19 The applicant has indicated that there would potentially be a few days per year where the HGV movements may need to increase when the business experiences larger orders however the regular daily HGV movements would be no more than 70. As such

a condition based on the below is recommended to control the HGV movements from the site and the applicant will be required to keep a log of all movements to and from the site.

"The average HGV movements in the working day (07.00 to 17.30) should be maintained at 70 two-way movements (i.e. 35 arrivals and 35 departures). On occasions (to not exceed 36 in a calendar year) the number of two-way movements can be increased to 100 (i.e. 50 arrivals and 50 departures)."

- 2.20 Given the uncontrolled lawful use of the site as a transport yard this approach is considered acceptable and reasonable in this instance to allow a degree of flexibility for the applicant while operating from the site on business and economic viability grounds.
- 2.21 The routing of HGVs from the Pike Road is also an important consideration and the majority of the existing sites within the Pike Road Industrial Estate are required to route all HGV movement along Barville Road, which is controlled by conditions and legal agreements for each site. Pike Road – Barville Road is the most direct route from the Industrial site to the A256 and this route avoids local villages and narrower rural lanes. This is the preferred route for HGV vehicles as confirmed by KCC Highways. A legal agreement would be in a similar manner to the other sites in the Pike Road Industrial Estate, including the Ovenden site which is located to the west of the application site. The applicant has confirmed that all HGV traffic will use this route when entering and leaving the site and this can be secured by legal agreement.



Figure 4: HGV Routing to the A256 – Application Site Circled in Red

- 2.22 In summary, the concrete batching plant would not result in an increase in HGV vehicle movements over and above the existing lawful use of the site and all HGVs would be routed via Barville Road towards the A256 as per the existing uses in the Pike Road Industrial Estate. The number of vehicle movements and routing can be secured by appropriate planning conditions and legal agreement.

Visual Impact

- 2.23 The site plan shows three proposed silos (approx. 14.5m high) adjacent the Pike Road boundary. Four hoppers (approx. 4.m high) are proposed at the front of the site adjacent to the silos, with an inclined conveyor attached to the hopper. The site plan also shows a double container office in the northeast corner of the site, a W.C in the southwest corner of the site and aggregate storage with 2.4m height walls, in the southeast corner of the site. This is a retrospective application and it is noted that there is already one silo in situ, however this is located at the front of the site to the south of the workshop building and is not in the location shown on the submitted drawings.
- 2.24 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside. The blanket approach of refusing development which results in the loss of the countryside within DM15 however is at odds with the NPPF, however it is noted that the site is located within an established industrial estate and the proposal would not result in the loss of countryside. DM15 refers to the importance of “character and appearance” of the countryside, whereas the NPPF seeks to protect “character and beauty”. While policy DM15 is otherwise consistent with the NPPF, parts of it are inconsistent and not up to date. It is considered that DM15 should therefore be afforded less than full weight.
- 2.25 Paragraph 130 of the NPPF requires new development to be visually attractive and add to the overall quality of the area and there is also a requirement to be sympathetic to local character. Section 15 of the NPPF states planning decisions should contribute to and enhance the natural and local environment and recognises the intrinsic character and beauty of the countryside.
- 2.26 The introduction of three silos 14.5m high silos and hoppers would clearly have a visual impact especially from Pike Road. However, the silos and hoppers are proposed along the Pike Road frontage in the heart of the Pike Road Industrial Estate and would therefore not appear out of keeping with the surrounding industrial uses and would not result in any significant detrimental visual harm when viewed from the close range views along Pike Road. In addition, the line of Silver Birch trees along the front boundary of the site would provide some screening and soften the visual impact along Pike Road. The silos and hoppers would be located approx. 50m away from the east boundary of the site which abuts the countryside, therefore the visual impact on the rural character of the area would be minimalised and the proposals would not appear significantly prominent from the within the rural context. The Pike Road boundary is therefore considered to be the most appropriate location for the silos considering the context of the site and surrounding rural landscape and this location would result in the least visual harm. The two storey office container would be located towards the east of the site adjacent the countryside, however the existing tree and hedgerow buffer would screen the bulk of the containers and they would not appear visually prominent and would not cause and significant demonstrable visual harm to the character of the rural area as a result. The palisade fence proposed along the Pike Road boundary would not appear out of context along this section of Pike Road within the wider Pike Road Industrial Estate.

- 2.27 It is noted that the silo recently brought onto site is not located in the proposed location on the submitted site plan. However, notwithstanding this, the silo is located towards the front of the site adjacent Pike Road which is considered to be the most appropriate location for this form of development as set out above.
- 2.28 As a result, it is considered that there would be no significant adverse visual impact to the rural locality from the development.

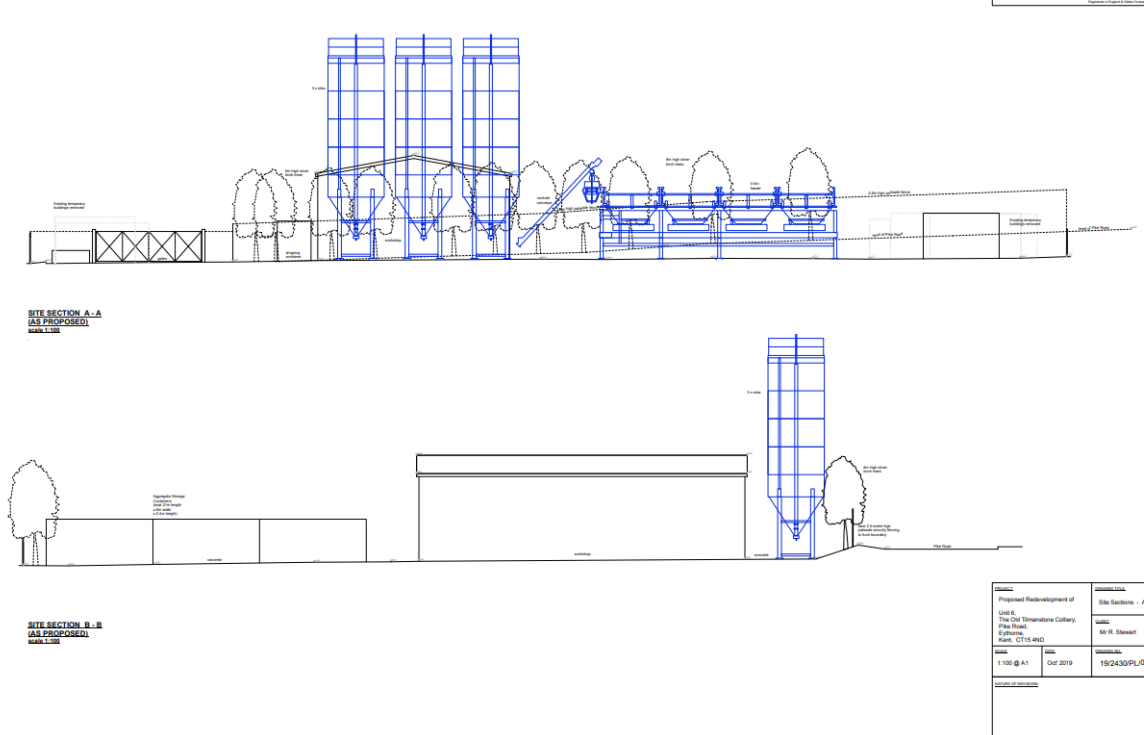


Figure 5: Site Sections

Residential Amenity

- 2.29 Paragraph 185 of the NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 2.30 The concrete batching plant would continue an industrial use within an established industrial estate with other industrial uses on either side of the site. There are no residential properties located directly adjacent the site and the nearest residential properties are located approximately 385m away.

- 2.31 The proposed use would not introduce an increase in daily HGV movements over and above what could be carried out under the lawful use of the site. Although the concrete batching plant would likely result in an increase in noisy activities within the site compared to the previous use, given the location within an established industrial estate and the separation distances to the nearest neighbouring properties, the proposal is not considered to result in any significant adverse impacts to residential amenity and the use is considered to be appropriate for this locality.

Ecology

- 2.32 The application site comprises a previously developed industrial site the majority of which is covered by buildings and hardstanding save for a line of Silver Birch trees located along the Pike Road boundary. Given the historic established industrial use and constraints of the site it is not possible to provide any ecological enhancements in accordance with the NPPF. However, as this is a historic industrial site within an established industrial estate on balance this is considered acceptable and would not constitute a sustainable reason for refusal of the application.

3 Conclusion

- 3.1 The proposal would be contrary to Core Strategy policies DM1, DM3 and DM11, however these policies have been found to be out of date or attracting reduced weight as they apply a blanket restriction on development outside the built-up area which is in tension with the NPPF. As a whole, it is considered that the main policies for determining the application are not up-to-date and as such the paragraph 11 of the NPPF is engaged and the proposals need to be assessed against the NPPF which states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.2 At this time the policies in the Regulation 19 Local Plan Submission only carry limited weight, however the Pike Road Industrial Estate is allocated as an employment site under reference ELR5a&b and emerging policy E2 seeks to retain the existing employment uses within the Industrial Estate. The new use accords with emerging policy E2 of the Regulation 19 Local Plan Submission as it constitutes an industrial employment use and is compatible with the wider Industrial Estate uses.
- 3.3 In addition, the continued use of the site as an industrial employment site would be in accordance with the rural economic objectives of the NPPF and the proposed use would be compatible with the wider industrial estate. As a result the principle of industrial development in this location is considered acceptable in principle.
- 3.4 The concrete batching plant would not result in an increase in daily HGV movements compared to the established lawful use of the site as transport yard. In addition, there are no restrictions to the number of HGV movements under the current planning permission. This application provides the opportunity to restrict the HGV movements to and from the site on a daily basis and this can be secured by an appropriately worded condition. Some additional vehicle movements are considered acceptable on an irregular basis to allow flexibility and to enhance the viability of the business, however the additional vehicle trips can also be controlled by condition and are not considered to represent a significant increase in HGV movements taking into account the combined vehicle movements associated with the Pike Road Industrial Estate.
- 3.5 The concrete batching plant would likely result in an increase in noisy activities compared to the previous use. However, given the location within an established

industrial estate and the separation distances to the nearest neighbouring properties, the proposal is not considered to result in any significant adverse impacts to residential amenity.

- 3.6 The silos and hoppers are proposed along the Pike Road frontage in the heart of the Pike Road Industrial Estate and would therefore not appear out of keeping with the surrounding industrial uses and would not result in any significant detrimental visual harm when viewed from Pike Road and there would be no significant or prominent views within surrounding rural landscape.
- 3.7 Overall the concrete batching plant use is considered to be an appropriate industrial / employment generating use within the established Pike Road Industrial Estate and would be compatible with the surrounding uses. Taking into account paragraph 11 of the NPPF and the planning balance, the benefits of the development outweigh any adverse impacts and taking into account the Framework should be approved. The application is therefore recommended for approval, subject to conditions.

