

- a) **16/00136 - Erection of 133 dwellings including 40 affordable homes, new vehicular access, internal access roads, car parking, landscaping, provision of open space (4.17ha) and a locally-equipped children's play area (LEAP) (amended details and description) - Land on the South Side, Singledge Lane, Whitfield**

**Reason for report:** Number of letters of correspondence received.

b) **Summary of Recommendation**

Planning permission be refused.

c) **Statutory Requirements, Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy (CS) Policies

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

Policy DM11 states that planning policies for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport.

DM12 states that access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent.

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

Policy CP1 Identifies Dover as a Secondary Regional Centre, and that Whitfield is to be one of the major areas suitable for the largest scale residential developments.

Policy CP2 relates to the provision of jobs and homes in the District and sets out that by 2026 10,100 new homes will be expected to be delivered out of an allocation of 14,000 required within the District.

Policy CP3 relates to housing allocation, setting out that 70% (9,700) of the housing provision identified within CP2 will be made in Dover, commenting that the Whitfield Urban Expansion will provide some 5,750 homes.

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

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

Policy CP7 relates to green infrastructure and seeks to protect its integrity. Development that would harm the network will only be permitted if measures to avoid harm arising or mitigate its effect are incorporated. Proposals which may introduce additional pressure on the existing green infrastructure network will only be permitted where they incorporate quantitative and qualitative measures as appropriate to address pressures.

Policy CP11 relates to the managed expansion of Whitfield. The site to the west, north and east of Whitfield is allocated for an expansion of Whitfield comprising at least 5,750 homes supported by transport, primary education, primary health and social care, utility services and green infrastructure together with retail, financial and professional offices, eating and drinking establishments (Use Classes A1 to A5). This policy also requires that any development proposed should accord with the masterplan, which has been agreed by the local planning authority as a Supplementary Planning Document (SPD).

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

Policy TR4 relates to the safeguarding of land between Lydden Hill and the Duke of York roundabout.

Policy TR9 relates to the provision of cycle routes and safeguarding of those outside the existing highway limits.

Policy OS2 requires that developments of more than 15 dwellings shall provide on-site equipped children's play areas.

Policy OS3 requires for long term arrangements to meet open space requirements for housing must be made for planning permission to be granted.

#### Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

#### Whitfield Urban Expansion SPD

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

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

The SPD effectively sub-divides the entire Whitfield expansion area into three districts – north, east and west, and these are further sub-divided into six neighbourhoods. The Council's preference is that planning applications be submitted for nothing less than a neighbourhood, in order that comprehensive planning can take place, and that due regard can be had to the cumulative impacts of the proposals. This approach seeks to resist ad hoc and piecemeal development of small sites which could not financially contribute towards required and identified infrastructure provision. The SPD also sets out the Council's preferred anti-clockwise

development phasing order, starting from the south-east corner. It also sets out that small parcels of land (defined as 'village extensions') within the proposed expansion area have the potential to be brought forward independently of the larger districts or neighbourhoods, subject to evidence showing that related infrastructure be resolved. Table 6.2 sets out the required phasing of development and proposed yields/capacities as well as the required infrastructure.

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

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

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

#### National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Part 7 requires good design, which is a key aspect of sustainable development.

Part 8, is in favour of promoting healthy communities, through ensuring the provision and be of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

#### National Planning Policy Guidance (NPPG)

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

#### Other Documents

Affordable Housing Supplementary Planning Document – the purpose of this SPD is to alert developers to the scale and need for affordable housing, including outlining measures for how it will be secured.

The Kent Design Guide sets out design principles of development.

#### **d) Relevant Planning History**

There is significant planning history with regards to the Whitfield expansion although only the screening opinion set out below relates to this application site directly.

