

a) **DOV/17/00826 – Erection of fourteen dwellings with associated vehicular access and parking - Weighside House, Sandwich Road, Whitfield**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Whitfield, being part of Dover, is a Secondary Regional Centre, which is the major focus for development in the District; suitable for the largest scale developments
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for Dover.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that proposals which accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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
 - Specific policies in the NPPF indicate development should be restricted.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter seven requires good design, which is a key aspect of sustainable development.

- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/13/00080 – Erection of 4 detached dwellings, erection of garages and creation of vehicular access and associated works – Refused

DOV/13/00391 – Erection of 4 detached dwellings, erection of garages and creation of vehicular access and associated works – Refused

DOV/15/01245 – Erection of 4 detached dwellings with garages, creation of vehicular access and associated landscaping – Granted

e) **Consultee and Third Party Responses**

Environmental Health – Conditions are recommended in relation to: previously unsuspected contamination; the submission and approval of a Construction Management Plan; and restricting bonfires.

Affinity Water – Affinity Water currently have issues with supplying any additional water to the Whitfield area and are currently upgrading their booster station at Downsgate and laying a new trunk main around Whitfield to cope with the extra demand. These new properties will be subject to Network Reinforcement charges which will be in the region of £700 per property.

Southern Water – Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. The infrastructure improvements works are planned by Southern Water to provide for capacity to serve future developments in this area. We would wish occupation of development to be deferred until adequate capacity is available to serve the development.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of the existing pumping station site. No new soakaways, swales, ponds, watercourses or any other

surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewers or rising mains.

KCC Highways – There is an extant permission for 4 dwellings on part of the site. The traffic likely to be generated by an additional 10 dwellings (around 6 movements in each peak hour) is unlikely to have a severe impact on the highway network and is therefore acceptable.

The extant permission for 4 dwellings includes the provision of a footway between the site access and the end of the existing footway network in Sandwich Road to the south, to allow safe pedestrian access to/from the nearest bus stops and the wider services and amenities in Whitfield. The current proposals also need to provide this connection and a plan showing the same should therefore be submitted. This should take the form of a minimum 1.8 metre wide footway.

The Transport Statement also refers to a safeguarded strip along the site frontage to allow the provision of a footway linking to the Whitfield Urban Expansion area to the north of the site, however there are no details of the safeguarded strip and the application red line appears to coincide with the carriageway edge. My understanding is that KCC have retained ownership of a strip along the carriageway edge to allow for a future footway to the north and a plan should therefore be submitted showing how the boundaries to the proposed dwellings relate to this. Visibility splays of 120 metres x 2.4 metres x 120 metres are required at the proposed access with no obstructions over 1 metre above carriageway level within the splays, and these should be shown on the plans.

I note that the proposed internal road is to remain private and the access should therefore be formed as an extended vehicle crossing in the highway rather than a bellmouth with radius kerbs as shown. The proposed internal layout and parking provision are unlikely to have an unacceptable impact on the highway, however you may wish to consider the following:

- Some of the 4/5 bed dwellings do not appear to have two independently accessible parking spaces as required in policy DM13,
- The size of refuse vehicle shown in the tracking diagram should be checked with your contractor to ensure it is the largest one likely to service the site.

KCC Contributions – Requests have been made for contributions to be secured to provide enhancements to Lydden Primary School (£46,536) and towards the mobile library service attending Whitfield (£6762.22). It is also recommended that the developer provide high speed broadband.

KCC SUDS – The application proposes a viable strategy for draining surface water and soakage testing demonstrates good permeability. Although more detailed tests are required, overall the strategy is acceptable. Should permission be granted, conditions are recommended to ensure that a detailed surface water drainage strategy and maintenance programme is submitted and approved and ensuring that there is no infiltration other than to areas where it would not lead to an unacceptable risk to controlled waters or ground stability.

DDC Head of Strategic Housing – The planning application is in respect of a development of 14 dwellings. Consequently, there is no requirement for the developer to provide an on-site contribution to affordable housing. However, the Council's Affordable Housing SPD Addendum will apply and the developer has acknowledged this in his Affordable Housing Statement. The contribution being proposed by the developer is set out in the accompanying pro forma and it appears that the financial contribution calculation formula

has been applied correctly. However, it is not possible for me to comment on the accuracy of the open market value figures provided.