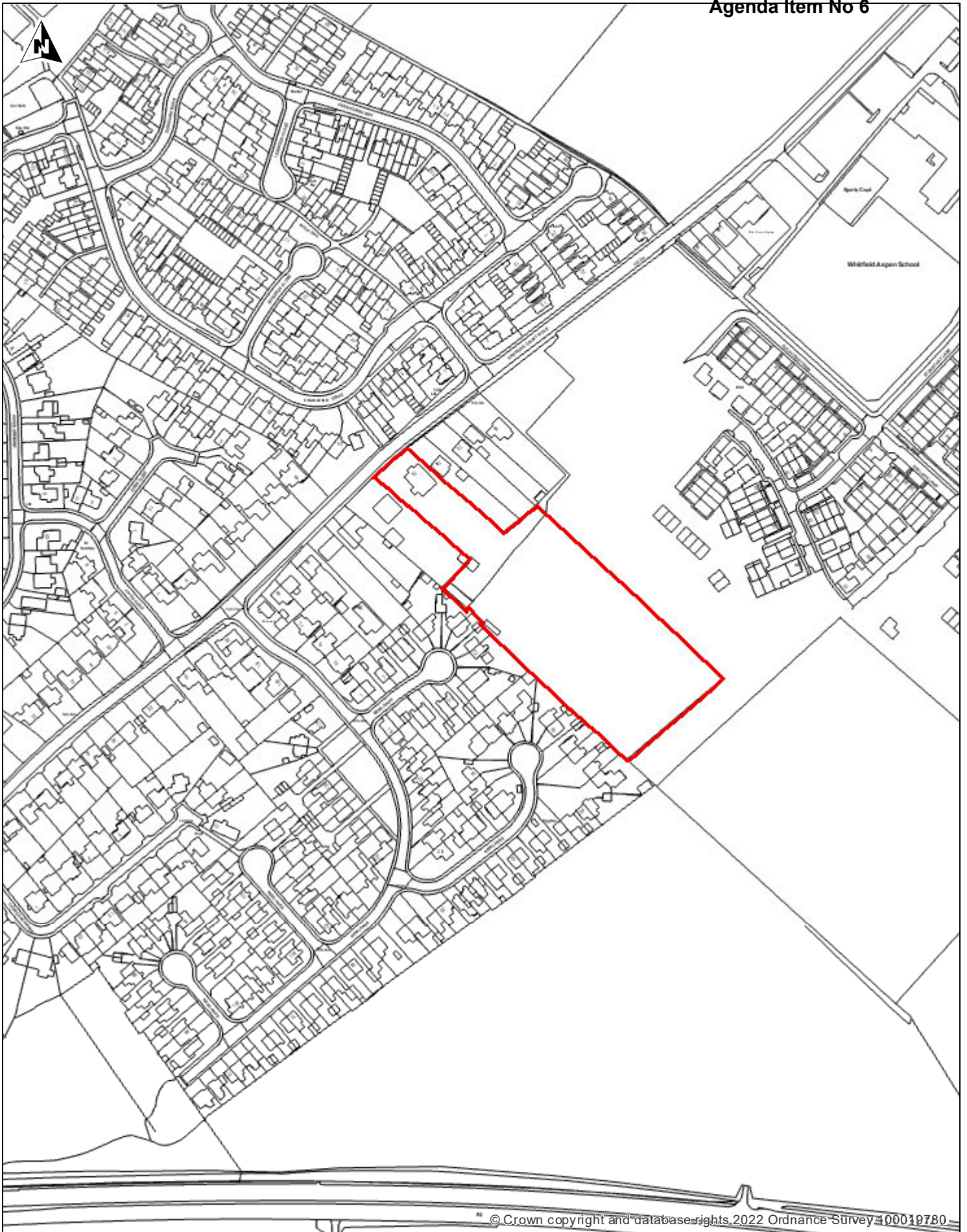
g) **Recommendation**

- I. PERMISSION BE GRANTED subjected to completion of a S106 Agreement in relation to a Traffic Routing Agreement, and subject to the following conditions:
1. Approved Plans
 2. PD removal / approved use
 3. Number of HGV movements
 4. Traffic Management Plan – complement the Traffic Routing Agreement provided for in the Section 106 Agreement
 5. Retention of parking provision
 6. Construction Management Plan
 7. Record of HGV movements
 8. No equipment, plant or vehicles at the site shall employ tonal reversing alarms visiting outside 06:00 to 19:00.
 9. Desktop contamination investigations
 10. Contamination remediation if required by condition 10
 11. Verification contamination report if required by condition 11
 12. Contamination investigations required if contamination found at any time.
 13. External lighting
- II. Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Adam Reynolds

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



21/00075

74 and Land Rear of Archers Court Road
Whitfield
CT16 3HU

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/21/00075 - Outline application for the erection of up to 38 dwellings and formation of access road (with all matters reserved except access) (existing dwelling to be demolished) - 74 and Land rear of Archers Court Road, Whitfield**

Reason for report: Due to the number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1, CP3, CP4, CP6, CP11, DM1, DM5, DM11, DM13, DM15 and DM16.

Land Allocations Local Plan

- DM27

Whitfield SPD Masterplan

Draft Dover District Local Plan to 2040

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

- SP1; SP2; SP3; SP4; SP5; SP11; SP13; SP14; SAP1; CC1; CC2; CC4; CC5; CC6; CC8; PM1; PM2; PM3; PM4; PM6; H1; TI1; TI2; TI3; NE1; NE2; NE3; NE4; and HE3

National Planning Policy Framework (NPPF)

- Paragraphs 8, 11 and 12, and Chapters 5, 8, 9, 11, 12, 14 and 15

The Kent Design Guide and National Design Guide

- These guides provide criteria and advice on providing well designed development.

- d) **Relevant Planning History**

None.

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

National Highways – No objection, subject to a condition requiring the submission and approval of the construction management plan. Whilst I holding objection was initially provided, this was removed following the submission of further information regarding the capacity of junctions on the strategic road network.

KCC Highways – No objection, subject to a contribution towards the improvement of Whitfield Roundabout and conditions relating to the provision of the access and visibility splays and a Construction Management Plan. The applicant has considered the cumulative impacts of the development on the capacity of junctions. Whitfield roundabout experiences long standing issues that has led to Dover District Council and

National Highways plans for signalisation of the roundabout as part of the highways infrastructure improvements for the Whitfield Urban Extension (WUE). The proposal forms part of the Dover Local Plan allocations, whereby it is considered that the development should be considered cumulatively with the LP growth as outlined in the Infrastructure Delivery Plan. This outlines that applications for all new schemes in the locality should make a proportionate contribution to the works. It is reasonable to assume that while not having a 'severe' impact, the proposed development will impact on the Whitfield roundabout. The IDP suggests a contribution per dwelling for the Whitfield and Duke of York roundabout local plan mitigation schemes. Therefore, I suggest a contribution, secured by way of a S106 Agreement, of £1,500 per dwelling towards the Whitfield and Duke of York roundabout mitigation schemes.

KCC PROW – No comments.

KCC Economic Development – contributions are requested for primary education, secondary education, community learning, youth services, library book stock, social care and waste.

KCC Archaeology – No response received

DDC Housing Development Manager – There is a need and demand for all types of affordable housing across the district, including Whitfield. In relation to shared ownership, the preference is for 2 bedroom houses as these have the greatest demand and are most affordable for first time buyers. For affordable rented, all property sizes are required, but a mix of unit sizes is preferable, to better meet the needs of a range of households. 30% (11 units) affordable housing should be secured.

DDC Environmental Health – No objections raised, but recommend that a condition be attached to any grant of permission requiring that a noise impact assessment be provided prior to the commencement of the development.

DDC Planning Policy – Contributions will be required for accessible greenspace (£3,871.48), children's equipped play space (£16,205.56), allotments/community gardens (£75.66), natural grass pitches (£13,763), artificial grass pitches (£2,438), sports halls (£8,075) and swimming pools (£8,879)

Kent Police – Make a series of recommendations which would allow the development to meet Secure by design.

KCC LLFA – Raise no objections. The development would utilise infiltration devices through a combination of permeable pavement systems and a basin. The report does state that infiltration testing has not been undertaken at this and the design has been based upon a preliminary rate of infiltration of 2.5×10^{-5} . The underlying Upper Chalk geology is favourable for infiltration and a number of developments within this locale manage surface water through this way. Despite the underlying geology being favourable, it is our expectation that ground investigations including infiltration testing to be carried out prior to the Reserved Matters stage. Conditions are recommended relating to the provision of surface water drainage details at the reserved matters stage, the provision of surface water drainage infrastructure and a verification reports to demonstrate that such infrastructure has been installed.

Southern Water – Southern Water can provide foul sewerage disposal to the site. Surface water will be dealt with using SUDs. Should a sewer be found during development, works should cease to allow for an investigation (no sewer is shown on Southern Waters map).

Environment Agency – No comments.

Natural England – The LPA should consider whether the development would cause impacts on coastal SPA and Ramsar sites and undertake a appropriate assessment as necessary..

NHS – Request a contribution of approximately £33,552 (based on indicative occupancy) towards refurbishment, reconfiguration and extension of Buckland Medical Practice and/or High Street Surgery within Dover Town PCN.

Whitfield Parish Council – Object, citing the following concerns:

- Loss of amenity to existing properties (from the housing and the access).
- Additional development beyond the allocated housing should not be considered.
- The assessment of reserved matters is important and should be considered in public following public consultation.
- Trees and hedgerows should be protected.
- The proposed layout and design is not acceptable and two storey dwellings are out of character. Other developments in back land locations have been refused.
- There has not been an EIA for the development, meaning there is limited information with this application.
- There is insufficient infrastructure.
- Regard should be had for cumulative impacts with other developments.
- Access should be made from the Richmond Park development (Phase 1 of the WUE) and not from Archers Court Road.
- Increase traffic on Archers Court Road, the junction with Sandwich Road and Whitfield roundabout.
- There should be traffic calming measures on the road.
- The development will cause security concerns.
- Impacts on Ecology.
- Archaeology.

Public Representations – Twenty objections have been received to this application, raising the following summarised concerns (full comments are available on the public file):

- There is no need for housing
- There is too much housing in the area
- Loss of undeveloped land/space
- Impact on residential amenities of neighbours
- Impact on the local road network, including Whitfield roundabout
- The access won't be safe
- Lack of, and impact on, footpaths
- Development on the site has been refused previously (not included in site history due to age of applications (DO/84/00611))
- Inadequate sewerage/drainage
- Inadequate facilities and services
- Ecology
- Increased noise and pollution
- Loss of land for the grazing of horses
- The construction phase of this development (and cumulative impacts with other development in the area) will disrupt neighbours

- There aren't enough jobs to support extra people

In addition, one letter of support has been received, commenting on the proposed play area in the development.

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

1.1 The site, which is around 1.1ha, is located to the east of the built-up area of Whitfield. The land falls from north west to south east, with a change in levels of around 6m in total. To the road frontage is 74 Archers Court Road, which has a reasonably long rear garden. The land then widens, extending behind the gardens of numbers 72, 74, 74a and 76. This area of land appears to have been last used for the keeping of horses and contains some outbuildings towards the north west of this land. The site is largely laid to grass, with some more substantial vegetation to its boundaries.

1.2 To its north west are existing properties on Archers Court Road (74 being demolished to facilitate the development). To its east is the area which has outline planning permission for the construction of up to 1,250 dwellings, with reserved matters having been approved for several sub-phases. Development is completed or underway on the areas which have received reserved matters approval. To the south west is the Newlands estate.

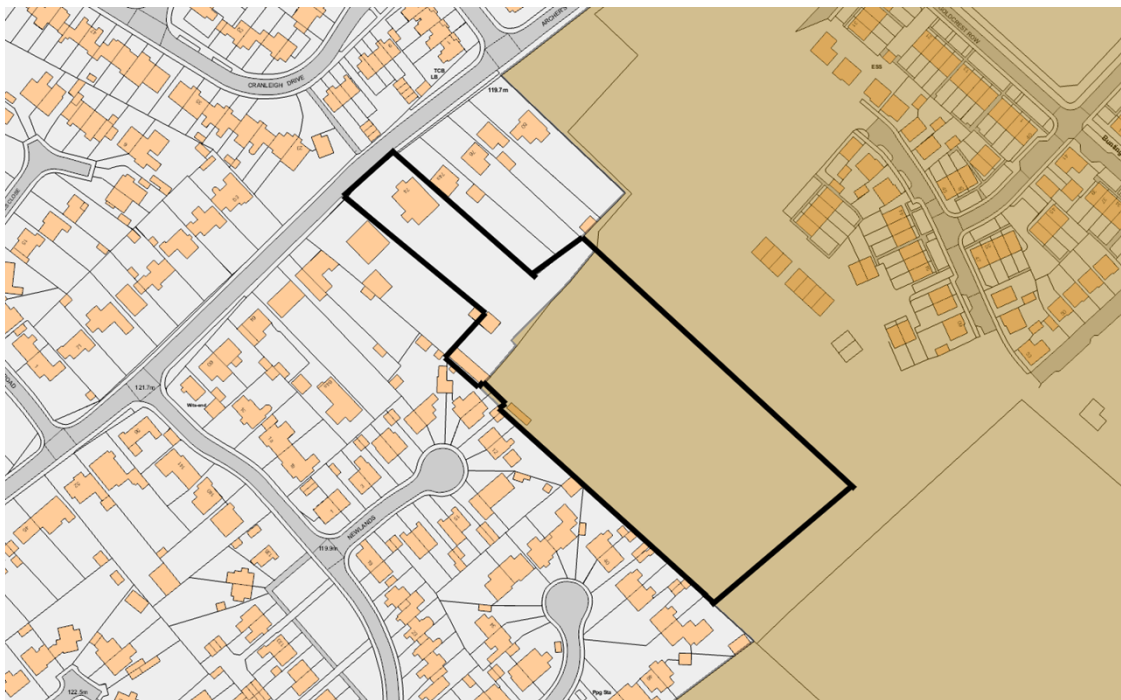


Figure 1: Location Plan, with extent of housing allocation indicated

1.3 This application seeks outline permission for the erection of up to 38 dwellings, following the demolition of the existing dwelling. All matters, other than access, are reserved. The proposed access would be taken from Archers Court Road, through the gap created by the demolition of 74. Indicative plans have been submitted with the application which seeks to demonstrate how the quantum of development applied for could be achieved on site. An area of open space, to be used as a drainage feature is shown at the lowest point of the site, to the south east, with the remainder of the site providing areas for housing.



Figure 2: Extract from SPD Concept Masterplan

2. Main Issues

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on the landscape
- The impact on the highway network
- The impact on neighbouring properties

- Drainage and contamination
- Ecology

Assessment

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.