DOV/16/00424      Land to the South Side Singledge Lane, Whitsfield. Screening opinion for residential development. **EIA is required.**

DOV16/01137      Land to the South Side Singledge Lane, Whitsfield. Screening opinion for residential development. **EIA not required.**

It should be noted that this screening opinion was provided on the basis that suitable SANG mitigation can be provided within the application site, and that the matters of including land safeguarding for the A2 could be included as part of this mitigation. The weighting of Policy TR4 is a planning matter which falls outside of the remit of assessing this screening opinion. Should this land not be available for mitigation then an EIA would be required.

**e) Statutory Consultee and Third Party Comments**

Neighbouring properties were notified of the application and a site notice was placed on site. 83 objections were received with regards to this application. Neighbours objected for the following reasons:

- Abbey's new road system appears horrendous;
- Highways capacity should assess Whitfield's roundabout capacity;
- Local roads will not be able to cope with influx in traffic volume;
- Loss of wildlife;
- Inadequate paving during winter months on Singledge Lane;
- Flooding and drainage may well be exacerbated by this development;
- Within the Whitfield Adopted masterplan, there is a phasing programme in which this site is to be the very last to be developed;
- No construction plan;
- The present hedgerow is shown on site plan as being very close to the proposed new build and there is also the road; not leaving the promised sufficient buffer zone;
- Singledge Lane is mostly bungalows and nothing like the proposed properties;
- Getting onto the A2 from the lane is regularly blocked in and out, even now without extra traffic;
- Noise from hotel and the lack of suitable boundary divider between the hotel and development is of concern;
- The location of 6 unit 'affordable' housing block, it's location borders the boundary and will affect visual amenity of hotel;
- Emergency vehicle access;
- How will large / construction vehicles enter the site;
- Lack of amenities;
- Previous applications have been made and not approved, nothing has changed;
- The lane is very narrow and in places 2 vehicles cannot pass;
- Overhead electric cables are susceptible to large vehicles;
- Services are oldest in the village and cannot cope with the current number of dwellings;
- If development was to occur, it would not be a rural lane;
- Education and healthcare services are not in place;
- Access onto the A2 at peak times is very difficult now;
- Greenfield site and countryside;
- Proposed play area is against the busy A2 with noise and pollution;

- Only part use of the site which will result in high density layout;
- Yet to see any increase in jobs which was promised with the developments;
- Adding footpaths will narrow the road further;
- Only one secondary school in walking distance from site;
- Pressure on public transport but cannot see operator getting a bus along this lane;
- Increased noise levels;
- Open space just for residents of the site, how about existing residents who use the field already;
- There is insufficient ecological mitigation proposed as part of this development;
- The applicant is reliant upon the area identified for potential widening of the A2.
- Development is more to do with profiteering; and
- Large proportion of that land is within the safeguarded line for the future widening of the A2.

In addition there was one supporting comment with regard to this application. The reason for supporting this application was:

- Field been used for motorbikes, gypsies and dog walkers and we need affordable housing.

#### Consultation Responses

**Kent Wildlife Trust** have made the following comments:

*'We are concerned with the initial Ecological Appraisal whilst highlighting the potential on the site for reptiles, birds and bats, it does not appear to have recommended a species survey for reptiles, or an activity survey for bats or a breeding bird survey. Considering the amount of hedgerow and habitat margins present on this arable land, this is disappointing.'*

*'Appears to be no discussion of the potential impact on the nearby Local Wildlife Site, Temple Ewell and Lydden Downland. Kent Wildlife Trust would like to submit a holding objection'*

**Natural England** were consulted and raised no objection should suitable mitigation be able to be provided. Their response was heavily caveated however insofar as their 'no objection' was on the basis that a proportionate level of SAC mitigation could be provided within the application, as had been secured upon the sites elsewhere as part of the overall development.

**Dover District Council Strategic Housing** were consulted and made the following comments:

*'The proposed mix of house types provides a satisfactory mix of smaller homes and family sized homes and will make a valuable contribution to meeting the housing needs of households in the district who are unable to afford market housing.'*

Following the receipt of amended plans the number of houses reduced from 135 to 133 but the same provision of affordable housing was proposed and so no objections were raised to these amendments.

