

a) DOV/16/01450 - Outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved - Land Adjacent to Fernfield Lane Hawkinge CT18 7AW

Reason for report: Number of contrary views (15)

b) Summary of recommendation

Planning Permission be Granted, subject to conditions

c) Planning Policy and Guidance

Dover District Core Strategy Policies (2010)

CP3: Housing Allocation

CP4: Housing Market Quality and Design

CP6: Infrastructure

DM1: Settlement Boundaries

DM5: Affordable Housing

DM11: Location of Development and Managing Travel Demand

DM12: Road Hierarchy and Development

DM13: Parking Provision

DM15: Protection of Countryside

DM16: Landscape Character

DM17: Groundwater Source Protection

Land Allocations Local Plan (2015) (LALP)

DM27: Providing Open Space

National Planning Policy Framework (NPPF) (2018)

Paragraph 2 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 8 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11 - Presumption in favour of sustainable development for decision-taking (known as the tilted balance)

Paragraph 12 states that 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 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 - Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Paragraph 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 109 - Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, can be cost effectively mitigated to an acceptable degree, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 127 - Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 155 & 157 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 163 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment.

Paragraph 165 - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

Paragraph 170 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180- Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (inc. cumulative effects) of pollution on health, living conditions and the natural environment and aim to mitigate and reduce to a minimum and adverse impacts on health and quality of life arising from noise from new development; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 182 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were

established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Kent Downs AONB Management Plan –

Aims to ensure that the diversity of landscape character across the Kent Downs is properly described and understood, maintained and enhanced, and the strong sense of place of individual localities is recognised, reinforced and celebrated.

In addition that a landscape character approach is used to inform AONB management decisions and areas of opportunity and threat are identified and become the focus for action. Policy LLC1 in particular which sets out that the protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued

Affordable Housing Supplementary Planning Document and Addendum (SPD) (2011)

To identify the scale and need for affordable housing and to inform that planning obligations will be sought to secure affordable housing in connection with residential schemes of 15 or more dwellings.

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development.

Kent Minerals and Waste Local Plan (2013-30)

Policy CSW 16 – Safeguarding Existing Waste Management Facilities
Policy DM8 – Safeguarding Existing Mineral and Waste Management Facilities

Noise Policy Statement for England (2010)

Provides further national guidance on the assessment, interpretation and mitigation in respect of noise on residential amenities.

d) Relevant Planning History

CH/6/71/0139 – Outline residential development – Refused

DOV/78/1092 – Use of land as informal play area – Granted

Adjacent Site: DOV/18/00034 (KCC/DO/0339/2017) – Change of use for wood recycling to produce biofuel together with ancillary power production - Granted

e) Consultee and Third Party Representations

DDC Ecologist - Both the ecological report and the LVIA are competent and neither biodiversity or landscape impact is a constraint to development here. No objections subject to a contribution to the TCMS through a s106 agreement.

DDC Strategic Housing - The planning statement submitted with the application makes reference to 6 dwellings being affordable. This equates to 30% of the total number of dwellings and therefore accords with the Council's planning policy in respect of affordable housing. Ideally, I would like to see 4 of the affordable homes

being for rent and 2 for shared ownership but this would be subject to further discussions with the developer and a housing association partner.

DDC Planning Policy - Object in principle. Note proposal is not a windfall site as it is outside of the defined settlement boundary. No objections to the proposed dwelling mix.

DDC Infrastructure Delivery Officer - No objection but notes the need to increase the capacity of the adjacent play area (even though it is located outside the Dover District), provided that the local parish council is willing to accept the contribution, calculated as £11,218. A contribution in line with the Thanet Coast and Sandwich Bay Mitigation Strategy will be required.

DDC Inward Investment - From my perspective, this is to be welcomed given the need to increase the deliverable range, scale and quality of accommodation in the Dover and Shepway areas.

DDC Environmental Health - I note that a new noise impact assessment conducted by Hepworth Acoustics (report number: P18-057-R02-V1) has been submitted, which now includes details of future mitigation methods. Environmental Health would no longer object to the application subject to conditions being imposed requiring noise mitigation works in accordance with the submitted report and contaminated land conditions.

KCC Highway and Transportation – The proposals are likely to generate around 11 two-way vehicle movements in the network peak hours, most of which are likely to be to/from Canterbury Road via The Street. Whilst a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development. Whilst the low traffic flows suggest there are seldom likely to be occasions when opposing vehicles will meet and need to give way approaching this short narrow section, visibility on the approaches can be improved by trimming back of vegetation in the existing highway verge.

A footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will be required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, and the detail of this can be resolved by condition and through a reserved matters application.

I note the comments from the bus operator regarding the existing turning arrangements for buses, however this is an existing long-standing situation which does not appear to create significant highway issues and, with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.

There is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated.

The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane.

Site layout is a reserved matter but the indicative layout indicates that sufficient parking and turning facilities can be provided within the site.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds, subject to appropriate conditions and informatives.

KCC Economic Development - Upon reviewing our file we clarify the request for Primary education contributions of £63,156.00 (£3324 per applicable house following the KCC review of Primary school costs in February 2017(x19)) upon this site are towards Martello Primary School expansion and £912.30 for Libraries book stock by way of a s106 contribution.

KCC Flooding - No objection to the development from a flood risk perspective. We would however highlight that the site is bordered by the Hawkinge historic landfill site at Fernfield Lane and this may have implications upon the siting of soakaways. In particular, there should be appropriate separation distance from any areas of waste and the discharge depth should be detailed to ensure the risk of pollution of groundwater is minimised. The Environment Agency should be consulted regarding these matters as these are outside of our remit. Providing the Environment Agency has no objection in principle to the use of soakaways on site and /or mitigating measures can be implemented, we would recommend conditions relating to details of a SuDS scheme are attached to any planning permission.