Development Plan

- 2.3 The site is located within the settlement boundary of Whitfield and is within the existing site proposed for housing within the Core Strategy (Policy CP11). Within this allocated area, Policy CP11 supports the expansion of Whitfield for at least 5,750 dwellings, being the foremost housing allocation site within the district. The policy states that planning permission will be granted, subject to development meeting a series of nine criteria. The first of these is that the development should be preceded by a masterplan. Such a masterplan has been produced and has been formally adopted by the council. The second and third criteria require that the development is carried out in a way which does not prejudice the development of the whole allocation, which this application does not, and that the development is consistent with a phasing plan, with this application being within the first phase of the WUE which is already underway. The other criteria relate to specific considerations which will be addressed as appropriate within the body of this report, however, it is considered by officers that this application accords with policy CP1. It is considered that policy CP1 is broadly consistent with the NPPF, being a positively worded policy which seeks to facilitate the delivery of the housing needed in the district.
- 2.4 Policy DM1 is considered to be partially consistent with the aims of the Framework (including prioritising previously developed land, avoiding the loss of BMV agricultural land, making better use of under-utilised land and buildings, and recognising the intrinsic character and beauty of the countryside), however, it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy and is more restrictive than the NPPF which seeks to significantly boost the supply of homes.
- 2.5 The Core Strategy policies and the settlement confines referred to within those policies were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government's standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying Policy DM1 is considered out-of-date. As such, Policy DM1 should carry less than full weight.
- 2.6 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being within the settlement boundary, is also considered to accord with Policy DM11.

- 2.7 The aim of Policy DM11 to manage patterns of development to prioritise more sustainable modes of transport broadly reflects the aims of the NPPF. However, the blanket restriction within Policy DM11 against development outside of the settlement confines is again significantly more restrictive than the NPPF which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.8 Policy DM15 seeks to resist the loss of countryside, which is more stringent than the NPPF, and development that would adversely affect the character or appearance of the countryside, which is broadly consistent with the NPPF. The first strand of this policy (resisting the loss of countryside) is another example of the blanket restriction against development outside of the confines; however, the second strand is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than the more generic character and appearance. Whilst not considered to be out of date, Policy DM15 is considered to carry reduced weight. Given the location of this application site, adjacent to the existing settlement and within an extensive allocation, the proposal would not lead to the loss of countryside and it is not considered that it would adversely affect the character or appearance of the countryside.
- 2.9 Whilst Policy DM1, which is out-of-date, is of significance to all housing applications, and whilst there is some tension between policies DM11 and DM15 and the Framework, it is considered that policy CP11 is the most critical policy to the determination of this application. As such, it is concluded that the 'basket of policies' in the Core Strategy which are most important for determining applications are not out-of-date, albeit they do attract less than full weight (to differing degrees).

Tilted Balance

- 2.10 Notwithstanding the primacy of the development plan, Framework paragraph 11(d) states that where the policies which are most important for determining the application are out of date permission should be granted unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or (ii) specific policies in the Framework indicate that development should be restricted. As set out above, it is not considered that most important policies are out-of-date in this instance and so the tilted balance is not engaged for this reason.
- 2.11 Whilst the tilted balance is not engaged by reason of the most important policies for the site being out of date, it must also be considered whether the tilted balance is engaged by reason of the council's housing land supply or housing delivery positions. The council is able to demonstrate a housing land supply of 6.03 years and the council's Housing Delivery Test measurement is currently 88% and forecast to increase to 102% for the period 2019/20 – 2021/22. Consequently, the tilted balance is not engaged.

Draft Local Plan

- 2.12 Regard is had to the draft Local Plan, which sets out the Council's vision, strategic objectives and development strategy for the growth of the district over the period until 2040. The emerging plan is a material consideration to the assessment of this application, with its policies carrying weight depending on

the extent to which there are unresolved objections to the policies and their degree of consistency to the Framework (NPPF para. 48). This includes planning for housing development based on a local housing need figure of 611 dwellings per annum (using the Government's standard method), with a distribution of those homes focussed on Dover town and Whitfield; at Deal and Sandwich, to an extent that reflects their environmental and highway constraints; and at Aylesham through a strategic size extension to that settlement.

- 2.13 Of particular note is draft policy SAP1 – Whitfield Urban Expansion. This policy seeks to roll forward the allocation for Whitfield, but slightly enlarges the allocation and increases the homes which could be provided to 6,350 (currently it's 5,750) The Policy does, however, include a significantly greater number of criteria which must be met, including the production of an updated masterplan.
- 2.14 The draft Local Plan currently carries some weight in decision making. However, in accordance with Framework paragraph 48, whilst it is considered that this policy accords with the NPPF, given there are objections to relevant spatial and housing allocation policies of the draft Local Plan that are unresolved ahead of examination, full weight cannot yet be afforded to its overall strategy of meeting the district's housing needs. However, it is concluded that the draft policy does carry some, albeit limited, weight at this stage. Notwithstanding this, the current application being considered is supported by the existing allocation in the Core Strategy and so is not reliant upon the emerging plan.

Character and Appearance

- 2.15 This application has been submitted in outline with all matters other than access reserved. As such detailed considerations such as the appearance, layout, landscaping and scale are not for consideration at this stage. That said, regard must be had for whether the site is capable of successfully accommodating 38 dwellings.

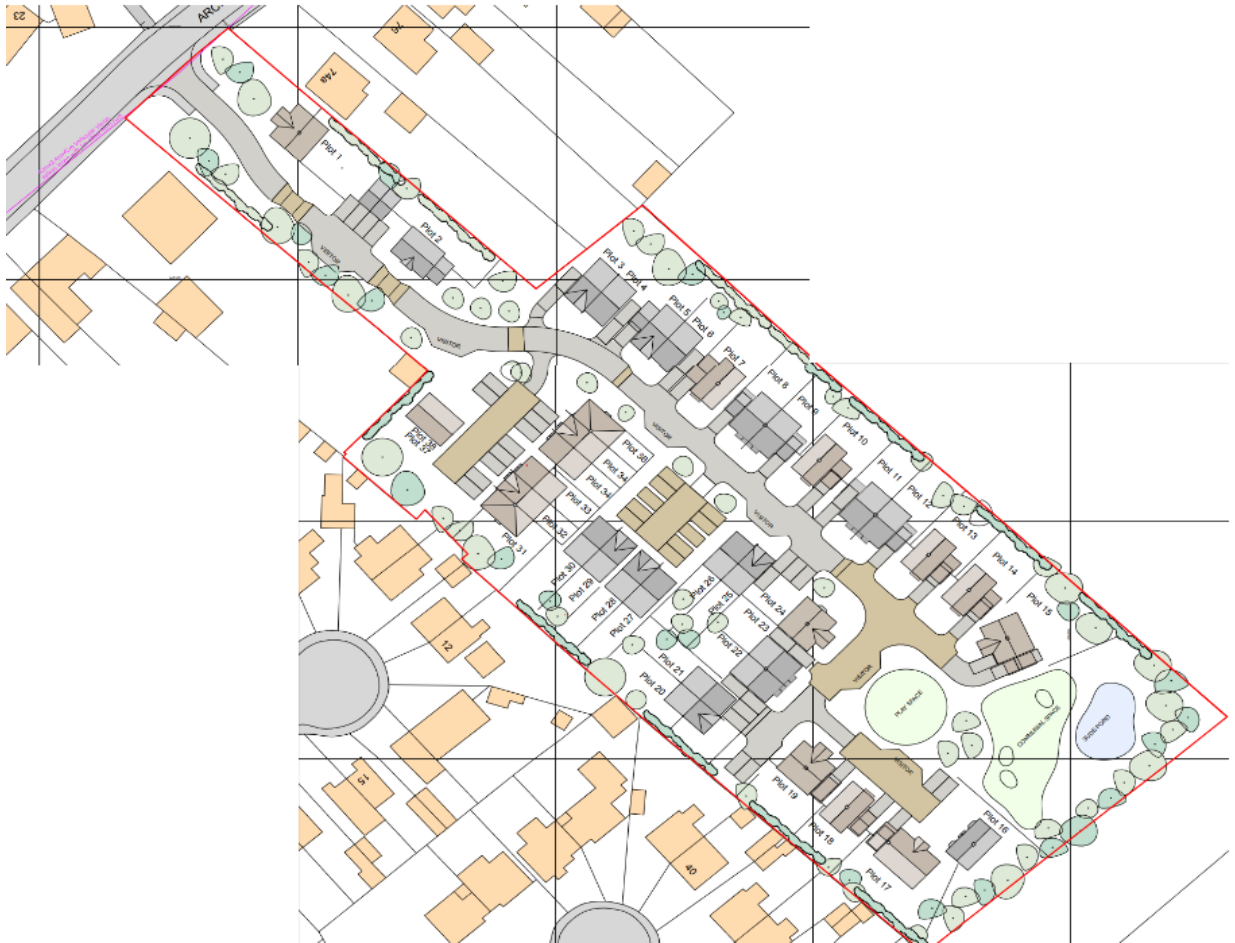


Figure 3: Indicative Layout

- 2.16 The existing area has a mixed character, with a mixture of single storey and two storey dwellings on Archers Court Road, typically of individual design, and a mixture of one, one and half and two storey dwellings of more consistent design in Newlands.
- 2.17 The proposed development would, at 38 dwellings, provide a density comparable to that of the adjacent Newlands development (both being around 27dph). That said, in agreement with the agent, the description of the development has been amended from referencing 38 dwellings to ‘up to’ 38 dwellings, allowing for a reduction in units at the reserved matters stage if an appropriate layout and design at a higher density cannot be successfully achieved. Policy CP4 advocates densities of 40 dph where possible, whilst advising that densities below 30dph will seldom be justified. Whilst the density of development falls short of the 30dph which is advocated by the Core Strategy, the net density would be closer to 30 dph given that part of the site is set aside from green space. Moreover, it is considered that the proposed density achieves a reasonable balance between the effective use of land and providing a character which responds to its context.
- 2.18 Public views of the site would be relatively limited. Principally, views would be taken from Archers Court Road where the existing dwelling is to be demolished. This dwelling would, indicatively, be replaced by a smaller dwelling and an access road. It has been demonstrated that a dwelling could be located such that it would align with other houses in the road and could be of a commensurate scale. The access road would alter the character of the site and its contribution

to the street scene; however, access roads serving spurs of development away from the road are not uncommon within Whitfield. Other views of the development would be between and over existing dwellings in Newlands, from where the dwellings would not appear overly prominent or obtrusive, being seen in the context of existing residential development. Finally, views would be gained from the land which was the subject of application DOV/10/01010. This land has outline planning permission for around 1,250 dwellings, with reserved matters having been approved for a significant proportion of this. These reserved matters approvals have included residential development up to the north eastern boundary of this site, where a landscape buffer with a drainage swale have been approved. It will be important that any detailed layout for this application site has regard for how it would relate to the approved development adjacent. At present, the dwellings are shown to be backing onto the boundary between the two sites. Whilst the vegetation along the boundary is shown to be retained, the retention of which would help to filter views, it is unclear whether this relationship would be successful. Any reserved matters application will need to be accompanied by detailed layout plans, elevation drawings and landscaping proposals to demonstrate how the layout has considered and successfully achieved an appropriate relationship with the adjoining development and how it would be experienced in views from the north, east and south.

2.19 Internally, the indicative layout is somewhat successful, particularly in relation to the dwellings along the access road and around the open space. The layout is more congested towards the centre of the site, with parking areas and rear boundaries being prominent in views. That said, it is considered that the indicative layout is of value in demonstrating how approximately 38 dwellings could be achieved, albeit it may be necessary to modestly reduce the number of units if the layout cannot be improved whilst delivering 38 units.



Figure 4: Indicative Street scene

2.20 Figure 4 above shows the indicative street scenes. At this stage, all matters other than access are reserved and so this image is included for information only. However it does suggest how up to 38 dwellings could be accommodated on the site, utilising two storey building heights and a mixture of detached and semi-detached house types. The indicative layout plan also shows the provision of some terraces of three dwellings, although these are not visible on the street scene chosen. The design of the dwellings, which again may vary from that indicatively shown, would respond reasonably well to other housing within the Whitfield Urban Expansion and some of the dwellings along Archers Court Road

albeit, as set out earlier, there is no strong uniformity to the design of dwellings on the road.