**Highways England** were consulted and raised no objection to the detail of the application; although did not specifically comment with regards to the loss of land that allows for the potential to expand the A2.

**Southern Water:** Southern Water cannot accommodate the needs of this application with the development providing additional local infrastructure. The proposed development would increase flows into the waste water system, and as a result increase the risk of flooding in and around the area.

**KCC Flood and Water Management** were consulted and made the following comments:

*'We are unfortunately unable to remove our outstanding objection to this application. The revised drainage strategy does not provide any new or substantive information, and our previously raised concerns have not been addressed. There is no clarification on how the runoff from the private, non-highway areas will be adequately dealt with, and the rate of infiltration used for the design of the highway attenuation pond is higher than has been determined through on-site testing.'*

*Where soakaways are proposed for the private areas, each plot should ideally discharge to a soakaway designed to accommodate the water from their plot unless larger, strategically located soakaways are located in publicly accessible areas and subject to formal maintenance arrangements).*

*With the density of the development proposed and the absence of detailed drainage layout, we are unable to confirm that the properties proposed won't be subject to an inaccessible level of flood risk; we are also unable to confirm that the flood risk to the surrounding area won't be exacerbated.'*

**KCC Highways and Transportation** were consulted and their initial response stated:

*'The trip generation rates for the proposed development appear robust. The proposals provide improved pedestrian facilities and formalise/improve what currently appear to be informal single-way working arrangements along the lane. Delivery vehicles will still be able to stop in the lane whilst delivering. Pedestrian connections are made to the existing footways leading to Singledge Close and Sandwich Road, allowing wider access to the facilities in Whitfield. The proposals include streets to be adopted by the Highway Authority and a secondary emergency access to Singledge Lane which also provides a connection to the existing bridleway to the east of the site – Holding objection'*

Further information has been submitted to the Highways Authority, and they have responded to this information, with concerns still arising with regards to the amendments submitted. These are discussed in full within the main body of the report.

Amended plans were received and reviewed, and the following comments were received on the 15 November 2016:

- Sought confirmation on the details of the travel plan submission;
- Raised concerns with regards to the detail of the parking provision within Singledge Lane and the proposed traffic regulation order (TRO) that is being proposed.

Further submissions were made by the applicant and further comments were made by the Highways Authority on the 28 November which re-iterated concerns with regards for the need to extend the parking restrictions to number 31 Singledge Lane.

**Dover District Council Environmental Health** were consulted and made the following comments:

*'In relation to the noise report, the conclusions of the report are accepted but I would recommend suitable conditions are included with any permission that ensures mitigation is addressed.'*

**Coldred Parish Council** were consulted and made the following comments:

*'Object to application due to inadequate road planning to limit traffic along Singledge Lane.'*

**Whitfield Parish Council** were consulted and made the following comments:

*'The development of the site is too early and should only come forward with tandem with phases 4 and 5 of the Whitfield Urban Expansion to ensure necessary transport, utility and social infrastructure. The only way to achieve a wider road and footpath is a compulsory purchase order of people's gardens which of course is unacceptable. Application does not include adequate infrastructure improvements to utilities. There is a history of flooding and inadequate sewerage disposal capacity in the area, the water, gas and electricity supply need to be upgraded for extra dwellings. The healthcare and social services are also not increased to meet the extra demand. Residents will be without these vital services, which are already at capacity.'*

**River Parish Council** were consulted and raised concerns with regards to the proposal and the impact upon the local roads and junctions, and in particular those linking to the Alkham Valley and the A20.