KCC Minerals and Waste - The adopted Kent Mineral and Waste Local Plan 2013-30 identifies all waste management sites with permanent planning permission as safeguarded. Policy CSW 16 requires the County Council to be consulted where other development proposals are at, or within 250 metres of such a site, and the determining authority of the proposed non-waste development shall take account of the Waste Planning Authority's views before making a decision. The County Council has adopted a Supplementary Planning Document that details how information should be presented for assessment purposes. For safeguarded mineral and waste transportation management infrastructure an Infrastructure Assessment should be prepared and submitted along with the applications supporting statement. Whilst an Infrastructure assessment has not been specifically submitted, the applicant's recent submissions on air quality and noise impacts can be regarded as fulfilling this purpose in relation to the application.

Air Quality Assessment: A detailed report that assesses the impact of dust/particulates from the current internal and external operations being conducted at the facility, in addition to the traffic that is associated with its operation has been submitted in support of the application. The report concludes that as the facility (as it is currently operating) will not generate significant volumes of traffic on local roads there will not be a significant impact at existing receptors.

Noise Impact Assessment: The acoustic investigation has assessed two elements of the current operations ongoing at the facility, they being (A) the operations occurring entirely within the existing building (including the drying of chipped wood materials) and (B) the operation of the wood chipping equipment external to the existing building.

(A) The noise levels associated with the waste management operations ongoing within the existing building indicate that the proposed adjacent site is exposed to fairly moderate levels of external environmental noise during normal day time operational hours. Such that any proposed rear gardens of the development site should be exposed to general outdoor noise levels (background and operational

noise from the site) that are below the upper external daytime noise limit of 55 dB LAeq as outlined in British Standard (BS) 8233 and the WHO Guidelines.

- (B) The noise levels were recorded when the external wood chipper equipment was in operation. It was found that the properties of the proposed development site would be unacceptably impacted upon in terms of amenity. Proposed Plot 7 (the most proximate to the wood chipper equipment) would experience between 63-78 dB LAeq. This equipment emits on operation, “a very loud sound with tonal elements” that when considering the background levels of some 45 dB LAeq would have an estimated 70 dB LAeq (when assessed using the BS 4142 ‘Method for rating industrial noise affecting mixed residential and industrial areas’). This noise would result in a significant adverse impact over any given one hour period. The applicant’s consultant report recognises that this impact would likely give rise to complaints from residents.

Waste Planning Use There is however some ambiguity regarding the planning status of the waste activity currently being undertaken on the site adjacent to the proposed housing site. The extant planning permission for the waste facility (ref. DO/92/1099) restricts the operation of the site with condition (2) that states:

"The development hereby permitted shall only be carried out and completed in all respects strictly in accordance with the submitted documents and drawings contained in the application hereby permitted and no variations or omissions shall take place without the prior approval in writing of the County planning Authority;

County Council regards the imported (for processing) wood materials to be a waste material and the external chipping/screening operations and subsequent internal drying operation to be waste management processes. However, based upon current evidence they appear not to be authorised by permission DO/92/1099 as they are not detailed as part of the operations pursuant to the above conditional planning permission. Notwithstanding this position, the County Council regards the site as a safeguarded waste management site due to its historic planning history, and one to which Policy CSW 16 applies. At present the County Council is in receipt of two further applications on the site for waste management activity. It also understands that the site operator intends to submit a further application for the existing waste activities which will be expected to identify all activities at the site, including those which currently fall outside the existing planning permission for the site. The extent of the lawful operations being carried out cannot therefore be fully established until there has been an opportunity for the County Council to consider the waste applications.

Conclusion The County Council notes that the applicant has provided sufficient information to demonstrate that the proposed development would be unlikely to be adversely impacted by dust and other air quality impacts through the operation of the external wood chipper/screener, the internal wood drying equipment and the associated vehicle movements. However, in their present location and current operational state, the wood chipper and screener (i.e. the activities outside) would be likely to give rise to unacceptable adverse noise impacts on future housing development. Given the established waste use and the evidence submitted, should the local planning authority be minded to determine the housing application in absence of greater clarity regarding interpretation of the lawful activities at this site,

then the District Council will need to take a judgement as to the acceptability of housing development adjacent to waste activity and the need for any mitigation.

Southern Water – The results of an initial desk top study indicate that 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 waste water sewerage system and as a result increase the risk of flooding in and around the area, contrary to paragraph 109 of the NPPF. Recommend pre-commencement condition to submit for approval a drainage strategy detailing the proposed means of foul disposal and an implementation timetable to be submitted for approval in consultation. An informative is also required for the developer to enter into a formal agreement with Southern Water to provide the necessary infrastructure.

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 such as a SuDS system and this should not involve disposal to a public foul sewer. Land uses such as hardstandings that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or interceptors.

Environment Agency - Holding objection withdrawn with the submission of the FRA subject to conditions including submission for approval of an environmental management strategy, a site investigation scheme and related options appraisal, remediation strategy, associated verification plan and no infiltration into the ground without consent. Without these conditions we would object to the proposal in line with paragraph 109 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Additional Information: The previous use of the proposed development site as agricultural landholdings presents a medium risk of contamination, in addition there are historic industrial uses adjacent to the site where pollutants could be mobilised by this development to affect controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 and located upon a Principal aquifer. The report submitted provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development if the adjacent land is taken into account in design and layout. Further detailed information will however be required before built development is undertaken.

Surface Water Drainage: The previous use of the proposed development site and adjacent land presents a medium risk of contamination that could be mobilised by surface water infiltration from any proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 and is located upon a Principal aquifer. In light of the above, we believe that the design of any SuDS infiltration system would need to be carefully considered in this location.

Southern Gas - Note that there is a mains gas pipe near the site but plans may not be accurate and advise that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Stagecoach South East - Site served by 73 and 16 services are understated in the report. The nearest bus stops are 400 m away (the nearest stops are those at Kettle

Drive) to reach the stops residents of the proposed development would have to walk about 200 metres along a narrow, unlit road with no footpaths. Buses serving The Street currently have to turn by running to Fernfield Lane and reversing into a private road, which is not really a satisfactory arrangement. The proposed development will inevitably generate some additional vehicle movements, which will make the current reversing manoeuvre even less satisfactory. We consider that the proposed development should include a bus turning area, similar to the arrangement at Hawkinge, Battle of Britain Museum. This will enable the bus to serve the proposed development directly, eliminating the reversing manoeuvre and the unsatisfactory walk to the bus stops in The Street.