Kent Police – The applicant has considered crime prevention and has attempted to apply the attributes of CPTED in their Design and Access Statement. To date, no communication Kent police have had no communication from the applicant.

KCC Archaeology – The application lies on the northern edge of the modern-day village of Whitfield in an area of archaeological potential arising from the identification of crop and soil marks in the fields surrounding the village. These crop-marks show evidence for archaeological remains representing elements of buried past landscapes. Among the crop-marks there are a number of recognisable features including enclosures, field-systems and track-ways.

It is possible that the groundworks associated with the proposed development may impact upon buried archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological works.

Whitfield Parish Council – Object

The material issues are not sufficiently addressed by the application. The existing infrastructure and access arrangements are inadequate and cannot accommodate the extra housing proposed.

Permission should be refused until adequate new, or upgraded, provision is put in place before development commences. The conditions that DDC may choose to make on these issues must be readily enforceable by the District Council. Previous developments in Whitfield Parish have taken place without adequate provision, and / or with the developers ignoring planning requirements, building new properties before compliance with requirements, and allowing habitation of the properties, while DDC have been unable or unwilling to take enforcement actions, to the detriment of the existing Residents.

Cumulative effects

Whitfield is currently undergoing a massive expansion through the WUE, with infrastructure improvements specified by the SPD lagging behind the building programme. The first phase of Light Hill has spurred off existing utility infrastructure rather than having new infrastructure, as intended. There are many infill applications being granted within the existing Village confines and there are current plans being considered for an extra 26 dwellings on Bowman's Place. All of this is rapidly overloading all aspects of the infrastructure, (utilities, social and community and road transport) which was identified as being at or near capacity as far back as 2006 when the Masterplanning took place. DDC must, as a matter of urgency, ensure that all applications are accompanied by sufficient, robust and deliverable improvements before any permission is granted.

Water supply

The current Water supply infrastructure for Whitfield is already at capacity and in need of upgrading to deliver the extra volume that additional housing will require. A solution to this issue is required as part of this application, with associated developer contributions being sought to pay for the works.

Sewerage / Wastewater and Surface Water disposal

There is an ongoing capacity problem with regular backing up and flooding affecting existing properties in the area due to the inadequate existing capacity and the additional connection of 74 new properties at Bowman's Place. DDC, District Councillors and DDC

Officers are well aware of the situation and the effects on local Residents, so we will not attempt to reiterate the long and complex situation here. What is clear is that permission should not be granted for any additional homes until an adequate solution is agreed between all parties involved and the solution implemented. This application must not add to the problem. Sufficient developer contributions must be sought to pay for the works.
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Community and Social Infrastructure

Local health and social care services are oversubscribed. Improved provision and the financial contributions to support them must be made to increase existing services to accommodate the extra population from these homes. These and any other contributions to schools, sports and play areas and recreational open spaces must be spent on facilities within the Parish.

Road Safety – Access

The road access arrangements are not adequate. The access is onto a dangerous section of Sandwich Road on a bend and brow of a hill, which is subjected to high speeds of vehicles entering the Village. The splay lines and field of view do not give sufficient line of sight for vehicles to safely leave the site. The application must be refused until the layout has been improved.

Road Safety - Speed limit extension

The speed limit here changes from the National speed limit of 60 mph to 40 mph. Conditions must be put in place to require the 30 mph speed limit to be extended from the Napchester road / Nursery Lane junction, down Sandwich Road, past the access road and bend, and down Coffin Hill to slow traffic before it reaches the access road. Traffic calming measures should also be considered.

Construction Traffic Management Plan

A Construction Traffic Management Plan must be required as part of the application that prevents any construction traffic going South through Whitfield Village to and from the A2 Roundabout. All construction and associated traffic must access and leave the site from the North of Whitfield.

In addition to Whitfield Parish Council objecting to this application on the above material grounds, the Council also supports the numerous objections from Local Residents. The Parish Council also urges the Planning Committee to put conditions in place that will enable swift and decisive enforcement action to be taken by the District Council, to prevent the developer disregarding conditions at will.

Any variation to conditions must come back to the Planning Committee and be subject to further public consultation.