**The Dover Society** were notified and made the following comments:

- *The application is contrary to the WUE SPD adopted masterplan. Whilst there has been a small reduction in the number of units being proposed – presumably to ease the impact of early development – this point has not been adequately addressed. We remain of the view that this development should not be progressed at this time and certainly not before the full provision of the associated infrastructure required to support it.*
- *The revised application does not make any provision for the required infrastructure and service improvements. It appears that none of our earlier concerns regarding transport, flooding risks, health care provision and residential amenity have been addressed. In particular the lack of adequate road infrastructure remains of concern.*

The Dover Society therefore object to the application and wish to see it refused.

f) **The Site and the Proposal**

**The Application Site and Surroundings**

1. The site lies towards the northwest of Whitfield and is allocated under the Core Strategy as an area for the Whitfield Expansion. Currently the site is 9.16 hectares and is currently used as arable land with the main field access located in the eastern corner.
2. The majority of the north eastern boundary is formed by mature trees and hedges that run along the edge of Singledge Lane. Singledge lane is a narrow, unmarked lane. This hedge line has a number of gaps for farm access and a pedestrian access that forms part of a public right of way leading across the site to the A2.
3. The boundary to the south east is partially formed by timber fence to an adjoining dwelling and the remainder defined by a 2m high chain link fence with the Ramada Dover Hotel beyond. The boundary to the south west is defined by further mature hedging that obscures the A2 dual carriageway beyond.
4. To the North and to the southeast of the site lies residential properties which are all single storey bungalows. The residential properties on Singledge Lane front the proposed site.
5. The proposed site is approximately 0.5km away from the nearest shops and restaurants. It is approximately 1km from Whitfield and Aspen Primary School. All of these would be accessed via the A2.

### **The Application Proposal**

6. The proposed application is for the development of the site for residential development to provide 133 new homes, including 40 affordable homes (30%), together with the provision of 3.7 hectares of open space, including a Locally Equipped Area for Play (LEAP).
7. The total amount of open space provided on the site including the LEAP is 4.51 hectares. This includes an area of 4.17 hectares which is available to be used for SANG.
8. The proposal would include a new access to be provided to the north east of the application site. This access would see the priority of the highway change so that give way markings would have to be provided upon Singledge Lane on the western side of the junction.
9. A large infiltration basin would be provided to the east of the application site, adjacent to the access. It is proposed that this would not permanently contain water, only during periods of significant rainfall.
10. In terms of house types, the proposal seeks to provide a mix of 2, 3 and 4 bedroom units across the site. This would consist of:
  - 65 detached dwellings (all private);
  - 34 semi-detached properties (of which 28 would be private. 6 affordable);
  - 28 terraced properties (all affordable);
  - 6 flats (all affordable).
11. The affordable dwellings within the development would be pepper-potted through the development with some located upon the main through route and then clustered within the north-west corner of the site.



12. All dwellings within the development would be two storey (or two and a half storey) with the exception of the flatted element which would be a three storey building.
13. The majority of the detached dwellings would be located around the edge of the application site, facing out towards the open space or onto the edge that would be retained along Singledge Lane.

### **Main Issues**

14. The main issues with regards to this planning application are:

- The principle of development;
- The A2 safeguarding zone;
- The impact on the amenities of the neighbouring occupiers;
- The impact upon the highway network;
- Ecology.

### Assessment

#### **Principle of Development**

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
16. The NPPF states that any proposed development that accords with an up-to-date Local plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision taking this means approving development that accords with the development Plan.
17. The application site is dissected by the designation which allows for future expansion of the A2 along the southern side of the site. This area, covered by Policy TR4 of the Local Plan which states:

*Land is safeguarded on the Proposals Map for the construction of:*

- i. The A2 dualling, Lydden Hill to the Duke of York roundabout, Dover; and*
- ii. The A256 Scheme, Sandwich*

18. This designation runs through approximately the lower quarter of the application site, and runs parallel with the highway. Within this area, all land is safeguarded and as such cannot be included within any development parcel, or as mitigation for development as it cannot be secured in perpetuity.
19. Irrespective of the above, the whole application site is included within Policy CP11, which refers to the managed expansion of Whitfield where at least 5,750 dwellings are proposed to be built. It is also referred to in the Whitfield Masterplan SPD. The SPD refers to a phasing programme for the expansion, starting to the east of Whitfield and developing anti-clockwise around the village, with the proposed site being proposed last for development. At present only a small level of development has been forthcoming and as such bringing this site forward in advance would not accord with the proposed phasing of this strategic

development in the broad sense, although given that this is identified as a village extension it is agreed that it can come forward in isolation subject to a number of criteria being met.