- 2.21 To conclude, the development would be visible from Archers Court Road, along the proposed access road, but would otherwise be, to a greater or lesser extent, screened by existing development or vegetation. The proposed density would be comparable to that of housing in the surrounding area and the density of the approved development within the Whitfield Urban Expansion, whilst the indicative details demonstrate this density could be achieved within the site using a scale and form of development which would appropriately respond to the character of the area (save for potentially a minor reduction in the number of units). The indicative layout also establishes that the amount of development proposed could be proposed so as to retain existing vegetation to the peripheries of the site, which is necessary both to provide an appropriate level of softening to the site and for the intrinsic benefits of retaining vegetation. Overall, the visual impact of the development would cause some further urbanisation of the plot; however, this will have been considered at the time that the site was allocated for residential development and, in the view of officers, carries only very limited weight in the planning balance.
- 2.22 The site is a significant distance away from the closest Listed Building or Conservation Area such that no harm, whether substantial or less than substantial, would be caused.

Impact on Residential Amenity

- 2.23 To the north west of the site are houses along Archers Court Road. These dwellings typically have long rear gardens of around 60-70m. As such, the proposed dwellings would, for the most part be well separated from the dwellings in the proposed development. The exception would be any dwellings along the access road. The indicative details suggest that two dwellings would be located adjacent to the access, one in line with the neighbouring properties and one towards the rear of the existing residential garden. Whilst care would need to be taken when considering the detailed design of these dwellings to ensure that there would be no unreasonable overlooking, given the approximate locations of such dwellings, it is unlikely that a significant sense of enclosure, loss of light or overlooking would be caused, particularly as any dwelling towards the front of the site would replace an existing, larger dwelling.
- 2.24 To the south west of the site, are properties in Newlands. These properties have much shorter gardens of around 8m to 13m in depth, with some having gardens as little as around 3m from the boundary of the site (9 and 10 Newlands). Notwithstanding the close proximity of some dwellings to the site boundary, the indicative layout demonstrates that dwellings within the site could be set away from these boundaries, so as to provide an appropriate separation between properties and avoid unacceptable levels of loss of light, sense of enclosure or overlooking.
- 2.25 To the north east and south east are areas which have permission (outline or outline and reserved matters approval). The proposed dwellings would, again, be set in from these boundaries to retain existing vegetation. Moreover, the approved development to the east of the site locates open space and drainage features close of the boundary of the site, with the approved dwellings being set well away from this boundary. As such, the reserved matters submission would be capable of avoiding any unacceptable impacts on these dwellings.

- 2.26 Regard has been had for the potential noise impacts of the access road. The access would be set away from the boundaries of 72 and 74a, with vegetation either side of the road. A proposed dwelling is indicatively shown closer to the road. Whilst there is confidence that the road would be appropriately separated from existing and proposed dwellings to ensure that occupiers would not be subjected to unacceptable levels of noise, the Environmental Protection Team have recommended that a condition be attached to any grant of planning permission to require the submission of a noise impact assessment prior to the commencement of the development. Whilst the need for this is agreed, from a practical point of view, it is considered that the trigger point for the submission of these details should be brought forward to the submission of the reserved matters application, such that the impacts of noise (including the impact on any proposed dwelling(s) adjacent to the road) can be properly considered. This would allow for a more comprehensive assessment of noise, in combination with the potential impacts on hard and soft landscaping and ensure the provision of an optimum scheme overall.

Impact on Local Highway Network and Movement

- 2.27 Whilst this application has been submitted in outline, access has not been reserved and so is to be considered as part of this application. Core Strategy Policy DM11, draft Local Plan Policy T11 and the NPPF seek (i) to locate travel generating development where there is opportunity for walking, cycling and use of public transport and (ii) for development to be designed to maximise such opportunities for sustainable travel. Specifically, the NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.28 Policy CP11 of the Core Strategy advises that an access and transport strategy for the Whitfield Urban expansion is developed which maximises walking, cycling and the use of public transport. The subsequently adopted Whitfield Urban Expansion SPD identifies the need for an improved bus route or Bus Rapid Transit system. Such a system is currently being constructed having received planning permission and funding. The SPD also identifies some of the limitations to the existing network, in particular the Whitfield and Duke of York roundabouts.
- 2.29 Policy SAP1 of the submission draft Local Plan requires that the development should provide suitable access to the A256 and A2, provide adoptable highways up to the boundaries of the site so as to not prejudice future phases and avoid direct access from Archers Court Road. Contributions towards the strategic road infrastructure should also be provided. It should be noted that, whilst carrying weight, this policy is yet to be adopted.
- 2.30 The development would produce around 20.7 two-way vehicle movements in the AM peak and around 18.7 in the PM peak. The vast majority of this traffic would travel to and from the junction with Sandwich Road. These trip rates have been reviewed and accepted by both KCC Highways and Highways England. The Infrastructure Delivery Plan, which identifies the infrastructure required to support the development within the Local Plan (which includes the current application site), sets out that development across much of the district will have an impact upon the Whitfield and Duke of York roundabouts. Strategic highway improvements are required at these locations as a result of the cumulative impacts of growth and consequently, developments which will contribute to the

need for improvements will need to pay proportionate contributions for the upgrades. The total cost for these improvements is £12m. The proportionate cost towards infrastructure works has been calculated by extrapolating trip data from the transport modelling carried out to inform the emerging plan. For developments in Whitfield the contribution per dwelling is indicatively £1500. The Infrastructure Delivery Schedule (IDS) confirms that all sites within certain zones (which includes Whitfield) will be expected to contribute towards the Local Plan mitigation. Subject to a proportionate contribution being secured, the development would not have an unacceptable impact on the wider road network. In reaching this conclusion, regard has been had for the cumulative impacts of this development with other committed development in the locality.

- 2.31 Plans have been submitted which demonstrate that the proposed access, which is for consideration at this stage and is shown to be approximately 5.5m in width with an 8m radii bell-mouth at the junction with Archers Court Road, would be of sufficient width to allow for a fire tender or refuse vehicle to access and exit the site. The geometry of the junction was amended during the course of the application following initial concerns raised by KCC Highways. The plans also demonstrate that visibility splays of 43m by 2.4m by 43m can be achieved, which is the standard visibility required for a 30mph road. Even with cars parked opposite the proposed access road, Archers Court Road would remain of sufficient width to allow cars to pass in each direction.
- 2.32 The development would link directly onto the footpaths on Archers Court Road, which would in turn link to the connections in the wider area. It is regrettable that pedestrian and cycle links have not been proposed between the site and the wider Whitfield Urban Expansion to the east and south. This is due to the land being in a separate ownership. However, whilst disappointing, the development would be provided with reasonable links into the site along public rights of way to the north. KCC PROW have made no comments on the application.
- 2.33 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be designed. The application would create a suburban development. In such locations, Table 1.1 of the Core Strategy advises that one and two bedroom dwellings should be provided with one parking space per unit; three bedroom dwellings should be provided with 1.5 car parking spaces; and dwellings with four or more bedrooms should be provided with two car parking spaces (although these figures are described as being minimums). In addition, 0.2 visitor spaces should be provided for each dwelling. At this outline stage, details of car parking provision are not resolved; however, the indicative layout suggests that each dwelling could be provided with two car parking spaces whilst 6 visitor spaces have been shown. These details are not for approval at this stage and, whilst two or three additional visitor spaces would need to be provided for the number of dwellings proposed, the layout does provide some confidence that an appropriate amount of car parking could be provided at the reserved matters stage, should this application be granted.
- 2.34 The NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons outlined, it is concluded that the development would not cause significant harm to the road network and would not cause any unacceptable impacts on highway safety and is therefore acceptable.

Ecology

- 2.35 Regard must be had for the potential impacts of the development on ecology, protected species and habitats which could be affected by the development both on and off site. In assessing the ecology of the site, Natural England's Standing Advice has been considered. Much of the site is of low ecological value, predominantly comprising former grazing land and species poor improved grassland. However, some areas of the site do have potential to support protected species, namely the vegetation around the peripheries of part of the site.
- 2.36 The application has been supported by a Preliminary Ecological Appraisal. This report has assessed the sites potential to support priority habitats, birds or protected species. The report did recommend that surveys be carried out in respect of bats and reptiles on a precautionary basis; however, having visited the site and having had regard for Natural England's Standing Advice, it was queried whether the site does provide likely habitat for these species. During this time, much had altered outside of the site (with development on other areas of the Whitfield Urban Expansion having taken place), which the site itself had been in regular use and had been regularly maintained. Given the age of the report and the changes to the site and the surrounding area since the application was submitted, and following on site observations, the applicant was invited to submit an update note by an ecologist. The Ecologist has advised that, having visited the site, the land has been used for the grazing of horses and due to its condition, does not provide suitable habitat for reptiles. I am advised that, up until only a few weeks ago, there were 4 horses but these have been temporarily moved as the field had become over grazed. Likewise, the ecologist has confirmed that the buildings are not suitable for bats. For these reasons, it is considered that, whilst it would be appropriate to secure ecological enhancements, ecology is not a constraint to the development of the site.
- 2.37 The Environment Act 2021 set out a mandatory requirement for new development to provide a minimum of 10% biodiversity net gains; however, this requirement does not come into force until November 2023. The NPPF does, currently, seek developments to secure measurable net gains for biodiversity where possible, but does not set minimum requirements. The emerging plan, at Policy NE1, will seek to achieve the nationally prescribed minimum of 10% Biodiversity Net Gain, which should be secured for 30 years. Given the existing policy position, it is not considered that a prescribed level of biodiversity net gain can be required; however, it would be reasonable to secure ecological enhancements. The applicants submitted ecological statement suggests features such as bird and bat boxes, log piles, hedgehog gates and native planting. Such features can be secured by condition.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.38 It necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA (as a designated European Site).
- 2.39 It is not possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA.

- 2.40 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the site and the integrity of the site itself.
- 2.41 A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been prepared and adopted by the Council in order to monitor potential impacts on the qualifying bird species for the SPA arising from development in the district and to provide appropriate mitigation through a range of management and engagement methods.
- 2.42 This mitigation comprises several elements, including the monitoring of residential visitor numbers and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.43 Emerging Policy NE3, and the evidence base behind the policy, requires that developments within a 9km zone of influence around Thanet Coast and Sandwich Bay are required to provide contributions towards mitigating impacts on the SPA, in accordance with table 11.2. This site is outside of the zone of influence and so would not have a likely significant effect on the SAMM. Consequently, a contribution towards mitigation is not required.

Flood Risk, Drainage and Contamination

- 2.44 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or from the sea. Consequently, it is not necessary to undertake the Sequential or Exceptions tests for flooding. However, it is still necessary to consider the potential for localised flooding. None of the site is identified as being at risk of localised surface water flooding. However, due to the size of the site, the Lead Local Flood Authority requested a Flood Risk Assessment and Drainage Strategy. The site has not been identified as being at risk of contamination, with the EA assessing the application has having a low environmental risk.
- 2.45 Southern Water have advised that there is sufficient capacity in the network to meet the needs of the development, whilst their mapping identifies that the closest point of connection would be the main in Archers Court Road. The Water Industries Act provides a mechanism to secure connection to this sewer.
- 2.46 Turning to surface water disposal, the applicant has, within a submitted Flood Risk Assessment and Drainage Strategy, provided details for the strategy to address run-off from the site. At present, surface water drainage from the site is unmanaged. The proposed drainage strategy collects water from roofs, driveways and the roads and conveys it to an infiltration basin in the south east of the site. Permeable paving is proposed for private driveways. This will then feed into an infiltration basin with sufficient capacity to drain the predicted surface water run-off in a managed way. The drainage strategy has been designed to accommodate sufficient attenuation for a 1 in 100 year rainfall event, inclusive of a 40% uplift to account for climate change. The Lead Local Flood Authority have confirmed that, whilst site specific infiltration testing has not taken place, the underlying Upper Chalk geology is favourable for infiltration and a number of developments within this locale manage surface water through this way. They agree that the applicant's approach is appropriate and demonstrates that surface water can be accommodated within the site, whilst advising that infiltration testing should take place in advance of the reserved matters application. Should permission be granted, it is recommended that

detailed drainage designs, which include the results of infiltration testing, be submitted with the reserved matters application. A condition requiring a verification report is also recommended to demonstrate that the approved drainage scheme has been implemented.

Housing Mix and Affordable Housing

- 2.47 In accordance with Core Strategy Policy DM5 and draft Local Plan Policy SP5, the proposed development would need to provide 30% affordable housing. The applicant has confirmed that they intend to provide a policy compliant provision of affordable housing and would be happy to discuss the appropriate housing mix and tenure with the council. The councils Housing Development Manager and confirmed that 30% affordable housing provision should be secured. Accordingly, it is recommended that a condition or S106 clause be included to secure this affordable housing and the submission, for approval, of scheme for the provision of affordable housing which confirms the size, location and tenure of the units to be provided. It would be expected that these dwellings are designed to the appropriate standard for disability access and adaptability, which would be feasible given the form of the development proposed. It is considered that the benefit of providing these affordable dwellings should carry significant weight in the planning balance.
- 2.48 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council's latest evidence of housing need and market demand. This latest evidence is the Council's Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 ("the SHMA"). The applicant has provided a suggested housing mix on the application form; however they have also confirmed that "justification of the housing mix will be given at the reserved matters stage should planning permission be granted", whilst noting that scale is not a matter for consideration at this stage. Again, the precise mix of dwellings would need to be established at the reserved matters stage, when the layout and scale of the development would be submitted; however, the proposed density of development would not prejudice the delivery of a mix which meets the districts identified needs.