Public Representations – Nine letters of objection have been received, raising the following concerns:

- The area suffers from a lack of sewerage capacity, which is yet to be resolved
- The development would exacerbate existing sewerage issues
- Inadequate visibility for vehicles exiting the site
- Speed limits on the road are ignored
- The development should provide traffic calming measures
- Lack of footpaths
- Overlooking

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

- 1.1 The site lies adjacent to Sandwich Road to the north of Whitfield. The site lies within the settlement confines of Whitfield and, at present, is bounded to the north and south east by agricultural land. This agricultural land forms part of the strategic housing allocation known as the Whitfield Urban Expansion. This neighbouring land, whilst allocated, does not, however, benefit from planning permission. To the west of the site, across Sandwich Road, is Beechwood Close, which is the northern tip of the existing built up area of Whitfield. To the south of the site is a Southern Water pumping station and, beyond this, part of Phase 1A of the Whitfield Urban Expansion, which has recently been completed and occupied.
- 1.2 The existing site contains one large dwelling and a substantial curtilage. The land around the dwelling is largely laid to lawn, with trees, hedges and other vegetation around the peripheries of the site. Planning permission was granted permission in 2016 for the erection of four detached dwellings. This permission remains extant.
- 1.3 This application proposes the erection of fourteen detached dwellings, which would provide six four-bed dwellings and eight five-bed dwellings. The dwellings, each of which would be provided with a garage, would be set around a central green space. One vehicular and pedestrian access would be provided onto Sandwich Road from the development, located towards the southern corner of the site.

2 **Main Issues**

- 2.1 The main issues are:
- The principle of the development
 - The impact of the development on the character and appearance of the area
 - The impacts of the development on the living conditions of neighbouring properties
 - The impact on the highway network
 - Contributions
 - Drainage

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 development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies 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. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 2.3 Whether and how paragraph 14 of the NPPF is enacted in the District was an issue at two recent public inquiries. Following these appeals, it is the Councils position that the conclusions of the Strategic Housing Market Assessment 2017

show that Core Strategy policies CP2 and CP3 which relate to the supply of housing are out-of-date. Furthermore, it is not considered that the Council can demonstrate a five year housing land supply, with the Inspector for the most recent Inquiry concluding that the Council has a supply of 'just over 4.5 years'. As such, the 'tilted balance' described at paragraph 14 of the NPPF is engaged, requiring that development proposals that accord with the development plan should be approved without delay and only refusing development where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF or where specific policies in NPPF indicate that development should be restricted.

- 2.4 Policy DM1 of the Core Strategy seeks to restrict development outside of settlement confines. However, the application site is located within the confines of Whitfield which, being a part of the Dover area, is defined as the major focus for development in the District. As such, the principle of the development accords with the development plan and is acceptable.

Character and Appearance

- 2.5 The application proposes 14 dwellings on the site, which measures around 0.91 hectares, equating to around 15.4dph which is comparable to the density found on Beechwood Close and Forge Lane. Whilst higher densities are often sought, it is considered that this density is appropriate for this site, responding to the character of this part of Whitfield.
- 2.6 The proposed dwellings would be laid out around the perimeter of the site around a central 'green'. The access road into the site would enter to the south western corner and wrap around this 'green'. This cul-de-sac type layout is similar to the form of development directly to the west in Beechwood Grove, albeit the proposal offers more opportunity for soft landscaping. During the course of the application, concerns were raised regarding the lack of an active frontage onto Sandwich Road, with dwellings instead facing into the site. The scheme was subsequently amended to rotate the two dwellings adjacent to the access road, such that they better address Sandwich Road. The amendments also provide open space either side of the access to permit views into the core of the site. Whilst the remaining half of the Sandwich Road boundary would lack an active frontage, it is acknowledged that the only way of achieving this would be to allow individual driveways onto Sandwich Road, which would be inappropriate and would encourage vehicles to park on the highway. Whilst the lack of an active frontage along the length of the site is not ideal, the applicant has sought to reduce the visual impact of this layout, through the retention of trees and the provision of a boundary hedge rather than a solid fence or wall. The internal layout of the scheme would provide active frontages onto the 'green', whilst the separation between properties would provide a sense of openness. For these reasons, it is considered that the layout of the scheme is acceptable.
- 2.7 The proposed buildings would all be two storeys in height. Whilst the dwellings on Beechwood Close are typically single storey, the properties on Forge Lane and Sandwich Road (including the recent development at Phase 1A of the Whitfield Urban Expansion) are a mixture of one, one and a half and two storeys in height. The development itself would produce its own character, similar to the distinguishing character of the dwellings on Beechwood Close. It is therefore considered that the proposed scale of the dwellings within the development is appropriate and would not appear out of character.
- 2.8 The design of the dwellings would also create a strong unified character of the development. The dwellings would comprise four house types proposed. Of the