Kent Police Crime Prevention – No objections subject to a standard condition in respect of Secured by Design measures.

Natural England - Designated nature conservation sites – no objection subject to securing financial contribution for mitigation.

The application site is within the zone of influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) which is a European designated site, and, therefore, has the potential to affect its interest features through increased recreational disturbance. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also listed as the Thanet Coast and Sandwich Bay Wetland of International Importance under the Ramsar Convention and also notified at a national level as the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, subject to securing mitigation and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- There is a risk that the proposal could lead to a likely significant effect on the Thanet Coast and Sandwich Bay SPA/Ramsar site through increased recreational disturbance, in combination with other housing proposals in the area. However, this risk could be mitigated by securing appropriate financial payments to contribute to the Thanet Coast Mitigation Strategy, implementation of which will address recreational disturbance.

SSSIs: Subject to the above mitigation measures NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI named above have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining the application.

Landscape advice: The proposed development is for a site within a nationally designated landscape namely Kent Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Your decision should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs. Alongside national policy you should also apply landscape policies set out in your development plan. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species: NE has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that NE has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Kent Downs AONB Unit - The application site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the Kent Downs AONB. The application should however be assessed with consideration to para 115 of the NPPF which confirms that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Footnote 9 to paragraph 14 of the NPPF is also relevant, which advises that even where policies in local plans are out of date, the presumption in favour of sustainable development is not applicable in AONBs.

While we do not agree entirely with the findings of the LVIA submitted, it is considered that the site is relatively well contained within the landscape. It is well related to Hawkinge and development here would represent a natural extension to the village. In view of this, together with the proposed incorporation of 30 per cent affordable housing, relative low density of development proposed and retention of existing vegetation both within and around the perimeter of the site, it is considered that there is scope for residential development here.

In order to meet the requirement for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural fringe location, should incorporate traditional building materials appropriate to its local context. In addition it is considered imperative that

development is restricted to no greater than two stories in height. The frontage treatment along Fernfield Lane will be particularly important, and we are concerned that the indicative layout proposed fails to achieve an appropriate standard in view of the large unbroken areas of hard standing proposed between the buildings.

The application proposes that existing vegetation is to be retained and it is important that this is appropriately secured in perpetuity by condition. We would recommend that the vegetation be retained outside of individual house boundaries to help secure this. We have concerns that there will be future pressure to remove/reduce the existing vegetation in view of its orientation to the south of the proposed houses. This is particularly acute in view of the limited amount of private external space available to plots 12 and 13. We welcome the proposed use of native species hedging. This should comprise species appropriate to the East Kent Downs landscape character area within which the site is located; page 26 of the Kent Downs AONB Landscape Design Handbook, provides further advice. We also support the use of chestnut cleft post and rail fencing as set out in the landscape strategy.

Rural Planning Ltd - Land most likely to fall within best and most versatile land category but the site is small scale and not in active agricultural use for some years. However to argue that loss of agricultural land is sufficient to warrant refusal would require the demonstration that the development is unnecessary as it could take place on other feasible sites of lower quality other than the application site.

Kent Wildlife Trust - No comments received

Hawkinge Town Council - no objection to the application subject to the Planning Authority considering the following concerns;

- Noise impact from the construction phase of the development and the noise impact from the existing Recycling Site on residents of the new development.
- Increase in additional traffic flow along 'The Street', during the construction phase of the development and on completion.
- Potential conflict between construction vehicles, the additional traffic from residents of the new development and the existing farm vehicles and local traffic using narrow lanes with sharp blind bends.
- Increase demand on local services and infrastructure such as schools, doctors, dentists, sewage, water treatment plants and roads.
- Review the existing bus route and turning arrangements in relation to the development prior to commencement on the scheme.
- Consider the provision of linking footpaths to and from the site, safely with existing footpaths.

Alkham Parish Council - No objection but consider that there is a lack of permeable hard landscaping to deal with surface water flooding, confirmation that there is adequate sewerage arrangements. Note the danger of contamination of land as it was previously a brickworks site. Investigation of a sound deadening scheme due to the close proximity of noisy businesses nearby.

Third Party Representations: A total of 15 representations have been received with the following concerns and objections:

- Development outside settlement boundary and in the countryside
- Loss of open space and wildlife habitat
- Impact on AONB
- Increased traffic generation and adverse impact on Highway safety and increased likelihood of accidents
- Increased Flood Risk as existing soakaways can't cope

- Large farm vehicles use the adjacent roads esp. at harvest
- Proposed access is opposite the farm entrance and will affect the farming activities
- Building housing on a landfill site and next to a waste transfer station is not a good idea
- Using the footpaths is already dangerous due to level of traffic and narrow widths or no footpaths
- Buses turning in the road is not safe and will be further compromised
- These are rural roads
- Existing blind bends in the road are already dangerous
- HGV's use the narrow roads for the waste transfer station on a daily basis and the nearby industrial use
- Hawkinge doesn't need more housing
- Inappropriate site for proposed development
- Unwelcome precedent in area
- Increased noise and disturbance
- Prominent location
- Brownfield site- contaminated land concerns as a landfill site
- Impact on the adjacent waste licence and adjacent uses if housing goes ahead
- Housing next to a waste management facility is not fair on future residents and is not compatible, failing KCC policies
- The noise assessment has not sufficiently considered noise from the existing waste use and the proposed mitigation measures are not sufficient
- Noise has not been effectively addressed and development should not be allowed on this basis
- Flisher Energy has invested money supporting the local economy, job creation and the environment and should not be affected by the proposed development
- Waste sites need to be safeguarded
- The submitted reports have not demonstrated that the development can go ahead without impacting on the operation of the existing site.
- The existing waste transfer site can be noisy
- The sewerage pumping station in Stombers Lane cannot cope with current capacity and floods
- The road nearby often floods
- Water supply pipes cross the site
- Local infrastructure can't cope with any more increases
- The site is elevated above existing development and will be overbearing
- Layout is inappropriate and unsympathetic to the local environment
- The area is used for recreational activities and shouldn't be housing
- Of no benefit to the existing community
- Increase in car use
- The expected full capacity of the biomass facility next door should be taken into account in the determination of this application.

f) 1. The Site

- 1.1 The site is located on the south eastern side of Fernfield Lane and north west of Stombers Lane and outside any settlement confines. The site is currently undeveloped scrubland and occupies an area of 2.12 hectares. The site lies just

within the administrative boundary of Dover District Council but within Hawkinge village in Folkestone and Hythe District. The boundary of Folkestone and Hythe District extends to the south-west to south-east of the application site. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site is bounded by a fence along its northern boundary and is open to its other boundaries, albeit well screened by mature vegetation along its eastern boundary. There are a significant number of existing trees on site which are to be retained.

- 1.2 Adjoining the southern boundary of the site is an informal area of open space with a children's play area. To the south east and south west are existing residential properties in Hawkinge of varying styles and sizes. A farm is situated to the north west and to the north is an existing waste transfer station that has recently been given permission to generate a small level of electricity from the burning of waste wood (biomass). The site is also situated within a Groundwater Source Protection Zone 2 and is sited on a principal aquifer.

The Proposal

- 1.3 The proposed development is in outline form with the exception of the access, layout and scale and is for the erection of 19 dwellings. 13 detached market houses and 6 semi detached affordable units. The dwellings would comprise the following mix: 7 no x 4 bed units; 6 no x 3/4 bed units and 6 no 2/3 bedroom units. All units are proposed to be two storey in scale. It is proposed that each unit would have its own off-street parking spaces and/or garaging and a number of visitor spaces are proposed at the centre of the site.
- 1.4 The proposed site layout submitted with the proposal shows access taken from Fernfield Lane towards the north-east corner of the site immediately to the east of the six affordable dwellings fronting Fernfield Lane. The internal access road would continue in a loop with the proposed market housing accessed along its length. The existing screening along the east and southern boundaries of the site along with the retention of a significant proportion of the existing trees on site is proposed. Further additional tree planting is proposed to Fernfield Lane. No open space provision is made within the site, however a developer contribution has been offered towards increasing capacity of a nearby open space.
- 1.5 Amended plans were submitted which show that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development. A footway is now proposed from the site to the west side of The Street, providing a connection for the proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street. This has been subject to an independent safety audit. A footway will be required along Fernfield Lane fronting Plots 1-6, connecting to the proposed footway through the site.
- 1.6 A revised Noise Assessment has more recently been submitted that considers the impact of noise from current operations at the adjacent waste management site. As a result of this, amended plans have been submitted that alter the layout of the proposed dwellings with Plots 7-11 and 14 being amended so the front elevations of Plots 7-11 now face the northern boundary of the site which enables the private rear garden space to be sited behind the dwellings which act as a noise barrier to address the noise from operations at the waste transfer site.
- 1.7 The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Statement
- Air Quality Assessment
- Ecological Impact Assessment
- Landscape and Visual Appraisal
- Indicative Landscape Proposals
- Tree Survey and Report
- Noise Assessment (Amended)
- Justification for Proposed Housing mix

g) 2 Main issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the AONB, Landscape and Visual and Rural Amenities
- Appropriate Assessment
- Ecology and Biodiversity
- Highway Considerations
- Impact on Residential Amenities
- Dwelling Mix and Affordable Housing
- Flooding, Drainage and Contamination
- Development Contributions
- Other Material Considerations

Assessment

Principle of Development

- 2.2 The proposed development is located outside of any of the settlement confines and is therefore in a rural location which is also situated within the Kent Downs AONB. However, it directly adjoins the settlement boundary of Hawkinge in Folkestone and Hythe District being at the south eastern tip of Dover District. Consequently development on this site would be contrary to policies CP1, DM1 and DM15 of the Core Strategy.
- 2.3 NPPF paragraph 12 reiterates Section 38(6) of the Planning and Compulsory Purchase Act 2004 that requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.4 Dover cannot currently demonstrate a five year supply of deliverable housing sites. In addition, by undertaking the process of updating its housing need evidence base (Strategic Housing Market Assessment (SHMA) 2017), the Council has acknowledged that its policies relating to the supply of housing within the Core Strategy (CP2 and CP3) are out of date. A recent appeal decision at Walmer, Deal concluded that the Council has approximately 4.5 years supply of housing. Given this position Policy DM1 is now considered to have some reduced weight in the decision making purposes as it has a limiting effect on the supply of land for housing and in this regard, and against the backdrop of not being able to demonstrate a five year supply of deliverable housing land, that the weigh to apply to this policy is more limited. Under the terms of the NPPF, each of these considerations would typically mean that the presumption in favour of sustainable development is engaged.

- 2.5 The presumption in favour of sustainable development, under paragraph 11 of the NPPF states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 2.6 In addition to the assessment of the application against the NPPF taken as a whole, footnote 6 under (d)(i) also notes that policies referred to are those in this Framework relating to habitat sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast, irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.
- 2.7 The site is acknowledged as being located within the Kent Downs AONB and therefore footnote 6 applies in this case, which provides a safeguard against inappropriate development. Paragraph 12 of the NPPF further states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However LPA's may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 2.8 Nevertheless, paragraph 177 of the NPPF removes the presumption in favour of sustainable development where development requires an appropriate assessment because of its potential impact on a habitats site which for all residential development in the District is the impact on the European Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.
- 2.9 However, in this case the application site immediately adjoins land within the administrative boundary of Folkestone and Hythe District. Hawkinge is an important centre within the Folkestone and Hythe District, being a service centre with regard to their settlement hierarchy. Hawkinge is considered to provide attractive walking and cycling routes to its improved shops, care facilities and jobs, and well managed community facilities and open space. The consolidation of the village as a maturing community will mean greater integration, blending into the landscape and an established identity as a key settlement for the District. Thus, whilst in respect of the adjoining Local Planning Authority, it is important to bear this in mind in the context of the site location and the DDC Policy context, especially with regard to the defined settlement boundary (Policy DM1) and its location within the AONB.
- 2.10 The decision maker has to be sure in taking such a decision, contrary to the Development Plan, that there is no misdirection with regards to the principles taken into consideration, and assessment of the issues is thereby an exercise of judgement. The Council has the ability to depart from the development plan and permit development outside of confines if they consider there to be good reason to do so, and when all material considerations have been assessed. Therefore although the proposed development is contrary to development plan policies DM1 and DM15, it is necessary to assess other material considerations, as discussed below.