Infrastructure

- 2.49 Policy CP6 of the Core Strategy emphasises that development that generates demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district. KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver education, community learning, youth service, library services, social care and waste services. They have demonstrated that there is currently insufficient capacity to meet the needs generated by the development and that the contributions requested would allow for the infrastructure upon which the development would rely to be provided.
- 2.50 LALP Policy DM27, and Draft Policy PM4, require that sports facilities are provided. The applicant has confirmed that they will meet the cost of such infrastructure, as necessary. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The projects identified for this contribution amount to £53,307.70 in total based on 38

dwellings being delivered. A small area of open space is also proposed within the site.

- 2.51 As set out above, the development would deliver policy compliant provision of affordable housing.
- 2.52 The NHS have advised that there is limited capacity within the local general practice services to accommodate the development. The development will generate additional patients and it will be necessary to increase the capacity of premises in the vicinity of the site to accommodate this additional demand. The proportionate contribution has been assessed as being approximately £33,552 (based on indicative occupancy). The NHS does not have a specific project identified at this stage, but has advised that the contribution would be used towards refurbishment, reconfiguration and extension of Buckland Medical Practice and/or High Street Surgery within Dover Town Primary Care Network. It is considered that it would be appropriate to secure a contribution of a 'per dwelling' basis should permission be approved, as the mix of unit sizes may vary.
- 2.53 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement, if planning permission was to be granted:

Matter	Contribution
Primary education	£6,800 per house and £1,700 per flat (excluding 1-bed units less than 56sqm)
Secondary education	£4,540 per house and £1,135 per flat (excluding 1-bed units less than 56sqm)
Community learning	£16.42 per dwelling
Youth service	£65.50 per dwelling
Library book stock	£55.45 per dwelling
Social care	£146.88 per dwelling
Waste	£54.47 per dwelling
Sport and recreation facilities	£53,307.70 in total (accessible greenspace (£3,871.48), children's equipped play space (£16,205.56), allotments/community gardens (£75.66), natural grass pitches (£13,763), artificial grass pitches (£2,438), sports halls (£8,075) and swimming pools ((£8,879))
Affordable housing	30% affordable housing (11 units) should be provided. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage agreed at this outline stage.

NHS Kent & Medway Group contribution	£504 per one-bedroom dwelling £720 per two-bedroom dwelling £1,008 per three-bedroom dwelling £1,260 per four-bedroom dwelling £1728 per five-bedroom dwelling
Whitfield and Duke of York Roundabouts mitigation schemes	£1,500 per dwelling

Archaeology

- 2.54 The application has been supported by an archaeological impact appraisal. The report identifies that “the Whitfield area is of generally high archaeological potential, particularly in regard to Bronze Age and Iron Age remains” and has noted that there are cropmarks in the vicinity of the site which may indicate ring ditch or enclosure features, whilst test pits in relation to other developments in the area have recorded archaeological features and finds relating to Late Bronze Age to Iron Age activity. Reference is also made of the site’s proximity to Church Whitfield, the Roman Road and Archers Court.
- 2.55 KCC Archaeology were consulted on the application but have not provided comments. However, based on the applicant’s own assessment of the archaeological potential of the site and a review of the heritage record for the site and the surrounding area, and having regard for paragraph 205 of the NPPF, it is considered that it would be proportionate to require that a programme of archaeological works takes place. This should be secured by condition, should permission be granted.

Other Matters

- 2.56 Third parties have raised a number of additional concerns.
- 2.57 Some have questioned the need for more housing. The council have targets for the delivery of housing. At present the council can demonstrate a five-year housing land supply, but has delivered 88% against the Housing Delivery Test (albeit this is not sufficient to trigger the tilted balance). Notwithstanding this, the NPPF makes clear that housing targets should not be viewed as a ‘ceiling’ but a minimum. Paragraph 60 of the NPPF confirms the government objective is to “significantly boost the supply of homes”.
- 2.58 Third parties have also raised concerns regarding safety and security. The reserved matters submission will need to consider how crime and the fear of crime can be reduced through the sensitive layout of the development and detailing. However, in broad terms, the development of the site would enable enhanced natural observation of areas which are currently concealed from public views.

3. Conclusion

- 3.1 This site is allocated in the development plan for the managed expansion of Whitfield. The principle of the development is therefore in accordance with the development plan. Moreover, this allocation is proposed to be carried forward into the emerging Local Plan.

- 3.2 The development is considered to be acceptable in all material respects, subject to conditions and a legal agreement. The development would cause some impact to the character of the character, although this impact would be limited, particular when regard is had for the extant permission for residential development to the east and south of the site which is currently being built out. The development would deliver around 38 dwellings, of which 30% would be affordable units, whilst the development would contribute towards the infrastructure it would rely upon, including improvements to the strategic road network.
- 3.3 It is therefore concluded that the development accords with the development plan, whilst the benefits arising from the development significantly outweigh any disbenefits. As such, it is recommended that planning permission be granted.

g) **Recommendation**

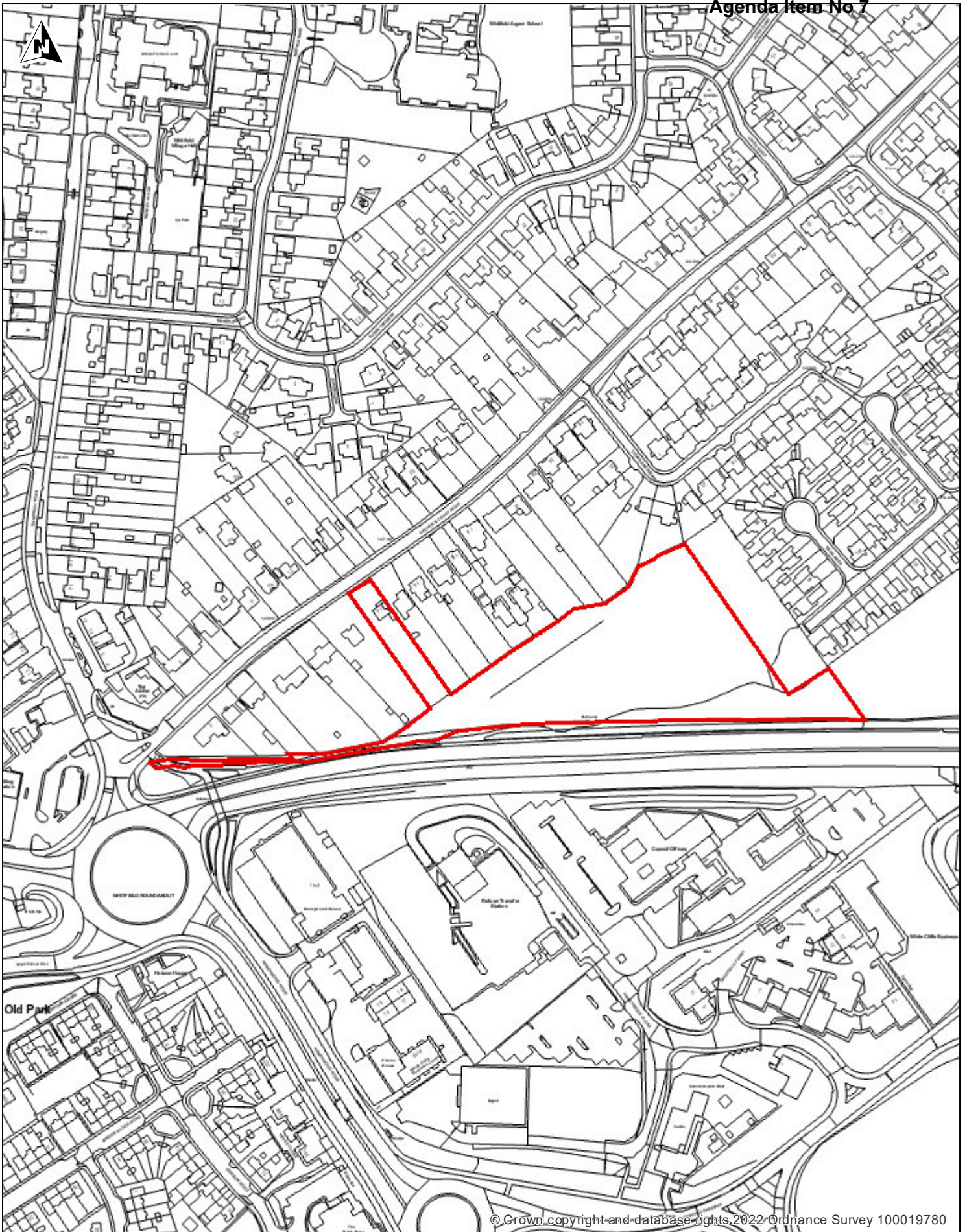
- I PERMISSION BE GRANTED subject to a S106 to secure the required contributions and conditions to include: -
- (1) Reserved matters details
 - (2) Outline time limits
 - (3) Approved plans
 - (4) Existing the proposed site levels and building heights
 - (6) Biodiversity Method Statement, including biodiversity mitigation and enhancement
 - (7) Construction Management Plan
 - (8) Highway conditions (provision of the access, vehicle parking, bicycle parking, visibility splays, turning facilities and details of the construction of roads)
 - (9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the S106)
 - (10) Landscaping details and maintenance of green spaces
 - (11) Protection of Trees and Hedges
 - (12) Hard landscaping works and boundary details/enclosures
 - (13) Full details of surface water drainage, with no other infiltration on site other than that approved
 - (14) Programme of archaeological works
 - (15) Broadband connection
 - (16) Samples of materials
 - (17) Full details of windows and doors, including the depth of reveals
 - (18) Details of refuse and recycling facilities
 - (19) No flues, vents, grilles or meter boxes
 - (20) Noise Impact Assessment
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and

rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).



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22/00737

Land to the Rear of Archers Court Road
Whitfield
CT16 3HP

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/22/00737 – Reserved Matters application pursuant to outline permission DOV/16/01328 (APP/X2220/W/17/3191402) for the details of landscaping, layout, scale and appearance for 28 dwellings, together with details of conditions 6 and 13 - Land rear of Archers Court Road, Whitfield**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Approve reserved matters

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP3, CP4, CP6, CP7, DM1, DM5, DM11, DM12, DM13, DM15, DM16, DM17

Land Allocations Local Plan (2015) LA26, DM27

Draft Dover District Local Plan to 2040

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP2, SP4, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, T11, T12, T13, T15, NE1, NE3 and NE5.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 92, 100, 104, 110, 111, 112, 113, 119, 124, 130, 131, 157, 174, 180

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/21/00102 - Outline application for the erection of up to 63no. dwellings (with all matters reserved except access) (includes demolition of 14 Archers Court Road) – Refused – Appeal in Progress

DOV/16/01328 - Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (including demolition of 14 Archers Court Road) – Refused – Appeal Allowed with Conditions

DOV/12/00360 - Outline application for the erection of 28 dwellings (30% affordable housing) and construction of vehicular access – Refused – Appeal Dismissed

- e) **Consultee and Third-Party Representations**

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Environmental Health – Given the presence of a 4m acoustic fence across the front of the site as shown in drawing B1431_12 Rev P19 and a 3.5m acoustic barrier to the side of unit 28 in the drawing MHS250.21.001 Rev G Environmental Health have no further concerns on this application.

DDC Natural Environment Officer – This application seeks approval for reserved matters and discharge of conditions for 16/01328. Condition 6 relates to biodiversity.

The *Letter from Hone Ecology dated 17th November 2022* provides an update to the previous ecological survey work, to ensure that the reserved matters decision can be taken with regard to up-to-date ecological information. It is confirmed that:

- A. The previous reptile survey (undertaken in 2016), during which no reptiles were recorded, remains valid as the site's suitability for reptiles has reduced further.
- B. There are eight trees with bat roosting potential on the site, three of which will be impacted by the planned works (as proposed in October 2022). It is not known how these relate to trees T24 and T29 that are referred to in the condition 6 wording. The November 2022 *Letter* provides recommended approaches to felling of the three trees with bat roosting potential, in addition to any other trees that have ivy cover.
- C. The update survey confirms the presence of an on-site badger sett, considered to be an 'outlier' (i.e. not a main sett). The retention of the badger sett is recommended in the November 2022 *Letter*, with the implementation of measures to avoid impacts to the sett and any badgers present.

The *Letter from Hone Ecology* provides additional detail of the assessments for bat roosting potential for the onsite trees. This doesn't include a clear map that identifies each of the trees with a reference ID – this may need to be verified when it comes to lighting. Note that condition 6 is the only place in the decision in which '*details of all lighting for the site*' is secured.