20. Whilst this phasing is a material consideration, it is also important to note that the Council are currently unable to demonstrate a five year supply of housing land. With this shortfall in mind, paragraph 47 of the National Planning Policy Framework (NPPF) should be considered. This sets out the Government's general objective of boosting the supply of housing through plan making and the maintenance of a five year supply of housing land. Paragraph 49 in the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development (which itself is set out within paragraph 14 of the NPPF). It also states that relevant policies for the supply of housing should not be considered up-to-date if there is not a five-year supply of housing land.
21. With this in mind, the Council have clearly identified that this is a sustainable site to bring forward for housing provision, but nevertheless, all other material considerations, include strategic objectives need consideration in the determination of this application. The matter of the strategic objectives of the authority are considered in more detail below, although it should be noted that the development of at least *part* of this site could be considered acceptable in principle.

### **Overall Strategy for Whitfield**

22. In order to consider this planning application, it is important to consider the overall plan for the redevelopment of Whitfield. The adopted WUE SPD is a thorough and well considered document, that sets out a number of criteria that development proposals should adhere to when submitted.
23. It is clear that given the scale of the development proposed, a significant level of infrastructure would be required to ensure that the settlement is sustainable, and therefore NPPF compliant. The development within the WUE is proposed to be constructed from 'Light Hill', in an anti-clockwise direction around the edge of the existing settlement with the last phase being 'Temple Whitfield' within the west of the village. This would ensure that transport, education and retail (amongst other) infrastructure is delivered by each phase at an appropriate time, to mitigate the impact of the development.
24. The SPD does however allow for this site to be brought forward in isolation from the 'Temple Whitfield' element as it would be considered a 'village extension' which can be brought forward outside of the phasing plan (point 3, page 62 of SPD). The question therefore arises as to whether the proposal would undermine the proposed strategy for the locality if brought forward in advance of other phases of development.
25. This would be a relatively small number of units within the overall proposal, however it is clear that there are significant existing infrastructure problems within the locality – in particular with regards to drainage. As can be seen from the consultation responses, both Southern Water and KCC (as drainage authority) have objected to this proposal – irrespective of the additional information submitted. There are also continued concerns raised by KCC Highways as a result of the proposed access and use of Singledge Lane.

26. This is a clear indication of the concerns of bringing development forward on a piecemeal basis when it is clear that there are overarching and significant infrastructure constraints that already exist.
27. The SPD is clear in paragraph 5.168 that this site can only come forward in isolation if 'it can be demonstrated that its development is acceptable in highways terms, that suitable vehicular access arrangements can be achieved for development and construction traffic and that the character of Singledge Lane is respected.'
28. Again, given the continued concerns that are raised by the Highways Authority, it is considered that this requirement has not been met, and as such the delivery of this site would be unacceptable at this stage.
29. Whilst contributions are sought, and have been agreed by the applicant, given the pooling restrictions as set out by Regulation 123 of the Community Infrastructure Levy (2010) I would be concerned that this would not provide for the delivery of key infrastructure if a number of other applications come forward in this piecemeal manner (this is of course a matter that has changed since the adoption of the SPD but is nonetheless a material consideration).
30. Concern has been raised that the development would not accord with the requirements of the SPD insofar as it would not accord with the required phasing plan. The SPD does allow for this site to come forward in isolation, so in principle no objection is raised to this proposal coming forward at this point in time. Nevertheless, there are clearly unresolved infrastructure concerns which indicate that this application is premature by virtue of the lack of appropriate infrastructure.

### **Highways Impact**

31. Notwithstanding the Council's fundamental concern at the loss of the safeguarding zone to the north of the A2, significant concern has been raised with regards to the impact upon the local highway network as a result of this proposal.
32. The proposal would see the creation of a new access into the north-eastern section of the application site, which would effectively make this access the priority route for traffic heading into and out of the site, with a new give way arrangement for traffic heading eastwards along Singledge Lane. It is also proposed that a pinch point be provided to the east of the access, which would be single width and require traffic heading westwards to give way to traffic heading in the opposite direction.
33. It is also proposed that the footpaths be enhanced/provided along Singledge Lane to improve pedestrian links into the village centre.
34. These works would require the provision of new traffic regulation orders along Singledge Lane which would have an impact upon the availability of on-street parking for existing residents, and would also be subject to separate consultation which cannot guarantee that the development can be delivered in the form suggested.
35. The SPD is clear that this site can come forward in advance of others within the masterplan subject to the access being acceptable. Given that the Highways

Authority have continued concerns with regards to the provision of the TROs within the highway, and the uncertainty that surrounds whether these would be granted, it is considered that the matter of access has not been adequately considered and as such the proposal would be contrary to the SPD as well as Policy DM12 of the Core Strategy. It is therefore recommended that this be a ground for refusal in the determination of this application.

### **Ecology**

36. As part of the QWUE masterplanning SPD, a habitat regulations assessment was undertaken on behalf of the local authority (April 2011). It is a requirement of EC Habitats Directive (1992) and the Conservation of Habitats and Species Regulations (2010) that land use plans are subject to 'appropriate assessment' if it is likely that they will lead to significant adverse effects on a Natura 2000 site (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)).
37. Because of the location of the WUE, with RAMSAR sites and SSSIs within close proximity, a Habitat Regulation Assessment was therefore prepared. This document therefore undertook an appraisal of the likely effects of the proposal, which was effectively a screening of the site, then an appropriate assessment which defines the environmental conditions and criteria that are fundamentally important for the persistence and favourable conservation status of the interest features for which the site was designated. The third task is to then identify the necessary mitigation required as a result of the development.
38. The Lydden and Temple Ewell Downs SAC lies adjacent to the WUE and also to this application site (on the southern side of the A2). This site is acknowledged to contain some of the richest chalk grassland in Kent, with significant assemblages of plants and invertebrates.
39. The proposed WUE has the potential to see the population of the settlement more than double, and as such there would undoubtedly be additional pressure upon this protected landscape for recreational purposes. It is for this reason that the SPD sets the objective of seeking to *'avoid and mitigate direct and indirect effects of development on Natura 2000 sites.'*
40. For this reason, the SPD requires for suitable mitigation to be provided within any development that would accord with the calculator as set out within the Representations on the Habitats Regulations Assessment.
41. In this instance, the level of mitigation required would equate to 0.0316ha per dwelling, which given the provision of 133 dwellings, would require 4.20ha to be provided for mitigation in perpetuity. The application as it stands shows a provision of 4.17ha which is a shortfall of 0.03 ha. This is a minimal shortfall, and the applicant has sought to only include useable (qualitative) space within their calculation – areas such as the hedge and LEAP have not been included. With this in mind, it is considered that this very minor shortfall would ordinarily be acceptable.
42. However, a further consideration is that much of this mitigation land lies within the area designated by Policy TR4 for the potential widening of the A2. Whilst the applicant have submitted plans showing a notional scheme, this has neither the agreement of KCC Highways or Highways England and can as such be given no weight in the determination of this planning application. Both KCC and Highways England have been consulted on the proposed plans, and both have stated that

they are unable to support the proposals in their current guise, at this point in time. Whilst it is accepted that the safeguarded land is relatively wide, it has been through examination in public and therefore carried significant weight. It is considered to be wholly inappropriate to include any land within the safeguarded area for mitigation and as such there would be an even greater shortfall in SAC mitigation than the 0.03ha set out above. Natural England have stated that they would only raise no objections to this proposal if suitable mitigation can be provided. In this instance it would not be possible, and as such they are unable to support the application in this form.

43. The applicant was advised of this at a very early stage, and was invited to amend the plans accordingly to ensure that this land did not form part of the SAC mitigation, or include any other built form of strategic infrastructure but acceptable amendments were not forthcoming.
44. There is a significant level of detail which clearly sets out the requirement that would be required for this particular site in terms of SAC mitigation. As this proposal relies on land safeguarded for other development there is a clear shortfall. The application would therefore fail to comply with the WUE SPD, and local policy as well as NPPF paragraph 109 which seeks to enhance the natural and local environments of developments. It is therefore considered that recommendation of this application should include a ground for refusal on this basis.

### **Flooding/Drainage**

45. As Members will be aware, there have been significant drainage issues with previous developments within the Whitfield area, with insufficient capacity within the existing pumping stations leading to significant problems locally.
46. Whilst each application should be determined on its own merits, these existing problems only seek to highlight that the delivery of sites in advance of the necessary infrastructure can bring about significant problems for both existing and future residents.
47. Southern Water have stated that they are unable to accommodate the needs of this development without the development providing additional local infrastructure. They state that the proposed development would increase flows into the waste water sewerage system and as a result increase the risk of flooding in and around the existing area. They do recommend that if permission is granted a condition be imposed upon the development that would ensure that the necessary improvements be made.
48. In addition, their response states that the development should be considered by the relevant body that will maintain any SUDs features – i.e. KCC. This is in order that good management of the system be provided which will ensure that there is no flooding from the surface water system that may then inundate the waste water system – a problem that has been encountered elsewhere within Whitfield.
49. Kent County Council have provided two responses to this application, and have maintained their holding objection on the basis that the information submitted does not provide adequate information or assurances that the surface water system would not result in additional risk of flooding, which might therefore have repercussions upon the sewerage network.

50. As stated, this application should be determined on its own merits, and not on the basis of what has happened within the vicinity, but that said there remains a holding objection by the statutory consultee, and for this reason I recommend that a ground for refusal be given on this basis.

### **Affordable Housing/Heads of Terms**

51. The proposed affordable housing provision of 30% for this site would accord with the requirements of the SPD and the existing local policies. The range of affordable units proposed have been fully considered by the Council's Housing Officer and he has raised no objections to this proposal. No objection is therefore raised on this matter.
52. The applicant has also agreed that all requests for financial contributions would be met, and as such the proposal would accord with policy CP6 of the Core Strategy.
53. Clearly the matter of phasing, and the piecemeal approach to development has been considered within this report – and whilst this does represent a concern, I do not consider that the proposal would not provide for suitable financial contributions as requested and as such no objection is raised to this proposal on this basis.

### **Residential Amenity**

54. In many respects the application site is very much a stand-alone site. The site is bound only to the north by residential properties, and these are all positioned beyond a hedge which is sought to be retained, and a public highway.
55. The proposed dwellings would all be a sufficient distance from the existing dwellings to ensure that there would be no overlooking, overshadowing nor the creation of a sense of enclosure to the existing residents.
56. Concern has been raised with regards to the additional vehicular traffic that would be generated and the potential for additional noise and disturbance. Whilst the proposal would clearly generate both, given that this is shown as an allocation within the SPD, and given the relatively small number of units proposed, I do not consider this to be sufficient to warrant a ground for refusal.

### **Layout and Design**

57. The SPD sets out broad parameters for any development within this site, which includes the use of predominantly two storey properties, as well as the retention of the hedge that runs along Singledge Lane. The applicant has sought to incorporate these elements into the proposal, with all houses two or two and half storey, with only a small flatted element that would be of three storey in height.
58. The properties are a mix of terraced, semi-detached and detached dwellings, with the majority being detached, and of a variety of house types. The majority of the terraced properties are located upon the main access road through the site, with the detached properties providing a lower density responding to the openness beyond.
59. In terms of the layout, the proposal is relatively simple, with a single point of access at the north-eastern corner of the site, and then runs through the site with

a central spine road and loop within the western section. There are two perimeter roads that are of a 'softer' nature and appear more as private drives (although the turning heads that serve them would be to an adoptable standard). Because the access point is located within the north-eastern part of the application site, and because the site is very linear in nature, there is little in terms of layout that could be varied. This does limit permeability into and out of the site, but this is required to be balanced against the requirement to retain the hedge along the lane frontage.