five dwellings proposed along Sandwich Road, three of the different house types would be present, with the fourth being visible through the entrance, producing variation and visual interest. However, whilst varied, the dwellings would share a common design 'language'. The forms of the buildings would be relatively traditional, with brick elevations, some of which would be gabled, under pitched roofs. Each dwelling would have a chimney serving a log burner, adding interest to the roofscape. However, these traditional forms, which respond to the traditional character of dwellings found within Whitfield, would have modern detailing such as large picture windows, brick relief and vertical timber boarding features and projecting window surrounds. The design approach is considered to be of a high quality, providing a strong character to the development which would raise the standard of design of new housing at Whitfield.

- 2.9 The scheme also proposes a strong landscaping scheme, which is considered to be vital in ensuring that the development does not appear overly dominant in advance of the planned housing development which will envelop the site in the future. The existing site has tree cover to each of its three sites, although this is densest to the north western corner of the site. The vast majority of the trees are to be retained; however, a group of three trees adjacent to the proposed access would be removed to improve visibility and a small group of four trees would be removed to allow for the construction of plot 8. The central 'green' has allowed for the remaining trees towards the centre of the site to be retained. Whilst seven trees would be lost, the application proposes the provision of twenty-six trees which should be secured by condition. The area of open space around the access, provision of hedgerows to the boundaries of the site and the provision of additional trees would help to positively soften the development from the outset.
- 2.10 It is disappointing that much of the site (a length of around 65m) would turn its back on Sandwich Road, failing to provide an active frontage to this road. Whilst this weighs against the scheme, it is considered that there are good planning reasons for this choice. The detailed design and landscaping of the proposal are considered to be of a high quality and go some way to alleviate the lack of an active frontage.

Living Conditions

- 2.11 There are no existing dwellings in close proximity to the northern or south eastern boundaries of the site which would be impacted by the development. Beyond the western boundary of the site, however, there are several properties which require closer consideration, in particular 2-4 Beechwood Close and North End. The closest relationship would be between Plot 1 and North End, which would be separated by around 24m. Plot 1 would be set at an angle to North End, such that the closest point would be the western corner of the dwelling (meaning the windows of which would not face directly towards North End). There would also be boundary vegetation in the form of trees and hedges between the existing and proposed dwellings to either side of Sandwich Road. For these reasons, it is concluded that the development would cause no unacceptable harm to the living conditions of any neighbouring properties.
- 2.12 The proposed dwellings would be generously sized and naturally lit and would each have a private garden. Details have been submitted to show storage areas for refuse and recycling for each dwelling. Consequently, the living conditions of future occupants would be acceptable.