I am satisfied that DDC has enough information regarding the potential for ecological impacts to arise as a result of the proposed development and that the proposed approaches to mitigation / avoidance of impacts are appropriate and achievable. What is less certain though is whether DDC can secure the implementation of the necessary mitigation and avoidance measures.

Condition 6 in theory provides for "...*any protected species that have been identified in the surveys and include a timetable for implementation...*". But, as the condition only requires that "*No development shall commence above ground...*", it does not to my mind wholly prevent the clearance of vegetation before the submission for condition 6 is required, so the site could have been cleared of all potential habitats without DDC having any oversight of the proposed mitigation measures.

For the trees with bat roosting potential, and for nesting birds, the expectation is that the applicant will fulfil their legal obligations, regardless of when the condition is discharged. However, granting the reserved matters planning permission without any additional conditions could mean that the precautionary measures for avoiding impacts to badgers are not implemented. I would also want the scheme to which condition 6 relates to ensure that measures to avoid impacts to hedgehogs (priority rather than protected species) are implemented.

The submission includes the application for the partial discharge of condition 6, restricted to the 'biodiversity scheme' that includes points i-iv in the condition wording. The proposed landscape planting scheme has been amended from that initially submitted, to ensure the incorporation of native species within the open spaces. There are still non-native / cultivars proposed, but these are restricted to the immediate site frontages for the proposed dwellings.

The only outstanding matter that I previously raised is in respect of the bat and bird boxes, which are only proposed to be installed on retained trees within the woodland. My preference is at least some of these are integrated to the building walls.

In summary, although I am comfortable that there is enough ecological information submitted to understand the potential ecological impacts and the need for avoidance / mitigation measures, I am concerned that condition 6 of the outline planning permission does not give enough security that the measures will / can be secured and implemented as the timing for the condition discharge is not sufficiently 'pre-commencement', i.e. before vegetation removal.

DDC Tree Officer – Raise no objections to the proposals/ details set out in the comprehensive tree report LV377TR1 and associated plans. The removal of the dead/poor quality/dominant species and the retention of the better quality trees (followed by suitable replanting) to retain the 'woodland' setting of the development is considered important. A full Arboricultural Method Statement to demonstrate how the trees will be protected and with details of works within the RPA's will be required as a condition of any consent.

Environment Agency – This application does not fall under the statutory consultations protocol. No comments are therefore provided.

KCC Highways – Confirm that provided the provision and permanent retention of EV charging facilities and cycle parking facilities prior to the use of the site commencing are secured by condition or planning obligation (additional to those highway conditions already imposed under the previous appeal decision), no objection is raised on behalf of the local highway authority.

KCC PROW – The proposed development directly affects Public Right of Way ER54. The revised plan has not resolved the obstruction of the property on the public right of way I therefore still object to this application. The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Right of Way, must not be started - until such time as the Order necessary for its 2 diversion has been confirmed, and the new route provided. The successful making and confirmation of an Order should not be assumed. If you are mindful to approve the application, I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

KCC Flood and Water Management – Kent County Council as Lead Local Flood Authority have reviewed the reserved matters submission for the details of landscaping, layout, scale and appearance for 28 dwellings, together with details of conditions 6 and 13 and have no further comment on these as these do not relate to flood risk. This agreement with the design however does not constitute our approval of any technical drainage detail, levels, depths or gradients other than general layout at this stage. Final details of these can be provided as part of condition 9.

Kent Police Designing Out Crime – We note that many of our points have been incorporated into the design, showing the applicant is committed to reducing crime via the build environment. We request a condition for this site to follow SBD Homes 2019 guidance.

Kent Fire and Rescue – It appears that the emergency access requirements for the Fire and Rescue Service under the 1981 Act have been met.

National Highways - We have no comments or objections with regards the house types and street elevations. We note that drawing MHS250.21-003 Rev C Landscape Sections now omits a bund in the vicinity of the site/National Highways boundary. On this basis we are content with and have no objections to the drawing or proposals therein. We note that drawings MHS250.21-001 Landscape Rev G Proposals 1 of 2 and MHS250.21-002 Rev G Landscape Proposals 2 of 2 no longer indicate any planting in what appears to be National Highways land. On this basis and provided that any planting within the vicinity of the NH boundary must be in accordance with Design Manual for Roads and Bridges document LD 117 Landscape design; specifically clause 3.4.1; and any construction (in particular the 4m

high acoustic fence)/planting, maintenance and/or replacement of hard or soft landscaping must not result in any entry onto or oversailing of National Highways land we have no objections to the drawings or proposals therein. On this basis we have no objection to the discharge of Conditions 6 and 13 attached to DOV/16/01328 (APP/X2220/W/17/3191402).

Natural England – No comment.

Southern Water - Southern Water would have no objections to the reserved matters application for landscaping, layout, scale and appearance. Southern Water has no comments to make with respect to condition 06 and 13.

Third party Representations: 9 letters of objections have been received and are summarised below:

- Traffic is very busy along Archers Court Road during rush hour and the proposal will cause additional congestion to an already busy road.
- This has an additional impact on air quality with cars idling.
- There should not be additional residential development prior to infrastructure improvements in the local area.
- The proposal would result in the loss of the existing woodland which has environmental and biodiversity benefits.
- The proposal will negatively impact wildlife and biodiversity through the loss of habitat the existing woodland provides.
- The proposal will detrimentally affect rear outlook and noise through the loss of trees.

f) 1. The Site and Proposal

- 1.1 The application site is a triangular parcel of land which lies between the rear of residential properties fronting Archers Court Road to the north and the A2 to the south. The site contains overgrown vegetation and trees and is subject to Tree Preservation Orders No. 8 1981 and No. 4 2017. The site is currently accessible via a Public Right of Way (ER54) running along the southern part of the site connecting the underpass on Whitfield Roundabout with Archers Court Road and continuing through the field towards the A258. To the east of the site, outside of the red line boundary, is a TPO woodland which forms a local landscape feature and separates the application site from Newlands. The site sits below the level of the A2 and has an area of 1.6 hectares.
- 1.2 The site is immediately outside the Whitfield Urban Expansion (WUE) area but within the urban settlement boundary of Dover. It is not therefore subject to the SPD criteria for infrastructure provision in the WUE. The site is allocated as open space under Policy DM25 and part of the site remains under the A2 safeguarding designation (Saved Policy TR4). To the north west of the site are predominantly detached dwellings with large rear gardens on Archers Court Road, to the north semi-detached dwellings on Courtland Avenue and to the east is a residential development dating from 1980's and 90's of detached and semi-detached dwellings on Newlands.
- 1.3 This application follows the allowed appeal for outline consent under reference DOV/16/01328 (APP/X2220/W/17/3191402) for 28 dwellings (30% affordable) with all matters reserved except for access. The approved access involves the demolition of 14 Archers Court Road to facilitate the creation of a new vehicular access to the site. This application seeks permission for the reserved matters of landscaping, layout, scale and appearance and consideration of details of conditions 6 and 13 which relates to the protection and enhancement of biodiversity on site and the survey of the existing trees in relation to their retention and removal respectively.

- 1.4 The 28 dwellings include 4 x 2 beds, 11 x 3 beds and 13 x 4 beds. Affordable housing would be provided at 30% (8 dwellings) in line with the outline permission and the mix of affordable housing proposed would be 4 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom. The affordable dwellings are proposed to comprise the eastern four dwellings to the east of the dwellings to the row adjacent to the northern boundary of the site and the southern four dwellings to the row adjacent to eastern boundary of the site.
- 1.5 The layout of the scheme reflects the illustrative layout proposed at outline stage. The dwellings will be laid out in an L shape, set back from the southern boundary of the site and fronting the access road. Provision of formal and informal public landscaped open space, LEAP and a SUDS pond will be provided to the south of the site which is framed and overlooked by the proposed L shaped residential development to the north and east. The layout of the proposed scheme is included at Figure 1 below.



Figure 1: Proposed Site Layout Plan

- 1.6 The application involves the removal of 119 category C and U trees predominantly to the centre of the site. The majority of trees to the boundaries of the site are proposed for retention, and additional tree planting, along with further soft landscaping is proposed throughout the site, predominantly within the informal and formal public open space proposed to the south of the site.
- 1.7 The proposal has been amended through the course of the application. The design of the dwellings has been revised and their height and roof body have been reduced. The dwellings comprise a traditional design approach comprising gable features, bay windows, canopy overhangs, of varied designs. Each dwelling will be provided with a moderate rear garden which will provide provision of cycle and refuse storage. 60No. parking spaces are proposed. This provides 2no. allocated parking spaces per dwelling, along with 4no. visitor parking spaces, which includes two visitor parking spaces adjacent to the LEAP.
- 1.8 The proposal is supported by a detailed Tree Report and associated Tree Survey and Tree Implications plans in respect of the removal and retention of the existing trees. A

Landscape Maintenance and Management Plan is included in relation to the proposed formal and informal public open space and LEAP. Swept path analysis is provided, alongside updated ecology information including an updated walkover survey and bat roost potential tree report in addition to the standard plans and information required.

2. Main Issues

2.1 The main issues for consideration are:

- Design, layout, scale and landscaping
- Impact on Trees
- Ecology
- Residential Amenity
- Highway issues

Assessment

Principle

2.2 The principle of residential development has already been accepted under the outline planning permission DOV/16/01328. This considered and addressed the open space designation through Policy DM25 and the A2 safeguarding designation through Saved Policy TR4. It is important to note that under the outline permission, the principle of 28 dwellings and the access, including the associated impacts on matters such as traffic and infrastructure have been accepted. Therefore, this application does not re-visit the principle of housing on the site, the access or impacts on the highway network, but can consider whether the detailed layout, scale, landscaping and design, and the details submitted in respect of conditions 6 and 13 are acceptable.

Design, Layout, Scale and Landscaping

- 2.3 The application site is a triangular parcel of land which contains trees and vegetation. The site is bounded by residential development to the north and east, with the A2 located to the south, with part of the eastern boundary adjoining an open field across which part of the Dover Fastrack route is being constructed. The site provides landscape/tree screening and buffer between existing built development and the A2 which is considered to form the main visual contribution the site provides to the locality in this urban edge location.
- 2.4 Paragraph 130 of the NPPF sets out that planning decisions should ensure that developments establish or maintain a strong sense of place and development should be visually attractive as a result of good architecture, layout and effective landscaping and be sympathetic to local character and history, including the surrounding built and landscape setting. Draft Policy PM1 sets out that development must achieve a high quality of design, that respects and enhances character and incorporates understanding of the context of the area.

Layout

2.5 The proposal reflects the layout of the illustrative site plan approved at outline stage. The proposed L shaped arrangement and layout of built development set back from the southern boundary and adjacent A2 with informal and formal public open space provision to the south is considered to respond well to the shape and characteristics of

the site and surrounding area. The location of the dwellings provides sufficient separation and allows for the predominant retention of the existing mature trees at and adjacent to the sites boundaries. The proposal provides a focal point and landscape feature through the provision of formal and informal public open space and landscaping to the south, to which the dwellings are proposed to overlook and frame.

- 2.6 The set back of built development from the southern boundary and A2 and provision of this focal point and landscape feature allows for the retention of existing trees and provision of a large degree of soft landscaping and tree planting to the south of the site. This will limit the visibility and prominence of the development from the A2 and maintains a tree and landscape screening and buffer which will soften the developments relationship with the A2 and reflect the existing tree buffer to a degree, alongside forming a positive feature of the proposed development.
- 2.7 The development will provide a comprehensive cul-de-sac arrangement and layout which will reflect similar cul-de-sacs in the vicinity and is therefore in keeping with the local area. The dwellings are set within regular, moderate plots with frontage parking which are considered to comfortably accommodate the proposed dwellings and suitably reflect the surrounding pattern of development, particularly that of Courtland Avenue and Newlands to the east. A continuous footpath will be provided to the north of the proposed access road which will provide suitable pedestrian connectivity within the site and to the surrounding area.
- 2.8 The affordable housing will be provided to the latter four units to each row of dwellings. This will disperse the affordable housing throughout the site to a degree which is considered to form an acceptable arrangement which is commensurate with the number of dwellings proposed.
- 2.9 Overall, the layout is considered to be of a suitably high standard and appropriate for the sites setting and context, whilst broadly conforming with the illustrative plan approved at outline stage.

Trees and Landscaping

- 2.10 The site contains a large degree of trees and overgrown vegetation cover and the immediate area is subject to Tree Preservation Order (No. 8 1981 and No. 4 2017, with the 2017 order forming a reproduced TPO of the 1981 order to take account of the current situation). This relates to the group of trees adjacent to the northern boundary of the site within adjacent neighbours rear gardens, including 2no. trees within the application site, and the woodland to the east of the site, which predominantly falls outside the boundary of the application site and forms an established woodland bank between the site and Newlands to the east.
- 2.11 The application involves the removal of 119 trees to facilitate the development and for tree management purposes and proposes a range of hard and soft landscaping measures and planting. The proposal also seeks consideration of condition 13 which relates to the existing trees on site and requires a survey of the existing trees, hedges and other areas of significant vegetation and details of those to be removed, retained and works proposed, among other considerations.
- 2.12 In respect of the existing trees, the application is supported by a detailed tree report, an existing tree and hedge survey and tree and hedge implication plans. The tree report breaks down the existing trees on site into areas of similar composition and characteristics. This provides a total of 18 areas classified as areas A-U. The report provides a summary of the characteristics of each classified area. This sets out that the

trees to the centre of the site are predominantly poor-quality young/early mature trees of lower density than those at/adjacent to the sites boundaries. The trees of the greatest quality are the TPO trees located in area C, within the rear gardens of properties fronting Archers Court Road, adjacent to the northern western boundary of the site. The TPO woodland to the east, which predominantly falls outside the boundary of the site is stated to be subject to limited management and crowding, but is recognised to be an important landscape feature in the locality. The 18 areas of trees of similar characteristics are included in Figure 2 below:

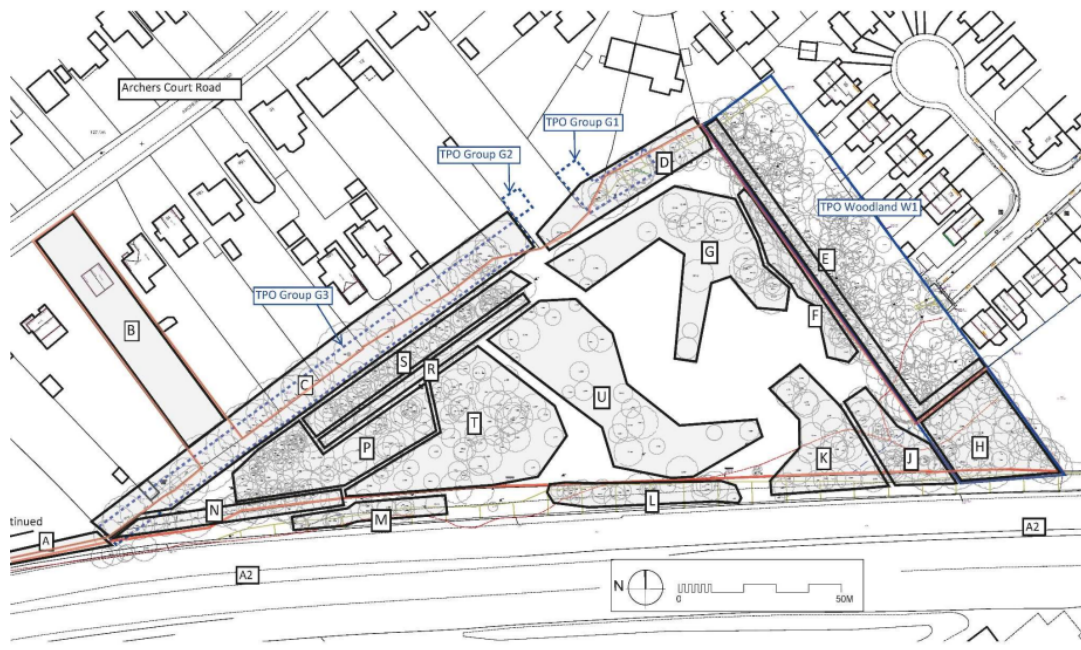


Figure 2: Areas of similar tree characteristics detailed within the submitted tree report

- 2.13 The majority of trees proposed to be removed are located within the centre of the site which are largely poor quality, young/early mature trees. The application proposes the retention of all category A and B trees which are located towards the sites boundaries and offsite. Of the trees proposed for removal, 35% are category C trees to accommodate the proposed development. All category U trees on site are proposed to be removed. This includes 36no. category U trees from the edge of the TPO'd woodland. The tree report sets out that this removal at the edge of the woodland should improve this element of the woodland by providing relief from crowding to retained trees and tree works to enhance retained category B and C trees. In terms of hedges, all category C hedges are proposed to be retained and the category U hedge is proposed for removal.
- 2.14 The submitted tree information, survey and implication plan and landscaping proposals are considered to provide comprehensive detail to inform the application and support the proposal which addresses condition 13 of the outline consent. The approach to tree removal and retention, which will predominantly involve the removal of category U trees and some category C trees, predominantly to the centre of the site, where they are lesser quality, and less visible from the surrounding public realm, is considered to be appropriate. The scheme proposes the retention of the best quality trees and those of the greatest public amenity value, including the retention of trees of sufficient quality within the central formal and informal public open space and at the boundaries of the site. These retained trees are considered to be located in suitable locations and provided with sufficient separation distance to the proposed built development to avoid conflicting pressures and aid their retention and longevity. The tree officer has reviewed the proposal and has raised no objection to the proposed approach and tree works, provided

a full arboricultural method statement is conditioned to demonstrate how the retained trees will be protected and details of works within the root protection area, which will be secured by condition.

2.15 In respect of proposed hard and soft landscaping, the application is supported landscaping plans which details the location and type of hard and soft landscaping and tree and planting. The scheme proposes a high degree of soft landscaping, particularly to the south of the site where the informal and formal public open space shall be located and at the sites boundaries. This includes a large degree of tree and vegetation planting of varied types and species, together with existing retained trees. The hardsurfacing comprises a variety of hard surfaced materials including different types of block paving, sett and slab paving, resin bound gravel and asphalt to sections of the access road. The frontage parking is proposed to be broken up with a degree of soft landscaping. The proposed hard and soft landscaping plans are included within Figures 3 and 4 below.

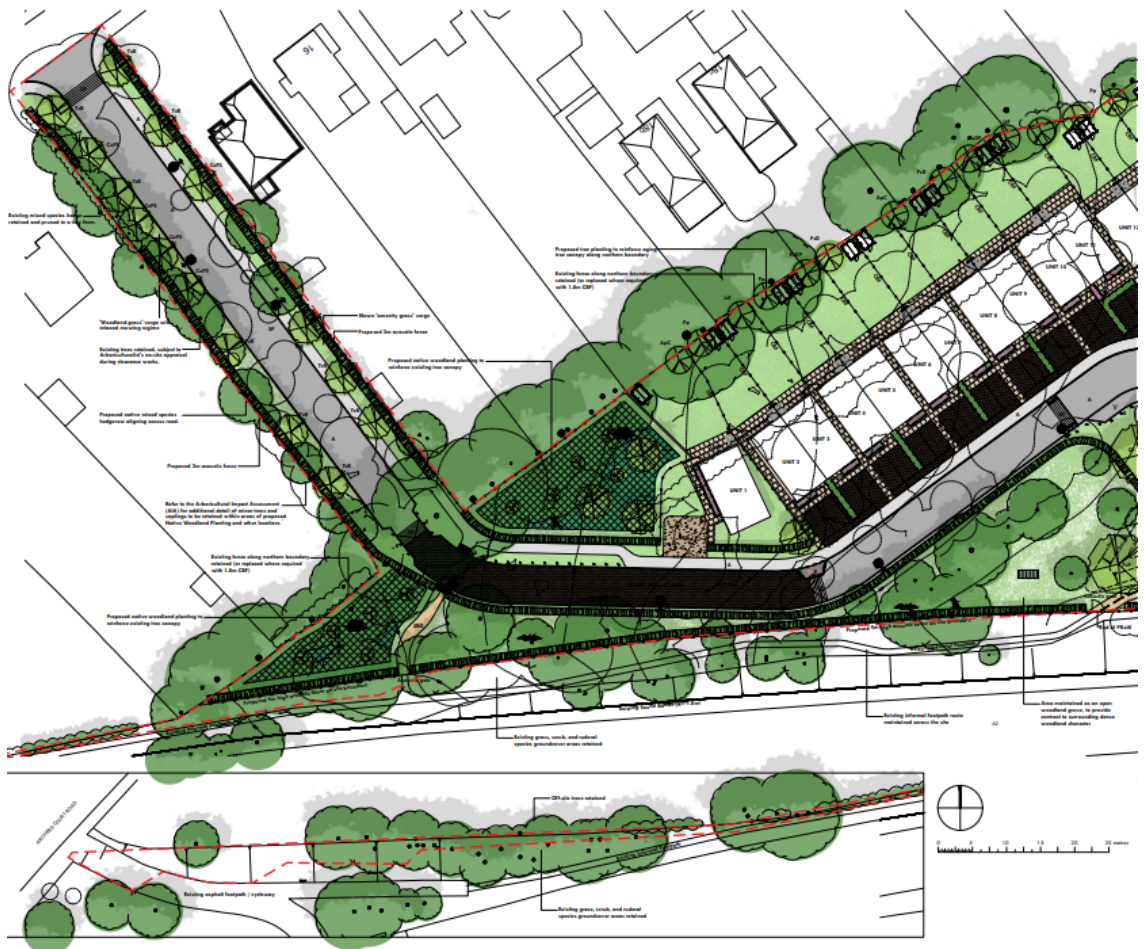


Figure 3: Landscaping Proposal 1 of 2



Figure 4: Landscaping Proposal 2 of 2

- 2.16 The landscaping proposals are considered to complement the retention of existing trees and the tree works proposed. The additional tree and vegetation planting shall minimise and mitigate the impact of the tree removal and maintain the vegetative character of the existing site to a degree, particularly through the large provision of landscaped informal and formal open space to the south of the site. The proposed landscaping scheme is considered to provide suitable provision and variety of soft landscaping, tree planting and planting within appropriate locations. The scheme is considered to provide a proportionate amount of hardsurfacing which will be sufficiently broken up by alternative material finishes and soft landscaping between parking spaces.
- 2.17 In terms of boundary treatments, the development will include the provision of an additional 4m high acoustic fence running along the southern boundary of the site, in addition to the existing lower acoustic fence along the highway boundary. The provision of this 4m high acoustic fence was secured and conditioned at outline stage in order to provide a suitable sound barrier between the A2 and the proposed development in the interests of the residential amenity of future occupants. This acoustic fence will be high and extend above the height of the existing fence at the highway boundary, however it is not considered to form an unsuitable or unexpected feature for its location adjacent to the A2. Within the development, the provision of this fencing will be softened by the adjacent soft landscaping and separation distance to the dwellings. A 2m high acoustic fence is proposed to be located each side of the access road which is considered to form an expected feature which would be softened by the adjacent planting. The side boundary treatment to part of Unit 1 and Unit 28 would comprise 3.5m high acoustic fencing, which whilst high, is not considered to be unduly prominent or harmful within the site by virtue of their position and presence of adjacent soft landscaping. The

remaining boundary treatments are considered to form appropriate and typical treatments.

2.18 The development is supported by a landscaping maintenance and management plan with respect to the landscaping and formal and informal public open space in accordance with the provision of maintenance and management secured through the s106 agreement through the outline consent. This provides detail of the areas of informal and formal public open space to be maintained by the management company and the associated maintenance schedule. This is considered to provide sufficient detail and maintenance and management provision and shall be secured by condition.

2.19 Overall, the proposed approach to the removal, retention and works to the existing trees and proposed hard and soft landscaping is considered to be suitable and appropriate for the sites characteristics and location.

Appearance and Scale

2.20 The scheme has been amended through the course of the application and the design revised and height of the units reduced. The revised proposal proposes the erection of two storey semi-detached and detached dwellings of varied designs, with regular features and material finishes. The dwellings will all be set under a fully hipped roof or part hipped, part crown roof, and will incorporate design features such as bay windows, gable projections and porches. The proposed material palette includes white render, black painted timber weatherboarding, brick, Kent peg style hanging tiles and Kent peg style roof tiles. The proposed street scene plans are provided at Figure 5 and 6 below.



Figure 5: Proposed South Street Scene



Figure 6: Proposed West Street Scene

2.21 The surrounding area is characterised by two storey detached and semi detached properties, of varied, largely traditional designs. Dwellings fronting Archers Court Road are larger in scale and footprint and dwellings to Newlands to the east comprise a more moderate footprint and scale. The proposed dwellings fall in between the size and

footprint of these dwellings types, and will be more akin to dwellings to Newlands to the east. The dwellings have been reduced in height and will not exceed two storeys, with no fenestration provided within the roofslope to the front elevation, which will correspond and accord with the maximum two storey height of surrounding dwellings. Through this the development is considered to be compatible with the scale, height and footprint of the local built environment.