60. The applicant has taken a fairly pragmatic approach to the layout, and has sought to include a variety of road surfaces and landscaping to seek to ensure that the development does not appear as monotonous. Distances from the highway are varied (to a degree) and this would also assist with provided active and varied road frontages.
61. Notwithstanding the matter of whether there is suitable SAC mitigation, it is considered that the layout is broadly acceptable, making good use of the land but also ensuring that there would be suitable back to back distances between properties within the development.
62. There is an element of variation in the building lines throughout the development, although the corner units proposed have a lack of space around key buildings – for example at the crossroads within the centre of the site. Should the application have sought to be approved, it is recommended that these would be amended accordingly – although not in itself a ground for refusal.
63. The proposal does adequately address the retention of the hedge, and the properties front the open space appropriately. All roads have active frontages.
64. In terms of the individual buildings within the site, it is considered again that the proposal is broadly acceptable. The applicant proposes a relatively limited palette of materials but given the existing built form within the locality, this is not considered unacceptable.
65. The flat block within the eastern parcel of the site has been amended to include more articulation, but this remains one of the weaker elements of the scheme. This block also appears a little isolated from the remainder of the development, being located adjacent to the hotel site. That said, this would not in itself be considered a ground for refusal, but as before a matter that would require negotiations should the application be recommended for approval.
66. That said, the house types proposed are of a scale and form that one would expect on a development of this nature, and are not considered unacceptable. It is not therefore considered that the development is unacceptable in terms of design or layout.

### **Archaeology and Cultural Heritage**

67. There are no scheduled ancient monuments, registered parks and gardens, listed buildings or conservation areas lying within or in close proximity to the application site.
68. It is therefore considered that there are no grounds to object to this proposal on this basis.

## **Conclusion**

69. This is a planning application for housing on an allocated site (within the SPD). The site is identified within the SPD as being able to come forward in advance of others, or 'out of sync' with the general phasing of development within Whitfield subject to all other material considerations being met.
70. The Council are currently unable to demonstrate a five year supply of housing land, and as such any policies of restraint for housing are considered to be out of date. That said, in this instance the principle of delivering some housing on this site is accepted, however the level proposed, together with the deficiency in suitable ecological mitigation being provided would be of a weight that would override the necessity to deliver housing within this location at this point in time.
71. Notwithstanding the above, there are unresolved matters with regards to access and drainage and flooding, and for this reason it is considered that the application fails to meet the test of the NPPF and local plan policy, and it is therefore recommended that Members refuse the application for the reasons set out below.

## **g) Recommendation**

Refuse Planning Permission for the following reasons:

- I) Due to the proximity of the site to the Lydden and Temple Ewell Downs SAC the suitable SANG mitigation is required to be provided on site to address the impact upon this designation. The mitigation proposed within this development includes land that is safeguarded for future road widening by virtue of Policy TR4 of the Dover Local Plan as such cannot be guaranteed to be secured in perpetuity. If this development were permitted, it could preclude future road widening which would be contrary to the Whitfield Urban Extension SPD and policy TR4 of the Dover Local Plan.
- II) The proposed development would require the delivery of a Traffic Regulation Order (TRO) that would be subject to separate consultation and is not therefore certain to be considered acceptable. Without the provision of this TRO there would be no suitable mitigation provided upon Singledge Lane which would be to the detriment of the free flow of traffic, and highway safety and therefore prove contrary to the Whitfield Urban Extension SPD and Policy DM12 of the Dover Core Strategy.
- III) The applicant has failed to provide sufficient information with regards to surface water drainage and as such a full assessment of the impact of the development cannot be made. Without this assessment, it cannot be ascertained as to whether the proposal would adequately address surface water drainage, which may also result in harm to the foul water drainage provision. This would therefore prove contrary to the Whitfield Urban Extension SPD and policy CP6 of the Dover Core Strategy.