- 2.11 It is also necessary to clarify that policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are largely consistent with the NPPF and both policies are therefore applicable to the assessment of this application.

Impact on the AONB, Landscape and Visual and Rural Amenities

- 2.12 The application site is located in the Kent Downs AONB. The application is tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the Kent Downs AONB including its landscape character and scenic beauty.
- 2.13 In respect of planning policies, policies DM15 and DM16 of the Core Strategy identifies that development proposals that would harm the character of the landscape will only be permitted if it is in accordance with an allocation and incorporates mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.14 The NPPF in paragraphs 170 and 172 relate to the need to protect and enhance valued landscapes and great weight should be given to the landscape and its scenic beauty in AONB's. It states the scale and extent of development within designated areas should be limited and major development refused except in exceptional circumstances. Although technically a major application being for 19 units, it would not be classed as major development for the purposes of paragraph 172 and the Kent Downs AONB Unit concur with this view.
- 2.15 The site is considered by most parties including the Kent Downs AONB Unit to be relatively well contained and screened from within the wider landscape and is well related to Hawkinge where development on the site could represent a natural extension to the village. In addition, the relatively low density of development proposed and retention of existing trees and screening both within and around the perimeter of the site, further minimises the visual impact of any development on the landscape character and the wider impact on the AONB. Furthermore, in order to meet the requirements for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural location, should incorporate traditional building materials appropriate to its local context which could be controlled by conditions. Consequently it is considered that the proposed development would accord with the second part of policy DM16.
- 2.16 The Council's Ecologist considers that the site does not raise any barriers to development in terms of landscape (and ecology) constraints. Details such as scale, materials, detailed landscaping etc. would be matters to be fully considered at reserved matters stage and could also be highlighted in conditions attached to any outline consent. It is therefore considered that the scheme does not give rise to any under adverse impacts on the visual amenity of the site and immediate surrounding area, due to the existing screening and mitigation, nor does it fail to conserve and enhance the landscape character and scenic beauty of the AONB.
- 2.17 The Kent Downs AONB Unit have also not raised an objection to the proposed development, subject to the considerations identified above, and the need for native species to be used in new landscaping, all existing trees maintained, the development is restricted to a maximum of two storeys in height and a reduction in the level of hardsurfacing between units and the treatment fronting Fernfield Lane. A landscape character approach has also been used to inform AONB management decisions and areas of opportunity and threat. Whilst not planning policy, policy LLC1 of the Kent Downs Management Plan sets out that the protection, conservation and

enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued. It is considered that the proposed development would largely be in accordance with the requirements identified in this policy.

- 2.18 In this case, due to the location of the site, the scale of development, screening and effective landscaping and mitigation, although within the AONB, it would not lead to harm to the scenic beauty and quality of the AONB or the character of the landscape. The proposal would therefore accord with policies DM15 and DM16 of the CS and paragraphs 170 and 172 of the NPPF as the conservation of the scenic beauty and landscape character of the AONB and immediate area would be retained.

Ecology and Appropriate Assessment (The Conservation of Habitats and Species Regulations 2017, Regulation 63)

- 2.19 The likely significant effects of the proposed residential development on a European Site is the potential disturbance to birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover District, when considered in-combination with all other housing development within the District, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.20 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.21 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.22 A contribution will therefore be sought for the proposed residential development. In line with the Thanet Coast Mitigation Strategy this would be £1313.58. The developer has agreed in principle to the payment of this contribution.
- 2.23 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the

designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Ecology and Biodiversity

- 2.24 In terms of national policy paragraph 170 of the NPPF advises that the planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Whereas, paragraph 175 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity where the primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged and development resulting in the loss or deterioration of irreplaceable habitats should be refused unless adequately mitigated.
- 2.25 The Ecological Impact Assessment found that there was no evidence of any protected species using the site except: for commuting bats; that mature trees on site have potential to support roosting bats and the broad-leaved trees; and hedgerows and scrub are suitable to support nesting birds. Japanese knotweed was recorded on-site during the survey. The key recommendations are that where any trees deemed suitable to support roosting bats will be assessed and further surveyed if necessary; a bat sensitive lighting scheme should be designed and implemented, and should minimise light spill both on and off-site on adjacent habitats, particularly along the southern boundary; and a Method Statement should be produced to address the presence and management / removal of Japanese knotweed with the production of this document made a pre-commencement planning condition. In addition the woodland habitat along the south-east and south-west boundaries will be retained and protected during site works (except for a number of trees that require removal as a result of their poor condition). Site enhancement measures include planting and infilling of other site boundaries with native species and planting of native trees.
- 2.26 The applicant has further identified that due to the period of time since a reptile survey was undertaken (2016) a revised survey would be required before works commence. It is suggested that this is controlled by a condition and in view of the first survey having identified no use of the site by reptiles (although considered a suitable habitat) I see no reason why a further survey to ensure this situation has not changed could not be addressed through a condition on this occasion.
- 2.27 The Council's Ecological Officer raises no objection to the proposal, considering that the site's development gives rise to no ecological barriers. He advises that the proposal requires a contribution through a s106 agreement for the Thanet Coast Management Strategy. Natural England have also raised no objection in principle subject to the required contribution and full consideration of the matters identified above.
- 2.28 In light of the above, it is considered that subject to the above contribution towards the Thanet Coast Mitigation Strategy and requisite planning conditions the proposal is in accordance with paragraphs 170 and 175 of the NPPF and acceptable in ecological terms.

Highway Considerations

- 2.29 The relevant Core Strategy policies are DM11 and DM13. DM11 requires development that increases travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public

transport. Whilst DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. A Transport Statement was provided with the application which sets out traffic and trip generation figures, operational characteristics and link capacities.

- 2.30 The scheme proposes two car parking spaces per unit and four visitor car parking spaces and, as such, is in accordance with accepted car parking standards. The Transport Statement submitted notes Hawkinge as a designated Service Centre hosting a range of shops, services and employment opportunities and consequently development at this location is appropriate and sustainable. It is within 15 minutes of the site by public transport, Folkestone is accessible within 30 minutes and Canterbury and Ashford are accessible within 60 minutes. Local bus stops are within 400m of the site and the centre of Hawkinge is within 1.2km of the site. The site is therefore considered to be in a relatively sustainable location.
- 2.31 KCC Highways have advised that there is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated (11 two-way movements per day). The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane. It is also acknowledged that the visibility splays at the proposed vehicular access points are acceptable. However the narrower section of Fernfield Lane leading to/from The Street and trimming of the boundary hedging would improve visibility for approaching drivers when needing to give way to oncoming vehicles, particularly to buses using this route.
- 2.32 At present there is no footpath connection between the site and the existing footway network in The Street. Therefore KCC Highways identified that a paved pedestrian connection was required between the site and the existing footway network to enable pedestrians to cross The Street. A further new section of footway was also required across/around the verge to the existing footway at the rear of No's. 10/11 Fern Close. As a result amended plans were submitted to address the requirement to provide additional footpaths. These also identified that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development.
- 2.33 A new footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection also includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will also be required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, the detail of this can be resolved by condition and through a Reserved Matters application. On this basis, KCC Highways have withdrawn their initial objection.
- 2.34 The KCC Highways also note the comments from the bus operator – Stagecoach- regarding the existing turning arrangements for buses. However this is an existing long-standing situation which does not appear to create a significant highway issue and with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.
- 2.35 On the basis of the above, KCC Highways has no objections subject to conditions being imposed which include the provision and retention of vehicle parking facilities prior to the use of the site, provision and retention of secure, covered cycle parking

facilities prior to the use of the site commencing, completion of the footway connection to The Street shown on Drawing Number 668/209 prior to the use of the site commencing and provision of a footway along the western part of the Fernfield Lane frontage prior to first occupation of any dwellings fronting the same. Further conditions in respect of the proposed roads, visibility splays and a construction management plan to be submitted for approval are also recommended.

- 2.36 It is therefore considered that the proposed development, subject to the proposed conditions, accords with DM11 and DM13 of the CS and would not cause a severe impact on the highway network and therefore accords with paragraph 109 of the NPPF.

Residential Amenity and Noise Impacts

- 2.37 In terms of the impact on the existing residential properties, in close proximity to the site. The proposed dwellings are at least 35-55m away from the existing dwellings situated adjacent to the site. Accordingly, no adverse impacts with regard to privacy, overlooking or overshadowing are anticipated on the occupiers of the existing dwellings and the development would not give rise to an adverse impact on the amenity of the existing occupiers of the properties in the immediate surrounding area. This therefore accords with paragraph 127 of the NPPF.
- 2.38 Concerns have been raised by KCC Waste and Minerals and a number of third parties including the adjoining owners with regard to the proximity of an existing waste management site to the north-east of the application site that was previously a local waste transfer station but has recently altered its existing and ongoing operations and now deals with waste wood which is subsequently burned on site in a biomass boiler to generate and export of electricity. Part of this process includes an external wood chipper which generates a high level of noise and has been the subject of some noise complaints. The application has also been supported by a Noise Impact Assessment to assess the impact of noise from this site on the proposed development.
- 2.39 KCC Waste and Minerals have commented on the application, due to the close proximity of an existing waste management site that benefits from permanent planning permission and the need for this site to be safeguarded in line with the adopted Kent Mineral and Waste Local Plan 2013-30. It is identified that the Air Quality Assessment and Noise Impact Assessment submitted in support of the application are relevant to the consideration of the impact of the proposed housing development in close proximity to this site. The Air Quality Assessment has concluded that the waste management facility will not have a significant impact on existing receptors as a result of its current operations. However, the Noise Impact Assessment has identified that the proposed residential units closest to the northern boundary would be subject to an unacceptable level of noise in the private rear garden areas that would be likely to give rise to noise complaints
- 2.40 Since these comments, a planning application ref: DOV/18/00034 for the production of biofuel and ancillary power production has been approved by KCC on the existing waste management site and a recently revised Noise Impact Assessment has been submitted. This more specifically addresses the impact of noise from the existing waste management operations on the adjoining site (in line with the recent approval) and on the potential noise levels that would be likely to be experienced by occupiers of the proposed dwellings. As a result this has resulting in a revised layout of the proposed dwellings to minimise the level of noise that would be experienced both internally and externally by occupiers of the proposed residential scheme. These amendments include repositioning Plots 7-11 and 14 so that the front elevations face the northern boundary of the site instead of their rear gardens. This enables the rear

gardens (which are expected to be a private and quiet space) to be sited behind the buildings which will act as a noise barrier from the elevated noise levels.

- 2.41 In addition a range of other noise mitigation measures have been identified in the Noise Impact Assessment that seek to address the potential for noise from the existing site to affect future residential amenities. These include no accommodation in the roof space; recommended enhanced double glazing to the windows facing the northern boundary and specialist acoustic vents to the same windows. This would result in the proposed new housing benefiting from much better sound insulation than existing dwellings in the area and the provision of an adequate noise mitigation scheme can be ensured by a suitably worded condition. The remaining units being proposed on the site are all sited well away from the waste management site and it is recommended that no specialist sound insulation measures are likely to be necessary.
- 2.42 DDC Environmental Health have raised no objection to the application as the proposed mitigation measures and noise assessment have been undertaken in accordance with national guidance and recommended standards, subject to conditions being imposed requiring noise mitigation works in accordance with the submitted report. It is considered that with all the identified noise mitigation measures being fully implemented, the scheme would provide satisfactory living conditions for future occupiers and noise from the adjacent waste management site should not be a constraint to development. The application has therefore appropriately addressed noise from the adjacent site and residential amenities of future occupiers should not be detrimentally affected as a result. On this basis the application would accord with paragraphs 180 and 182 of the NPPF.
- 2.43 In terms of the design of the proposed development, at this stage is in outline form only, apart from access, layout and scale. The site layout would provide the proposed dwellings affordable units fronting Fernfield Lane with the market housing situated around an internal loop road, and along the site's northern, north-eastern and south-eastern boundaries. Whilst no details are yet submitted with regard to internal floor area and layout of the proposed dwellings, they will be of a sufficient footprint with c80 sqm footprint for the smaller semi-detached properties and c90-120 sqm for the detached properties. Therefore there are no concerns with regard to the standard of living conditions for future occupiers of the proposed dwellings in terms of both internal space and private amenity space. The proposed development would therefore be in line with paragraphs 124 and 127 of the NPPF.

Dwelling Mix and Affordable Housing

- 2.44 In terms of the provision of housing, paragraphs 59 and 62 of the NPPF are most relevant and identify the Government's objective of significantly boosting the supply of homes of all types including affordable housing which should be met on-site to contribute to creating mixed and balanced communities.
- 2.45 Policy CP3 of the Core Strategy states a housing allocation for rural areas of 1,200 8% of total in the District. The scheme therefore represents a modest contribution to the Housing Land Supply. Whereas, policy CP4 states that housing allocations in the Site Allocations Document and planning applications for residential development for 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 develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing.
- 2.46 With regard to dwelling mix, the current SHMA sets out the expected market housing

mix. The applicant notes that the Dover SHMA 2017, as agreed by Dover District Council's Cabinet on 1st March 2017, states that of the 6826 market homes that need to be delivered over the next 23 years, the housing mix should be as follows:-

No beds	1	2	3	4
Required	4%	20%	44%	32.5%
Proposed Overall	0	0	32.5	67.5

- 2.47 In short, over 75% of market homes and nearly 60% of affordable homes, to be built in Dover over the next two decades, will need to be larger units as proposed in this application. Such developments are not always possible or appropriate on all sites, for example constrained sites in urban areas or those with abnormal development costs where higher unit numbers are required to ensure a schemes viability, so it is important that where such sites are available, subject to the absence of other significant constraints.
- 2.48 Policy DM5 of the CS also states that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes. The proposed development also responds to the need for affordable housing through the provision of a policy compliant 30% affordable housing proportion that will deliver 6 x 3 bedroom affordable, family sized homes.
- 2.49 The Head of Housing, Planning Policy Manager and Head of Inward Investment are all satisfied with this proposed mix, however it is identified that the scheme would not be a windfall site as it falls outside if a defined settlement boundary. As such, it is considered that the proposal mix is acceptable and appropriate for this site, even though it is prominently for the provision of larger units. In addition, it is considered that the indicative design of the units (as identified in the Design and Access Statement) is appropriate to the edge of village location of the site, within the Kent Downs AONB, where the scale, mass, form and materials of any development need to be appropriate to the local context. For this reason, conditions will also need to be included to ensure the scale of the proposed housing is restricted to two storey units only.
- 2.50 In conclusion the proposal is therefore in accordance with CS policies CP3, CP4 and DM5 as well as paragraphs 59 and 62 of the NPPF.

Flooding, Drainage and Contamination

- 2.51 The site is situated in Flood Risk Zone 1 and it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF paragraph 163 states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable urban drainage systems.
- 2.52 A comprehensive Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA demonstrates that the proposal will be safe in terms of flood risk for its life and will not increase the flood risk elsewhere. A SuDS drainage system is also proposed for the site which will include the use of shallow or deep bore soakaways on the site depending on ground conditions and the use of permeable paving throughout. There is also an outline proposal for the use of swales to link in with the proposed landscaping scheme. Such details would need to be finalised at Reserved Matters stage and controlled through suitable conditions. This would accord in principle with paragraph 165 of the NPPF.
- 2.53 The EA have raised no objection and conclude that whilst the report submitted

provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, if the adjacent land is taken into account in the design and layout. However, further detailed information will be required by condition or at Reserved Matters stage to finalise the proposed design. As a result no objection is raised subject to the imposition of relevant conditions.

- 2.54 KCC Flooding has also raised no objection to the development, subject to conditions requiring the submission of a detailed sustainable surface water drainage scheme and from a flood risk perspective but advise that the site is bordered by a historic landfill site and this may have implications upon the siting of soakaways. The proposed method of surface water disposal therefore with policy DM17 of the CS and paragraph 165 of the NPPF.
- 2.55 In terms of foul water disposal Southern Water have advised that the results of an initial desk top study indicates that 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. They recommend that should the application be approved a condition should be attached to any permission requiring the submission of a drainage strategy detailing the proposed means of foul water disposal and a implementation timetable, has been submitted to and approved in writing prior to the commencement of any development on site. In addition informatives are suggested to advise the applicant to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
- 2.56 The submitted FRA also addresses this matter and the applicant is aware of the need for the provision of additional infrastructure to accommodate the additional capacity. Two methods or solutions to provide the required foul water drainage have been identified. These are to increase capacity at the existing sewerage pumping station on Cowgate Lane or a connection to an alternative sewer connection further away from the site. It is advised that this will be addressed under The Water Industry Act 1991 and its associated requirements including the submission of a Section 98 application. Therefore, although there is currently insufficient capacity to accommodate increased flows from the proposed development, appropriate mechanisms have already been identified in the FRA to address this position and subject to a planning condition in line with that suggested by Southern Water it is considered that this matter has been appropriately addressed in respect of an outline application.
- 2.57 In respect of potential land contamination the EA have advised that the previous use of the proposed development site as agricultural landholdings presents a medium risk of contamination and in addition there are historic industrial uses adjacent to the site where pollutants could be mobilised by this development to affect controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a Source Protection Zone 2 and located upon a Principal aquifer. Both the EA and Environmental Health have therefore suggested that should planning permission be granted, conditions should be included to require the submission of an environmental management strategy, a site investigation scheme and remediation strategy, an associated verification plan to demonstrate that the works set out in the remediation strategy are complete and any requirements for longer-term monitoring of pollutant linkages and maintenance arrangements. Such conditions would therefore appropriately address the potential for any form of land contamination and any associated risks to the development. Subject to conditions, the requirements identified in paragraph 178 of the NPPF have therefore been addressed.

2.58 It is therefore considered that the proposal is acceptable in regard to flood risk, surface water drainage, foul water disposal and potential ground contamination. No objection in principle has been raised by KCC Flooding, the EA or DDC Environmental Health subject to conditions. The application is therefore in accordance with policy DM17 of the CS and paragraphs 163, 165 and 178 of the NPPF.

Development Contributions

2.59 The applicant has agreed to the Draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010, (the CIL Regulations). Regulation 122 requires that requests for development contributions of various kinds must comply with three specific legal tests being, necessary, related to the development, and reasonably related in scale and kind.

2.60 Policy CP6 of the CS sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

2.61 In respect of the proposed request from KCC this has been evidenced in their consultation response and the Council's Principal Infrastructure Delivery Officer has commented that the requested contribution for primary schools is along the lines we have accepted in many previous instances; apart from the fact that it would fund a school outside the District. With regard to library book stock contribution, the pooling limit of 5 contributions has not been reached.

2.62 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would be expected to provide open space on site, or a contribution towards off-site provision, to meet the open space demands which would be generated by the development. The application does not propose the provision of public open space, but given the scale of the development, it would give rise to a need to improve the existing open space facilities that adjoin the southern boundary of the site and would be linked by footpath to the proposed development. It would therefore be necessary for a contribution towards the provision of outdoor sports facilities to be secured through a s106 agreement. With the addition of a contribution the proposal would accord with Policy DM27 of the Core Strategy.

2.63 Accordingly, the above tests are considered reasonable, within the scope of the CIL regulations and have been duly applied in the context of this planning application and give rise to the following specific requirements. The proposed obligations are based on consultee responses and are as follows;

- Primary education contribution of **£63,156.00** (£3324 per applicable house following the KCC review of Primary school costs in February 2017(x19)) - towards Martello Primary School expansion.
- Library contribution towards book stock at Hawkinge library, at £48.02 per dwelling. Total - **£912.30**
- Thanet Coast and Sandwich Bay Mitigation Strategy (TCMS) based on 13x4 bedroom dwellings (£13x66) and 6x3 bedroom dwellings (6x £49.59) total contribution - **£1313.58**
- Off-site public open space contribution to increase capacity for the adjacent play area - **£11,218.**

- Payment of all associated legal costs

2.64 In addition, a legal agreement is required to be signed between the applicant and the KCC Highways and Transportation under S278 of the Highways Act with regard to access and improvements outside of the application site.

Other Material Considerations

2.65 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details to the local planning authority for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

2.66 Other matters such as cycle parking refuse storage, materials, landscaping details will be required to be submitted at reserved matters stage or can also be subject to conditions.

Conclusion

2.67 The NPPF seeks sustainable development that relates well to existing settlements. It is clear that development of this site, outside the confines would not be in accordance with policies DM1 and DM15 of the CS. However, the site lies immediately to the north of the defined settlement of Hawkinge a service centre within the Folkestone and Hythe settlement hierarchy. The site is discreet and self-contained and any development would be seen in the context of the existing housing and forming an extension to development within the village.

2.68 The proposal is of a low density (19 units) and seeks to retain a significant amount of natural screening and existing trees. No objections have been raised in terms of impacts on the landscape character and the AONB in which the site is situated. No adverse impacts are anticipated in terms of biodiversity, drainage, residential or visual amenity. Concerns regarding the impact on noise from existing uses adjacent to the site have been addressed in a Noise Impact Assessment and with appropriate mitigation measures in place are now considered to be acceptable for the residential amenities of future residents.

2.69 In addition, the developer has agreed in principle to the provision of 30% affordable homes and to make other relevant contributions towards local infrastructure, services, the TCMS SPA and off site open space improvements. No highways objection is raised subject to the provision of new footpaths to link the development, access and car parking arrangement are considered to be acceptable.

2.70 The application is therefore recommended for approval as it would add to the supply of housing in the District in accordance with the NPPF without an unacceptable harm to the area, as has been demonstrated in the application and the report. The application is, as a result in accordance with the local and national policies identified in this report and in acceptable in principle, subject to conditions.

3. Recommendation

I. PLANNING PERMISSION BE GRANTED subject to the completion of a s106 legal agreement in respects of payment of the contributions set out above and the following conditions to include:

- 1) Reserved Matters

- 2) Outline time limit
- 3) Commencement of development time limit
- 4) Reserved matters to include elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, building heights, samples of materials, refuse storage, boundary treatments, car parking, cycle parking and street scene
- 5) Approved Plans list
- 6) Contamination Environmental Management Strategy
- 7) Contamination Remediation Strategy
- 8) Contamination verification report
- 9) Contamination safeguarding
- 10) No infiltration drainage other than approved
- 11) Scheme of sustainable urban drainage
- 12) Maintenance of sustainable urban drainage system
- 13) Construction Management Plan
- 14) Bound surface for the first 5m of each private access
- 15) Completion of the footway connection to The Street
- 16) Provision of the footway along the Fernfield Lane frontage
- 17) Details of internal roads and street furniture
- 18) Visibility splays
- 19) Pedestrian visibility splays
- 20) Implementation of noise mitigation scheme and sound insulation measures
- 21) Details of foul water disposal
- 22) Protection of trees
- 23) Retention of trees
- 24) Ecological enhancements measures
- 25) Submission of updated reptile survey
- 26) Method Statement for the removal of Japanese Knotweed
- 27) The height of the proposed units shall be a maximum of two storeys in height which no living accommodation within the roofspace
- 28) Provision of 30% affordable housing

Informatives: In relation to highways, southern water connections, waste management regulations and southern gas network requirements.

- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer: Lucinda Roach