- 2.22 The development is considered to be comfortably accommodated in the street scene, with the hipped formation of the roofs providing separation between units at roof level. Whilst the proposal includes an element of crown roofs, these are not considered to be disproportional and will have limited prominence and apparency from the public realm. The dwellings will comprise a range of similar forms and designs which incorporate bay window, gable and porch features. These similar, varied forms and features, together with the use of materials within a cohesive material palette across the scheme will provide a varied but coherent design approach with sufficient visual interest and detailing. Through this the development is considered to form a good quality design and appearance which complements the surrounding built environment. In order to safeguard this, it is considered appropriate to remove some permitted development rights, particularly in relation to roof development.

Residential Amenity

- 2.23 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. Draft Policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties.
- 2.24 The dwellings will be provided with considerable separation distance to their surrounding adjacent neighbours. The nearest adjacent properties to the northern row of dwellings proposed are the backland dwellings to the rear of development fronting Archers Court Road, which will be provided with approximately 30m separation distance to the proposed dwellings, with approximately 70m separation distance to the dwellings fronting Archers Court Road. An approximately 53m separation distance will be provided to the dwellings fronting Newlands and 28m to the nearest dwelling on Courtland Avenue from the eastern row of dwellings. The retained trees along these boundaries will also provide screening between the development and the adjacent neighbours. Given these separation distances and the relationship with the adjacent neighbours, the proposed development is not considered to result in harm to the residential amenity of adjacent neighbours.
- 2.25 The access road will be positioned between 12 and 14A Archers Court Road. A 2m high acoustic fence will be provided to each side of this access. Given the provision of this acoustic fencing, the proposal is not considered to result in undue harm to the residential amenities of these adjacent neighbours with regards to the noise, disturbance and activity associated with the vehicular movements of the access serving this moderate development. Environmental Health have raised no concerns in this regard.
- 2.26 In terms of the living conditions of the future occupiers, the proposed layout is considered to provide sufficient privacy, outlook and daylight to the proposed dwellings. The proposed units comprise a comfortable internal layout which, whilst not formally adopted, would meet or exceed the applicable Nationally Described Space Standards, whilst the dwellings would be provided with suitably positioned windows to provide sufficient light, daylight and ventilation to primary habitable rooms. Each unit will be provided with a moderate private rear garden which will accommodate sufficient refuse

storage and secure cycle storage for each unit. The rear gardens of each dwelling are independently accessible via a shared access to the street with gated access to each garden which will allow refuse bins to be transported to their collection point for refuse vehicles.

- 2.27 A 4m high acoustic fence will be provided along the southern boundary of the site, adjacent to the A2 as secured within condition 23 of the outline consent, together with the provision of 3.5 acoustic fencing to the side boundaries of Units 1 and 28. The provision of the acoustic fencing shall mitigate the noise and disturbance generated by the adjacent A2 in order to provide an acceptable standard of amenity for the future occupiers of the proposed development in this regard.
- 2.28 Overall, the proposed development is considered to provide a good standard of amenity for existing adjacent neighbours and the future occupants, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.29 Policy DM13 relates to parking provision and sets out that provision for residential development should be informed by the applicable guidance within the table of residential parking. Draft Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3.
- 2.30 The main access for the scheme onto Archers Court Road was approved under the outline and conditioned accordingly. This reserved matters application is consistent with this approved access and the relevant condition relating to the provision of the access and its visibility splays remains applicable. The impact of the proposal on associated and additional vehicular movements and parking demand in the locality was fully considered and found to be acceptable under the outline, which remains applicable for this scheme.
- 2.31 The proposed internal road is designed to adoptable standard and will be provided with a T junction/turning head at the end of the road, with adjacent parking provision. A continuous footpath will be provided along the northern side of the internal road. Vehicular tracking has been provided for a refuse freight vehicle, pumping appliance vehicle and estate cars. These tracking plans demonstrate that the internal road can suitably accommodate these applicable vehicle manoeuvres. KCC Highways have reviewed the proposal and have raised no objections or concerns in relation to the configuration of the internal road, footway and parking arrangement.
- 2.32 In terms of parking provision, each individual unit shall be provided with 2 allocated spaces to the front or in close proximity to the relevant dwelling. This parking provision exceeds typical parking standards for a suburban location. 4no. visitor parking spaces are proposed. This falls slightly below the 5.6 spaces required by the applicable parking standards detailed in Policy DM13. However, given the scheme proposes an overprovision of allocated parking, this slight reduction in visitor parking provision is considered, on balance, to be acceptable in this instance.
- 2.33 Each dwelling is proposed to be provided with a secure cycle store to the end of the rear garden which will provide sufficient cycle storage provision for each dwelling, which is independently accessible via a gated shared access to each rear garden.
- 2.34 KCC Highways have reviewed the proposal and raised no objections, subject to provision and retention of electric vehicle charging facilities and cycle parking facilities prior to the first use of the site being conditioned, which will be secured. Overall, the

proposed reserved matters scheme is considered to provide sufficient highway and footway provision and configuration and allocated and visitor parking and cycle parking provision which is acceptable in terms of highway safety and highway amenity, in accordance with Policy DM13, Draft Policy TI3 and the NPPF.

Ecology

- 2.35 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The outline application was supported by reptile, bat and dormouse surveys undertaken in 2016 which were reviewed by the Council's Ecologist and found to be acceptable through the outline consent. The resubmitted outline application (reference DOV/22/00205, which has not yet been determined) was supported by an updated Preliminary Ecological Appraisal and surveys for roosting bats, foraging and commuting bats carried out in 2020/2021. Whilst this information has not been submitted with this reserved matters application, the Natural Environment Officer has had regard to it when reviewing this proposal. This application is supported by updated ecological information in the form of an updated walkover survey and bat roost potential survey to inform the application given the time that has passed since the initial surveys were carried out.
- 2.36 The 2016 reptile survey found no evidence of reptiles, and the updated walkover survey sets out that due to an increase in vegetation cover and shade, there is a decreased likelihood for reptiles to be present and does not recommend further reptile surveys. In terms of bat roosting potential, three trees with specific roost potential are impacted by the planned works and the survey recommends approaches to the felling of these trees, in addition to trees which have ivy cover. In relation to badgers the updated information confirms the presence of an outlier badger sett and provides recommended precautionary measures.
- 2.37 The Natural Environment Officer has confirmed that the proposal has been supported by sufficient information regarding the potential for ecological impacts to arise as a result of the proposed development. It is further confirmed that the proposed approaches to mitigation and avoidance of impacts are appropriate and achievable. Notwithstanding this, the Natural Environment Officer has raised concerns that whilst the content of condition 6 of the outline consent seeks to secure a scheme of biodiversity enhancement and protection, this is required prior to the commencement of above ground works, and as such, does not wholly prevent the clearance of habitats without oversight/approval of mitigation measures. For these reasons it is recommended that a pre-commencement biodiversity method statement condition is secured for the mitigation measures required during site clearance and construction. A condition to this effect is included. Details of external lighting have not been provided at this stage however it is considered that this can be adequately captured by a relevant condition requiring a lighting design strategy for biodiversity to be submitted and approved, which is recommended.
- 2.38 The application seeks the partial discharge of condition 6, in relation to the proposed biodiversity enhancement scheme. The condition required a biodiversity scheme to be submitted and approved which included provision of a wildlife pond, use of native planting, use of bat and bird boxes and other enhancement measures identified in the Phase 1 Habitats Survey and Species Surveys. The proposal incorporates a wildlife pond, native species planting within the formal and informal public open spaces and provision of bat and bird boxes and other enhancement measures which are largely considered to be suitable. The Natural Environment Officer, however, has raised concerns that the scheme proposes bat and bird boxes to be installed on retained trees within the woodland only and does not incorporate integrated bat and bird boxes into the proposed buildings which would enhance the development and are likely to be more

durable. To address this, it is recommended that provision of integrated bat and bird boxes/bricks are secured by condition. In addition, a further condition relating to the provision of hedgehog gaps within fencing is recommended.

- 2.39 It is therefore considered, that, subject to the recommended conditions, including the pre-commencement biodiversity method statement condition to secure mitigation measures required during site clearance/construction, the proposal is considered to have an acceptable impact upon ecology and biodiversity.

Public Right of Way (PROW)

- 2.40 The Public Right of Way ER54 runs across the southern part of the site connecting to the underpass on Whitfield Roundabout with Archers Court Road and continuing through the field towards the A258. The location of the PROW on the submitted proposed layout plan does not accord with the definitive line of the PROW. The proposal intends to retain the PROW connection through the site and incorporate it into the proposed layout, albeit in a different location than the definitive line and the applicant has confirmed their intention to formally divert the PROW to resolve this matter. The outline consent included a condition which states that no development shall commence above ground until details of the existing and proposed route of the PROW are submitted and approved by the Local Planning Authority, and no development shall take place over the PROW until details of the confirmation of its diversion or extinguishment have been obtained and submitted to the LPA.
- 2.41 KCC PROW have objected to this reserved matters application on the basis that the development partially obstructs the definitive line of the footpath. It is further stated that if the LPA are minded to approve the application, a condition is requested that no development should take place over the PROW until the confirmation of its diversion or extinguishment. An appropriate condition to this effect has been included within the outline consent which is considered to sufficiently address this matter. The proposal will maintain the PROW footpath connection through the site in a slightly revised location, which will maintain the connectivity of the site and is supported.

Drainage

- 2.42 The application site lies within Flood Zone 1, where there is the lowest risk of flooding, upon a principal aquifer and within Groundwater Source Protection Zone 2 & 3. The outline consent was supported by a Flood Risk Assessment and Surface Water Drainage Strategy. This FRA demonstrated that that the proposal would be safe in terms of flood risk and will not increase the flood risk elsewhere. The proposed Surface Water Drainage Strategy proposed infiltration drainage to deal with all surface water and run-off by infiltration into the subsoil through soakaways, porous paving, rainwater harvesting and an attenuation pond. This surface water strategy was considered to be acceptable in principle, and condition 9 of the outline consent requires the technical details of the drainage scheme to be submitted and approved prior to commencement.
- 2.43 The reserved matters scheme continues the approved surface water drainage design, incorporating an attenuation pond, SUDs wetland grassland, and the proposed block paving will be conditioned to be permeable to secure this. As such, the proposed reserved matters details are considered to be compatible with the surface water drainage strategy approved at outline and secured through condition 9. No further details of drainage have been provided with this reserved matters. KCC LLFA have raised no objection to the proposal and advise that the technical design details will be addressed through condition 9.

- 2.44 In respect of foul drainage, condition 10 of the outline consent restricts the occupation of the dwelling until the relevant phase of Southern Waters planned capital works for Whitfield for improvements to the foul sewerage network and its capacity have been completed. Southern Water have confirmed they have no objection to the proposed reserved matters scheme and have confirmed that Southern Water can facilitate foul sewerage disposal to service the proposed development. A formal application for a new connection to the public foul sewer is required to be made by the applicant or developer. On the basis of Southern Waters comment, and the relevant condition, the impact of the development in respect of foul drainage is considered to be acceptable.

Other Matters

- 2.45 In terms of housing mix, the proposed provision of 9 x 3 bed and 11 x 4 bed market units and 4 x 2 bed, 2 x 3 bed and 2 x 4 bed affordable units is considered to sufficiently accord with the requirements of the most up to date SHMA, as required through Draft Policy H1.
- 2.46 The applicable financial contributions towards infrastructure provision and the SPA contribution, together with the responsibilities for the management and maintenance of the public open space provided on site have been secured through the s106 agreement at outline stage. This application includes a Landscape Management and Maintenance Plan as required by the s106 agreement which is considered to be acceptable and shall be secured by condition accordingly.

3. Conclusion

- 3.1 The details submitted with this application in respect of the appearance, landscaping, layout and scale of the development are considered acceptable and reflect the illustrative masterplan of the outline consent. These details demonstrate that the development would cause no unacceptable impacts in respect of the character and appearance of the area, the living conditions of neighbours or future occupants or the local highway network. The proposals are acceptable in all other material respects, subject to the conditions attached to the outline planning application. The application is therefore recommended for approval. The outline application includes most of the conditions required to ensure a high-quality development. Some additional conditions, listed below, have been added to this reserved matters application.

g) Recommendation

I RESERVED MATTERS BE GRANTED, subject to conditions:

1. Approved plans and details
2. Samples of materials
3. Fenestration within reveals
4. Removal of some PD rights
5. Biodiversity mitigation strategy prior to clearance works
6. Lighting design strategy for biodiversity
7. Provision of hedgehog gaps within fencing
8. Proposed biodiversity enhancement measures secured
9. Provision of integrated bat and bird features to dwellings
10. Arboricultural method statement and tree protection measures
11. Works to trees to accord with approved details
12. Soft landscaping provided and maintained in accordance with details
13. Hard surfacing provided and maintained in accordance with details

14. Formal and informal public open space and play area provided and maintained in accordance with landscape maintenance and management plan.
 15. Acoustic fencing provided and maintained in accordance with details
 16. EV charging facilities
 17. Permeable paving
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Jenny Suttle

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).