Impact on the Highway

- 2.13 The proposed development would be provided with a vehicular access onto Sandwich Road which would be located close to the location of the existing access to the site. KCC Highways, having regard for the extant permission for four dwellings on the site, have advised that the additional movements which would be generated by the development in the peak hour would not be sufficient to conclude that it would have a severe impact on the highway network.
- 2.14 Amended plans have been provided which demonstrate that adequate visible, 120 metres by 2.4 metres by 120 metres, can be achieved at the site access. A condition should be attached to any grant of permission to secure the provision and retention of these splays, with no obstructions over 1m in height. The internal road layout includes roads of sufficient width (5.5m) to allow access by refuse vehicles, fire tenders and delivery vehicles up to 10.595m in length, whilst a turning head is also provided to ensure that these vehicles can enter and exit the site in a forward gear.
- 2.15 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 design-led. The site is considered to be in a suburban edge location. In such locations, Table 1.1 of the Core Strategy advises that 4+ bedroom dwellings, such as that proposed, should provide 2 independently accessible car parking spaces per dwelling (although these figures are described as being minimums). In addition 0.2 visitor spaces should be provided for each dwelling. The application has been supported by a car parking plan, which shows that each dwelling would be provided with two independently accessible car parking spaces (together with an additional garage). In addition three visitor spaces would be provided, meeting the policy requirement for 2.8 spaces. In addition, the layout of the scheme would allow for some informal spaces. For these reasons, it is considered that the car parking provision proposed is sufficient to meet the needs of the development.
- 2.16 The extant permission provided a footpath along the frontage of the site from the vehicular access down to the southern corner of the site to provide a link to the existing footpaths on Sandwich Road and Forge Lane. The application, as submitted, did not propose a footpath; however, amendments were received to reconcile this omission. The proposed footpath would be 2m wide, slightly wider than the minimum 1.8m width requested by KCC. It is considered that a condition should be attached to any grant of permission to require that the footpath be provided prior to the first occupation of the development. Such a condition would be necessary to ensure that there is safe pedestrian access to the facilities and services in Whitfield, including public transport. The land around the site is allocated for development within the Whitfield Urban Expansion. As such, there is a need to have regard for how the development would link into the wider development of the area. KCC have retained ownership of a strip along the carriageway edge to allow for a future footway to the north and, consequently, this land is safeguarded. During the course of the application, amended plans were received to show that this strip of land would not be affected by the development, with landscaping and fencing set in from the carriageway behind the safeguarded strip.

Ecology

- 2.17 In accordance with the Habitats Directive and the Wildlife and Countryside Act 1981, it is necessary to ensure the application (a 'project') does not harm a European Site. The Land Allocations Local Plan establishes that residential development across the district will cause in combination effects on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. However, the LALP also provides a

suggested mitigation against these cumulative impacts of development, setting out a mitigation strategy to avoid potential impacts, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £1,041.88. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA. A legal agreement will be required in order to secure this contribution.

- 2.18 In furtherance to the impacts on the off-site Thanet Coast and Sandwich Bay, Ramsar, SAC and SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, having regard for Natural England's Standing Advice.
- 2.19 The application has been supported by an Ecological Appraisal for the site, which considers both the floral and faunal use of the site. This confirms that the majority of the site comprises improved grass which is regularly mown, although the site does contain a number of trees (one of which includes a cavity), a stone wall and an area of tall ruderal vegetation. The report goes on to consider the potential for the site to provide habitat for protected species, concluding that there is some potential for breeding birds to utilize the site and some potential for foraging and commuting bats. There is also potential for other species, such as hedgehogs, rabbit, mole and fox to be present. Precautionary measures to ensure that any reptiles (which, if present, would be in low numbers) are not harmed. In relation to birds, the report recommends that works to trees take place outside of the breeding bird season. In relation to bats, the report recommends that night time surveys take place to establish the presence/likely absence of bats and, if present, the size of the population. It is also recommended that external lighting be kept to a minimum. A series of ecological enhancements are also proposed.
- 2.20 A bat survey was carried out during the course of the application, which identified that the site was being used for foraging and commuting; however, there was no recorded use of any of the walls or buildings on the site or the trees which are to be lost. Consequently, subject to conditions regarding lighting and ecological enhancements, the development would cause no harm to bats.
- 2.21 Having regard for the above, subject to ecological mitigation and enhancements being secured by condition, the development would cause no harm to protected or notable species or habitats.

Contributions

- 2.22 Core Strategy Policy DM5 requires that for schemes of this scale, the Council should seek an off-site contribution towards affordable housing which should be equivalent to 5% of the Gross Development Value of the scheme.
- 2.23 Kent County Council have advised that the development would increase demand for local facilities and services and, where there is currently inadequate capacity to meet this need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is insufficient primary school and library provision to meet the needs of the development and requests have been made for contributions to be secured to provide enhancements to Lydden Primary School (£46,536) and towards the mobile library service attending Whitfield (£6762.22). Whilst the contribution for library services in Whitfield is considered to be reasonably related to the proposed scheme, it is unlikely that occupants of the proposed development would travel to Lydden for primary education, particularly given that there is an existing school in Whitfield (Whitfield Aspen School) which is currently being

expanded at a satellite location on Archers Court Road to meet the needs of the Whitfield Urban Expansion. There are also a number of other schools within Dover which are closer than Lydden Primary School. As such, it is not considered that the requested contribution towards Lydden Primary School is reasonably related to the development and should not be sought.

- 2.24 The applicant submitted a Viability Assessment to support their application which sought to demonstrate that the development could not support the provision of affordable housing. The submission proposed that the dwellings proposed, which would be four or five bedroom units, would sell for between £470,000 and £500,000 and thus the Gross Development Value for the scheme would be £6,700,000. The submission then appraises the projected costs of delivering the scheme, having regard for build costs (based upon median BCIS data) and other costs (such as professional and sales fees, contingencies and acquisition costs), finance costs (related to the time taken to deliver the scheme) and a developer profit, which is usually required to be around 17.5-20% to ensure that a project can gain bank funding). The Appraisal concludes that, even without any contributions, the residualised value of the land (£562,794) would be less than the value of the existing dwelling (£650,000 or £780,000 with a 20% landowner premium) which is to be demolished to make way for the development and therefore would not be viable. Consequently, the applicant proposed no affordable housing contribution and no KCC infrastructure contribution.
- 2.25 The Council's Viability Consultant questioned a number of the assumptions made within the submitted assessment. The consultants considered that the value of the existing dwelling on the site, concluding that a value of £650,000 is reasonable. Whilst a 20% landowner uplift (required to incentivize the sale or development of land) was considered to be at the top end of what could be considered reasonable, it has been accepted by the consultant. There was, however, more distance between the estimated sales values adopted by the applicant and the Council's consultant. The Council's consultant undertook re-sale property research to identify the likely value of the proposed development per sqm. concluding that the dwellings would likely sell for around 10% more than had been suggested (at around £2,793/sqm to £3,018/sqm). In reaching this conclusion, the Council's Consultants noted that similarly sized dwellings new build dwellings in Phase 1 of the Whitfield Urban Expansion were on the market for £440,000, or £2,876/sqm, and £435,000, or £2,843/sqm. In terms of build costs, the Council's consultant utilised a larger sample size of other projects in the Dover area to establish likely build costs; however, this established that the applicants projected costs were not unreasonable. Likewise, the estimated sales costs have been agreed. Having regard for the above, the Council's consultant re-ran the viability appraisal and concluded that the development would remain viable were a contribution of £285,000 to be sought.
- 2.26 Whilst the figure of £285,000 would not meet the starting point for off-site affordable housing contributions of 5% of GDV (which in this case would be £368,500) and the requested £6,762.22 towards the mobile library service attending Whitfield, it is considered that the viability of the has been fully explored and it would be unreasonable to require the scheme to deliver more. The applicant has agreed to meet the negotiated contribution of £285,000.

Flood Risk and Drainage

- 2.27 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localized on or off-site flooding.

- 2.28 The NPPF, at paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere, going on to say priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
- 2.29 The application has been supported by a Drainage Strategy, which confirms that the site is in Flood Risk Zone 1 and there is therefore no significant risk of flooding from rivers or from the sea. However, the report goes on to acknowledge that localized flooding, for example during heavy rainfall or from a lack of capacity in the sewerage network, must be considered.
- 2.30 There are no public surface water sewers in the area, with the existing site draining to soakaways. The proposed development would increase the amount of impermeable areas on site by around 6,000sqm, which the Drainage Strategy acknowledges is a substantial increase. The site sits over a Principal Aquifer, whilst the underlying geology is chalk, with groundwater well below ground level.
- 2.31 The Drainage Strategy has assessed surface water having regard for an additional 40% allowance in volume to account for climate change. Drainage tests have confirmed that geology provides excellent drainage. Consequently, it is proposed that typical drainage features will be utilized. This includes all new parking areas being constructed of permeable paving and suitably sized soakaways. Subject to being secured by condition, which will require full details of the surface water design, including calculations of the drainage capacity and a timetable for implementation, it is considered that surface water drainage can be accommodated on site without increasing the risk of flooding or causing contamination to groundwater.
- 2.32 It is proposed that the site would connect to the existing Southern Water pumping station which lies around 55m to the south of the site. The submitted Drainage Strategy confirms that the foul discharge of the 14 dwellings would produce a peak flow of around 0.7l/s and an average flow of 0.11l/s.
- 2.33 There have been several instances of flooding within the area in recent years and third parties have raised understandable concerns that increasing flows into the system without increasing the capacity of the network would exacerbate the serious issues which the locality has suffered. Southern Water have confirmed that the existing pumping station does not have the capacity to accept the additional flows which the development would produce and, without enhancements to increase its capacity, would be likely to increase the risks of flooding.
- 2.34 The Drainage Strategy acknowledges that capacity is likely to be constraint to development and, consequently, entered into early discussions with Southern Water and has detailed a suggested solution, which would provide a gravity main connection to the pumping station. There is also space on site for off-line storage and a small pumping station, such that discharge from the site could be restricted to outside the peak periods when there is available capacity.
- 2.35 Southern Water have requested that a condition be attached to any grant of permission requiring that a detailed scheme for foul water discharge, together with a timetable for its implementation, be submitted for approval. Southern Water have advised that design work has been carried out for a scheme at the Sandwich Road pumping station which would increase the capacity of the network. Whilst it is considered that there will be a feasible solution to providing sewerage for the site

without increasing the risks of flooding, planning has a role in making sure that the development is not occupied until such time as there is adequate capacity to avoid increased risks of flooding. Whilst the proposed condition is therefore considered to be reasonable and necessary, it is considered that any condition should be strengthened to specify that the timetable must demonstrate that there would be no occupation of the dwellings until the required on-site and off-site infrastructure is in place.

Archaeology

- 2.36 The site lies in an area of significant archaeological potential, close to crop and soil marks which have been identified in the fields around Whitfield. The development has the potential to impact upon buried remains and, consequently, KCC Archeology have recommended that a condition be attached to any grant of permission to require that a programme of archaeological work takes place.

Overall Conclusions

- 2.37 The site lies outside within the settlement confines of Whitfield and, as such, the principle of the development is acceptable. The development would cause some harm to the character of Sandwich Road, presenting rear elevations onto the road and lacking an active frontage, albeit this harm has been reduced through the provision of a high quality design and landscaping scheme. The development would cause no harm to the living conditions of neighbours and would not cause an unacceptable impact to the highway, producing few vehicle movements and providing safe access and egress. The applicant has submitted a viability assessment which sought to demonstrate that the scheme would not be viable were full contributions to be sought. The viability assessment was independently reviewed on behalf of the Council which found that the scheme could provide greater contributions than had been proposed and the applicant has agreed to meet these increased contributions. Drainage is known to be a significant issue within the locality and representations from the Parish Council and neighbours have accordingly raised this matter. The applicant has investigated drainage and addressed the issue as much as is practical at the planning application stage. Subject to robustly worded conditions which ensure that there can be no occupation until necessary improvements to the system are in place, it is considered that suitable drainage for the site, which does not increase the risk of flooding, can be achieved.
- 2.38 Paragraph 14 of the NPPF requires that permission be granted, without delay, for development which accords with the development plan and it is considered that this is the case in this instance. Were the application to be contrary to the development plan, paragraph 14 would require that permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance, the development would provide fourteen dwellings within settlement confines towards the Councils 5 year housing land supply, which must be attributed significant weight. Whilst some harm has been identified by virtue of the layout of the scheme, this has been mitigated to a degree by the quality of the design and landscaping and, therefore, carried little weight. Weighing these matters in the balance, together with all other material considerations, it is concluded that the harm does not significantly and demonstrably outweigh the benefits.
- 2.39 For the above reasons, it is considered that the application is acceptable and it is therefore recommended that planning permission be granted.

g) **Recommendation**

- I Subject to the submission and agreement of a s106 agreement to secure contributions, PERMISSION BE GRANTED subject to conditions to include:-
- (1) approved plans, (2) samples of materials, (3) full details of hard and soft landscaping, (4) removal of permitted development rights for means of enclosure, (5) provision of car parking and turning areas prior to first occupation, (6) provision and retention of cycle parking, (7) provision and retention of access, (8) provision and retention of footpath on Sandwich Road, (10) provision and retention of visibility splays, (11) construction management plan, (12) full details of foul drainage including a timetable for the works and a maintenance programme, (13) full details of surface water drainage including a timetable for the works and a maintenance programme, (14) removal of permitted development rights relating to extensions, enlargements, alterations, (15) previously unidentified contamination, (16) ecological mitigation and enhancements, (17) details of external lighting, (18) provision of refuse storage, (19) tree protection during construction, (20) No bonfires during development, (21) Archaeology
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett