

- a) **DOV/20/00640 – Reserved matters application pursuant to DOV/10/01010 - relating to layout, scale, landscaping, internal access arrangements and appearance for 185 dwellings (Phase 1c) (amended plans and description) - Whitfield Urban Extension Phase 1C, Archers Court Road, Whitfield**

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

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for Dover.
- 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.
- CP11 – Provides a framework against which applications for the managed expansion of Whitfield will be assessed.
- 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 of 15 or more dwellings should provide 30% of the total homes proposed as affordable homes.
- 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.
- DM12 – Planning applications which would involve the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures to provide sufficient mitigation.
- 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 or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.

- DM16 - Development that would harm the character of the landscape will only be permitted if it incorporates any necessary mitigation measure.
- DM17 – Development which could cause possible contamination to groundwater will not be permitted within Groundwater Protection Zones 1 or 2.

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.

Whitfield Urban Expansion SPD

- The SPD carried forward the requirements in Policy CP11 of the adopted Core Strategy to provide a framework for the preparation of subsequent planning applications proposing to develop the site and aims to give certainty to local people and developers. It enshrined the need for good design and high standards of amenity. The document states that the preference is for a progressive anti-clockwise phasing of the development starting from the south east. The SPD states out that within Light Hill (Phase 1), development should average 41dph. An area of downland should be created adjacent to the A2 to reinforce green infrastructure and soften the visual impacts of the development. The new access from the A256 should convey a sense of place. Housing density and typologies should take into account landscape features, sensitive location issues such as noise and activity levels, edge of development locations and the street hierarchy and relationship of the development to the adjoining built form character. Design should be influenced by local characteristics and details. Public right of way linkages across the A256 should be safe for non-vehicular connections to the countryside and land should be safeguarded for future bus and or cycle/pedestrian links across the A2. There should be suitable traffic management measures for Archers Court Road. There should be a string sequence of wetland features within the open space corridor along the valley floor. The character of Archers Court Road should be strengthened through tree planting and continuity of built frontage. Finally, landmark areas and visual breaks in the development area through the use of structural tree canopies and public realm spaces should be provided. Applications for less than the whole development will be expected to demonstrate that they will not prejudice the implementation of the whole development. The SPD is, of necessity, based upon a set of assumptions, informed by evidence, about the needs and impacts of the development. As development progresses, there will be a need to monitor the actual characteristics of the development, review the resultant information and use it to inform the preparation and determination of subsequent phases (monitor, review and adjust). This should include monitoring of matters such as housing mix, population forecasts, traffic impacts and forecasts, infrastructure needs and delivery, usage and management of green infrastructure, and impacts on European designated wildlife sites.

Draft Local Plan (Regulation 18)

- The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) 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
- 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.
- Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. 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:
 - 1. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - 2. the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of

flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.

- Chapter sixteen requires that applicants describe the significance of any heritage assets affected by the development, including any contribution to their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Account should be taken when determining applications of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of designated heritage assets. Where total loss of or substantial harm to a designated heritage asset would be caused, permission should be refused unless the exceptions at paragraph 195 are met. Where less than substantial harm would be caused this harm should be weighed against the public benefits. The effect on the significance of non-designated heritage assets should be taken into account

The Kent Design Guide and National Design Guide

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

d) Relevant Planning History

DOV/10/01010 - Outline planning application for the construction of up to 1,400 units, comprising a mix of 2-5 bed units, 66 bed care home (Class C2) and supported living units, with vehicular access off the A256; provision of new 420 place 2FE Primary School including early years provision, energy centre and local centre comprising up to 250sqm of retail space (Class A1-A3) along with all associated access arrangements, car parking, infrastructure and landscaping, with all matters (except the means of access off the A256) reserved for future consideration. (Revised Proposals) - Granted

DOV/10/01011 - Outline planning application for the construction of a new community hub/district centre, comprising BRT hub; health and social care centre (Class D1); retail space (Class A1-A3) ; and 100 no. 2-5 bed residential units including 6no. supported living units (Class C3) provision of learning and community campus to incorporate new 420 place 2fe primary school including early years provision and provision of access arrangements, all associated car parking, infrastructure and landscaping, with all matters reserved for future consideration - Granted

DOV/15/00878 - Reserved matters application pursuant to outline permission DOV/10/01010, relating to the appearance, layout and landscaping of 94no. dwellings together with garages and parking including all highway related details, sub phase 1A, Phase 1, (Light Hill) Whitfield Urban Expansion – Granted.

DOV/16/01314 - Reserved Matters application pursuant to outline permission DOV/10/1010, relating to appearance, layout and landscaping of 94 dwellings together with garages and parking including all highway related details, sub phase 1a, Phase 1 (Light Hill) Whitfield Urban Expansion (Revision to Reserved Matters submission DOV/15/00878 in respect of reduction of previously approved Plots 1-9

(9 semi-detached dwellings) to 5 detached dwellings - Revised total of 90 dwellings for sub-phase1a) – Granted

DOV/17/01057 (KCC Application) – Construction of a two form entry (2FE) mainstream school plus 1FE SEN school, including the erection of a two storey school building; provision of hard and soft play space; sports pitches and MUGA; vehicular and pedestrian access, car parking and cycle parking spaces and associated hard and soft landscaping - Granted

DOV/17/01525 - Reserved matters application for the appearance, landscaping, layout and scale (part of Phase 1B) for 32 dwellings pursuant to outline permission DOV/10/01010 (amended site plan) – Granted

DOV/18/01238 - Reserved matters application for the approval of part of Phase 1C, for 248 residential units, substation, appearance, landscaping, layout and scale in pursuant to outline application DOV/10/01010 for the development of 1,400 units, 66 bed care home and supported living units, vehicular access off the A256, primary school, energy centre and local centre with 250sqm of retail space (Class A1-A3) along with all associated access and car parking – Granted

DOV/20/00644 - Erection of a convenience store (A1), new vehicle access, erection of 2.4m and 3m high acoustic fencing, installation of air conditioning units and parking – Pending

DOV/20/00718 – Reserved matters application for 221 dwellings pursuant to outline permission DOV/10/01010, relating to the appearance, landscaping, layout and scale, at Phase 1D Whitfield Urban Extension - Granted

In addition to the above, there are numerous applications for the approval of details relating to conditions for applications DOV/10/01010 and DOV/10/01011.

Whilst predominantly on land outside of Phase 1, KCC have recently granted planning permission for the “creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only. Section 1 - New road, 1.0km in length, connecting Whitfield Urban Expansion to Tesco roundabout at Honeywood Parkway via new overbridge over A2. Access to bridge will be controlled by bus gates. Section 2 - New road, 1.1km in length, connecting B&Q roundabout on Honeywood Parkway to Dover Road, near Frith Farm, with access to Dover Road controlled by a bus gate. Providing access to future phases of White Cliffs Business Park”, under application number KCC/DO/0178/2020 (Dover consultation reference is DOV/20/01048).

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

KCC Highways – *Initial comments received 21st July 2020:*

Requested amended drawings be submitted to resolve issues with the original submission. A series of 18 recommended changes were included regarding: clarification of the areas to be offered for adoption; junction design; provisions for speed restraint; surface details; the location and provision of footways and cycleways; the provision of bus stops; swept paths for larger vehicles; gradients; visibility; and parking.

Further comments received 25th September 2020:

Further amended drawings re requested in order to resolve remaining issues concerning the layout and parking.

Further comments received 26th March 2021:

The reduction in the red line area is noted. There remain outstanding issues which need to be resolved through amendments. These issues relate to the layout of the scheme and car parking.

Further comments received 14th May 2021:

I refer to the amended plans submitted for the above on 10 May and would comment as follows:

- The extent of street adoption now shown is acceptable in principle and the exact details can be resolved through the adoption process.
- I understand the widening of footpath ER63 to 3 metres to provide a shared footway/cycleway between the site and Archers Court Road has already been agreed under a condition approval attached to reserved matters application DOV/18/01238, requiring the facility to be in place prior to occupation of the 50th dwelling. This requirement would presumably still apply despite the current reserved matters application. However, I would express my disappointment that this section is not being widened to 4 metres as originally requested.
- I note the cycle paths alongside footpath ER71 are to remain private, as is Green Lane 03 which connects them. Whilst I still have concerns regarding these routes staying private and the lack of speed restraint in Green Lane 03, the responsibility for the same will rest with the private street manager. I accept that an alternative adoptable cycle route will be provided alongside the main spine road to the south.
- I understand the widening of the footway/cycleway in the main spine road to provide additional room at proposed bus stops would be unacceptable, due to the s.106 requirements for open space.
- Parking restrictions will need to be considered through the adoption process, particularly in relation to visibility where PROW's and cycleways cross the streets, and the potential for parking issues near the school.

I therefore now confirm that I would not raise objection to the proposals in respect of highway matters. Informatives are recommended.

Highways England – Highways England is satisfied that the development per se will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in MHCLG NPPF2019 Para 108-11 & Department for Transport Circular 02/13 Para 8 -11).

Therefore please take this email as our formal recommendation of No Objection to reserved matters application 20/00640.

DDC Housing Development Manager – The development does not propose affordable housing. There is a need for affordable housing of all types and tenures across the district

DDC Ecology – No comments

DDC Environmental Health – The Environmental Protection Team has considered this application and has no observations other than to confirm that the Clarke

Saunders Noise Impact Assessment AS11556 dated March 2020 is accepted in relation to condition 46. This includes its recommendation for standard double glazed units with trickle ventilation to be fitted to all units.

Kent Fire and Rescue – *Initial comments received 24th September 2020:*

I can confirm that on this occasion it is my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

Further comments received 31st March 2021:

I have examined the plans available on the planning portal for application number 20/00640 specifically drawing number 19376-0000-0009 and it is my opinion that the off-site access requirements have been met. The access to the proposed buildings or extended buildings at the site upon which the building work is to take place, is termed the 'on-site' access which is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

Kent Police – Before Kent Police can recommend approval they would need to see details of how this application can minimise the opportunity for crime. In particular, they have advised that: permeability should be reduced to a minimum; measures should be put in place to deter vehicles from causing anti-social behaviour; opportunities for natural surveillance should be exploited; measures should be put in place to make properties secure, such as using prickly vegetation, secure windows and doors and providing lighting approved by a professional lighting engineer; avoiding secluded areas; and that there should be site security during construction.

Natural England – No objection

Environment Agency – No comments

KCC PROW – *Initial response received 22nd July 2020:*

Public Footpaths ER63 & ER71 are directly affected by the development. Public Footpath ER63 is shown as Foot/Cycle Path. This route is a recorded Public Footpath with pedestrian rights only and should therefore be shown as such. Relevant detail of path number and status should be included on all plans for reference. Any proposal to create a cycleway should be forwarded to KCC as soon as possible; if there is any intention to widen or divert the route again KCC should be notified to allow discussion of the process. The same applies to Public Footpath ER71, shown as Foot/Cycle Path, and the proposed diversion route should be shown as proposed rather than new. KCC PROW will require exact specification details for the new surface for approval, rather than an example. We also require confirmation that the length of ER63 from the spine road to the section within the red line boundary and then again to the school (Archers Court Road end) is to be included in the improvements. All tree/ hedge/shrub planting should be at least 2m ideally 3m from the edge of the PROW to prevent overgrowth from obstructing use and to allow light and air to reach the highway surface. There should be clear differentiation between a footway/footpath and a recorded Public Right of Way. A section of Public Footpath ER63 appears to be included in the shaded area on the plan as part of "roads to be adopted". KCC PROW request clarification of this; it not only contradicts other plans and intentions in the application but if adopted a route is removed from the Definitive Map and is no longer a Right of Way. The PROW key should be amended – the green dashed line is not a

proposed new Public Right of Way; it is a proposed new route of existing Public Footpath ER71.

Subsequent response received 14th May 2021:

I can confirm that KCC PROW have no further objections following amended plans.

KCC SUDS – *Initial response received 6th October 2020:*

The Lead Local Flood Authority have reviewed the Flood Risk and Surface Water Strategy prepared by Odyssey dated August 2020 and agree in principle to the proposed development. The overland flow path as previously discussed has been modelled and shown on the drawings confirming that the surface water and overland flow can be accommodated within the design. It recommends approval of the drainage strategy under application DOV/10/01010 provided the LPA is satisfied that the materials and appearance of the proposed hard surfaces are consistent with other documents submitted for reserved matters approval.

KCC Archaeology – Archaeological evaluation works (trial trenching) has taken place on site. KCC are yet to receive a report on this work, but the Senior Archaeological Officer was able to monitor the trenching to observe the works in the field. The evaluation has confirmed the presence of a double ring-ditch in the western part of the site. This ring-ditch represents the remains of a Prehistoric barrow (burial mound) of probable Late Neolithic or Early Bronze Age date. The twin encircling ditches are likely to demark a central burial, with the soil from the excavation of the ditches being originally used to raise a central barrow mound over the burial. It is possible, though not proved during the evaluation, that further secondary / satellite burials may also have been inserted into and / or around the mound. The covering mound has subsequently been lost to erosion through ploughing, but the monument's encircling ditches (and potentially any accompanying burials) have been demonstrated to survive. It lies within the area currently proposed for development, albeit close to an area of proposed open-space. It is questioned whether the layout of the development in this part of the site could be modified so that the barrow monument can be taken out of the development area and preserved in situ. If not, then the barrow will require full detailed archaeological excavation and the applicant may wish to consider the implications of this against revising the layout to ensure its preservation.

Southern Water – No objection

Whitfield Parish Council – *Initial response received 27th July 2020:*

Object. The development would result in the loss of the designated open space and green buffer. The application does not comply with conditions attached to the outline planning permission or the Whitfield SPD and is contrary to the reassurances given to residents. To build up to the boundary of Archer's Court Road will cause unacceptable loss of amenity to nearby Residents and have an overbearing impact on the character of the area. The parish council request that the application be refused.

Subsequent response received 21st September 2020:

Whitfield Parish Council object to this application and have no further comments to add to the objections which have already been submitted.

Public Representations – 18 letters of objections have been received, raising the following points:

- The development would lead to the loss of Open Space secured by the outline permission
- The layout doesn't comply with the SPD or the outline planning permission
- The provision of housing directly adjacent to Archers Court Road removes landscaping which would have softened the development
- Increased use of the footpaths in the area (and the use of front gardens as a short cut) and a need for the retention of existing and provision of new footpaths
- Insufficient highway capacity
- Vehicles travel too quickly along Archers Court Road
- Lack of infrastructure
- Overlooking and sense of enclosure
- Impact on wildlife
- Litter
- Lack of affordable housing
- There are too many houses

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

- 1.1 This application relates to an area of former agricultural land. The land lies between Whitfield, to the north west, and agricultural land to the south east, beyond which is the A256. To the north are parcels of land on which housing has been, or is being, built. The Public Rights of Way ER63 and ER71 runs through the site, the first of which runs roughly south east to north west, where it crosses Archers Court Road. The later runs roughly south west to north east and runs through the previously approved phases of the development and on towards Pineham to the north east and, to the south west, towards the A2 before which it joins the ER54. The land, whilst relatively flat, falls gradually from west to east.
- 1.2 The land is allocated for residential development under Policy CP11 of the Dover District Core Strategy. This policy allows for at least 5,750 dwelling across the entire allocation, together with all the necessary infrastructure, health, education, social care and commercial development required to support the residential use. This application relates to Phase 1 of the Whitfield Urban Expansion (Light Hill). The site is located to the west and south west of sub phases 1A and 1B, which related to reserved matters approvals for 94 dwellings and 32 dwellings respectively. To the south, is Phase 1D, which was recently granted planning permission for the erection of 221 dwellings. To the north, and currently under construction, is the new primary school which is being delivered as part of the Whitfield Urban Expansion. The proposed spine road, which would link the new roundabout on the A256 with Archers Court Road, would run along the eastern edge of the site. Permission has also recently been granted for the provision of a Bus Rapid Transit system, to be known as Dover Fastrack. The route for this express bus service would run along the southern and eastern boundaries of the site. The outline permission included consideration of access, insofar as it related to the access road from the A256.
- 1.3 This application seeks reserved matters approval for the erection of 185 dwellings, together with green infrastructure, access roads, footpaths and cycle ways and associated infrastructure. The reserved matters for which

permission is sought are appearance, landscaping, layout and scale (although for clarity internal access roads are also detailed).

2. **Main Issues**

2.1 The main issues are:

- The principle of the development and compliance with the Whitfield Urban Expansion SPD
- The impact on the character and appearance of the area and the historic environment
- The impact on neighbouring properties
- The impact on the highway network

Assessment

Principle

2.2 Before considering the principle of the development, it is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

2.3 The principle of the development was considered at the outline stage and is not for consideration at this reserved matters stage. Application DOV/10/01010 established that the principle of the development is acceptable. Whilst, in some respects, circumstances have moved on since the outline permission was granted (The NPPF, publication of the Regulation 18 plan, changes to planning guidance etc.), I am satisfied that these do not affect the principle of this development, for the purposes of assessing this reserved matters application.

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

2.5 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.

2.6 It is considered that policies CP11, DM1, DM11 and DM15 are the 'most important' policies for determining this application. For completeness, the tilted

balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.39 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).

- 2.7 Policy CP11 relates specifically to the managed expansion of Whitfield. The policy allocates land for the provision of at least 5,750 dwellings, together with transport, primary education, primary health and social care, utility services and green infrastructure, together with local facilities to serve the development. The policy sets out a series of nine criteria against which development proposals will be assessed. These criteria seek to ensure that, amongst other things, the development is delivered holistically and provides a range of housing required by the district, a high standard of design, adequate transport linkages and is sustainable. Whilst some elements of the policy are more stringent than the NPPF, such as the requirement for achieve Code for Sustainable Homes level 4, the policy broadly reflects the NPP. As such, the policy is not out of date and continues to attract substantial weight. In term of the developments compliance with the policy, many of the requirements of the policy relate more closely to the outline application, which has been approved. However, as will be set out under the relevant chapters, it is considered that the reserved matters scheme would provide a high quality development and, overall, accords with policy CP11.
- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located on land which is allocated for development in the plan and the development therefore accords with Policy DM1.
- 2.9 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight. DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is allocated for housing, and given that it adjoins the existing settlement the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Whitfield and would be able to reach these

facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.

- 2.10 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this Policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance, the site forms a part of a housing allocation, with existing or consented development surrounding it. As such the development proposed by this application would have a limited impact on the character and beauty of the countryside.
- 2.11 Policy DM1 is out-of-date, whilst CP11, DM11 and DM15, whilst to differing degree are in tension with the NPPF, are not out-of-date. Whilst DM1 is important to the assessment of the application, it is considered that CP11 is critical and, on balance, it is therefore considered that the basket of 'most important policies' are not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

Masterplan and Approved Parameter Plans

- 2.12 The SPD was fully detailed in terms of the way in which the overall development of the WUE should take place, particularly strategic issues such as points of access and Green Infrastructure Strategy. Whilst the original submission did not accord with the parameter plans, the scheme has been amended to reduce the site area, omitting land adjacent to the boundary with Archers Court Road, and reduced the number of dwellings proposed.
- 2.13 There are a number of indicate plans which were approved as part of the outline planning permission. Whilst these are 'high level' in terms of their detailing, regard should be had to whether the agreed principles are adhered to.
- 2.14 The parameter plan identifies that all of the land within the application site area is for residential development, albeit areas are identified for landscaping and green corridors.
- 2.15 The 'land use' plan referenced by the Landscape Strategy Plan, which indicates areas of green space through this part of the wider Phase 1 site, with green space segregating the 'northern' and 'southern parts of this site and wrapping around the 'northern' part of the site. The amended scheme accords with both the 'land use' and Landscape Strategy plans.
- 2.16 The Landscape Strategy Plan – SAC Mitigation shows the areas of SAC mitigation which must be provided, equating to 4.28ha across the Phase 1 development of 1,250 dwellings. The site falls partly within the area identified for the provision of 1.993 ha of SAC Mitigation land, albeit the majority of this land is identified as being provided to the south west of the site. The application proposes 0.36ha of SAC mitigation land. The delivery of mitigation

land in line with the delivery of sub-phases is acceptable. The development would continue the 'corridor' of SAC Mitigation Land which runs south west from the new roundabout on the A256.

- 2.17 The Sport and Recreation Strategy Plan shows where existing and proposed PROW's, cycle routes, permissive footpaths, permissive bridleways and sports pitches will be located. The only feature which passes through the 1D site area is a proposed permissive bridleway which would follow the route of the 'recreational linkage' described above. I am satisfied therefore, that the development accords with The Sport and Recreation Strategy Plan.
- 2.18 The Public Realm and Open Space Strategy Plan identifies that, within this subphase there should be two areas of informal open space and two door step open spaces (small open areas to close to dwellings), albeit one of these area is arguably outside of the site area. The scheme now being considered proposes two informal open spaces and one of the 'door step' open spaces. Whilst the second 'door step' open space is not shown, the indicative plan suggests that it would be provided to the far north west of the site and partly outside of the site. Given that the plans exclude part of the area and the area of open space outside of the site adjacent to Archers Court Road, I am satisfied that the development would not prejudice the future provision of open space and accords with the Public Realm and Open Space Strategy Plan.
- 2.19 The building height plan indicates that development should be 2 storeys in height with some potential for 2.5 to 3 storey development along larger roads and fronting open space. The proposed buildings are predominantly two storeys in height, with taller two and half storey buildings fronting onto the open spaces and a short stretch of three storey buildings fronting onto the distributor road, such that the heights adhere to the envisaged building heights.
- 2.20 In overall terms, it is considered that this reserved matters application has now embraced the agreed principles for development, with the detailed plans demonstrating that regard has been had to the Concept Masterplan and the detailed guidance for development within the Light Hill Area. Building on the SPD, the outline permission included an indicative masterplan setting out how development might take place and the reserved matters submission largely follows that approach. The indicative masterplan sought to provide several a finger of green space running through this sub-phase, vegetation along the public right of way ER63 and open space between this sub-phase and the land to the rear of 70-76 Archers Court Road. As set out above, as originally submitted housing was to be provided adjacent to Archers Court Road on the land which had been identified at the outline application stage for the provision of a perimeter green corridor and recreation space. A significant number of objections were raised regarding this variation from the scheme envisaged at the outline stage. Following discussions with the applicant, amended plans were received which removed the open space land from the site area, such that housing is no longer proposed on this land. The amended scheme continues to propose the finger of green space through the site and the green space between the sub-phase and the land to the rear of 70-76 Archers Court Road. It is noted that the layout and form of development differs from that shown on the Masterplan, in particular to the west of the school site and to the south of Archers Court Road. I understand that it had been suggested that this area could facilitate the provision of the care home. Whilst the scheme doesn't mirror the Masterplan in this respect, the purpose of the Masterplan is not to prescribe precisely how development should come forward, but rather provide

an indication of how development should come forward. Consequently, it is concluded that the amended scheme aligns with the masterplan and would accord with the parameter plans, or would not prejudice the future provision of open space, sport and recreation, play space or landscaping, the precise details of which are secured by conditions attached to the outline permission.

- 2.21 The SPD set out a number of 'design prompts' for Light Hill which the current submission has responded to, the assessment of which will be detailed below.
- 2.22 It is acknowledged that significant and understandable concerns have been raised regarding the original submission. However, it is considered that the scaled back amended scheme has addressed these concerns. For the reasons outlined, I am therefore satisfied that the development accords with the SPD, the Indicative Masterplan and the approved indicative plans.

Character and Appearance

- 2.23 The layout of the development should be informed by the Whitfield Urban Expansion SPD – Adopted Masterplan, which was approved at the outline stage and provides a concept for the cohesive development of the allocation. A specific Masterplan for Phase 1 has also been approved.
- 2.24 The SPD carried forward the guidance in Policy CP11 of the adopted Core Strategy to provide a framework for the preparation of subsequent planning applications proposing to develop the site and aims to give certainty to local people and developers. It enshrined the need for good design and high standards of amenity and was taken into account in imposing suitable conditions regarding, for example, a requirement to submit and agree a Design Code when granting outline planning permission. This reserved matters application affords the opportunity to meet those objectives.
- 2.25 The SPD contains a concept Masterplan and in addition to stating general principles, identifies 5 large and distinct development areas. One of those areas called Light Hill was identified for some 1420 dwellings together with a 2 form entry Primary School, local centre and other supporting services/infrastructure. Paragraphs 5.84 to 5.95 set out guidance for the development of Light Hill and in particular, paragraph 5.95 sets out a series of design prompts. This application is for the third sub-phase (named 1C) of development within Light Hill and falls to be considered within this context. Sub phases 1A, 1B and 1D, together with a previous application for sub phase 1C were submitted by another developer. These previous phases shared a common theme in terms of their layout and detailed design. This application marks the first sub phase to be delivered by a different company, save for a small parcel between this application site and the school which they acquired recently.
- 2.26 Appendix 4 sets out a framework for Design Codes which are required to accompany a planning application. Appendix 5 gives detailed guidance for the submission of planning applications.
- 2.27 The amended site area is 5.95 hectares and would provide 185 dwellings, together with extensive areas of public open space (some of which is required as SAC Mitigation land). As such, the density of the developed part of the site equates to around 31 dwellings per hectare. Whilst this is below the density envisaged by the Masterplan (41dph), the phase would bring forward areas of open space and SAC mitigation land, allowing the slight shortfall in density to

be recompensed in future phases. In terms of the density within the net developable area, it would be around 37dph. It is acknowledged that the development of this part of the site is, in particular, required to provide a more verdant character and includes some of the larger dwellings required to provide an attractive character to the Distributor Road. There has also been a constraint of limiting accessing onto the Distributor Road, requiring groups of dwellings to be served from private driveways, rather than directly accessing the road. This constraint will not be present for many future parcels of land which are located away from the Distributor Road. Consequently, the density is considered to be acceptable.

- 2.28 The mix of dwellings (4 two-bed; 101 three-bed; and 80 four-bed) is skewed towards larger sized dwellings. The Masterplan advises that the overall mix within the Whitfield Urban Expansion should accord with the mix set out in the Core Strategy, albeit Policy CP11 requires that the mix of market housing be designed “to broaden Dover’s market offer and appeal and assist in attracting families and people of working age into the District”. Having regard for the Masterplan, the purpose of the development as set out in CP11, the characteristics of this parcel and the context in which it sits and the overall provision within Phase 1 to date, the mix is considered to be reasonable given. It is noted that the mix is comparable to the mix previously approved for Phase 1C, albeit the largest five-bed dwellings have now been omitted.
- 2.29 The development in other parcels which has been constructed or is being constructed lies to the north east of this parcel. It is considered that the connections between the current application and these consented areas is of particular importance, in order to provide a coherent character and to ensure that open areas are appropriately ‘framed’ or flow between one phase and the next. The permission for Phase 1A, which is now built out, provides a parkland setting either side of the Distributor Road to convey a good sense of place as envisaged by the SPD. Phase 1B, which is largely built out, provides a relatively self-contained, small parcel of dwellings to the north of the landscaped areas around PROW ER63 and an ‘edge’ to the amenity area to the north west of Phase 1A. The current application would ‘complete’ the enclosure of the amenity area and provide a strong frontage to the Distributor Road. The ‘finger’ of green space within the site would meet the bottom corner of the amenity area to provide a visual link between the phases and a continuation of the open space. To the south, the SAC mitigation land would continue on from the existing SAC mitigation land. The dwellings towards the south would be set back from the Distributor Road behind a shared driveway, presenting an opportunity for street trees, whilst plot 200 has been angled such that it would provide an appropriate response to what will be a prominent plot.
- 2.30 The layout of the development comprises a series of perimeter blocks, which provide for active frontages, a clear and legible layout and positive structure to the edge to the built development against the open spaces. Prominent car parking can often detract from the visual quality of developments of the scale and, whilst there are some relatively large areas of visible car parking, the amount of parking adjacent to the roads has been reduced through the use of concealed parking courts within the perimeter blocks. The layout of the development also accords with the masterplan principles. The development provides strong frontages onto Distributor Road, to the north of the SAC mitigation land, both of which would feature taller 2.5 and 3 storey dwellings in accordance with the approved parameter plans, and around the perimeter of the school, which reinforces the importance of these routes and areas through

the development. The dwellings themselves would be set back from the highway behind front gardens to provide a degree of visual relief, with the depth of the gardens responding to the hierarchy or width of the road which they address. The green spaces within the site, together with the buffer around PROW ER63 and tree planting between parking spaces and along highway verges provides opportunities for meaningful landscaping tree planting, whilst the smaller open spaces provide visual relief from the built development.

- 2.31 It is worth noting that there are three dwellings proposed which would not form part of a perimeter block and appear a little isolated. The rear elevations of plots 82, 83 and 84 would back the boundary of the site and would be visible across the open space from Archers Court Road. Whilst this is not ideal and would detract from the attractiveness of the scheme, this impact would be limited. Furthermore, given that the land to the north west is intended to provide open space, potentially with a Multi Use Games Area (MUGA), it is considered that over time landscaping and/or development associated with the recreational use of the land (such as a MUGA) would conceal the rear boundaries of these dwellings.
- 2.32 As this is the first phase of development which will be built by a new developer (all the previous phases being constructed by the housebuilder who secured the outline planning permission), the dwellings proposed would have comprise typologies which are new to the Whitfield Urban Expansion. That said, the scale and overall form of the proposed dwellings would be commensurate with the dwellings within the earlier phases of the development. Whilst the design and materials would not duplicate the dwellings which have already been constructed, it is considered that within a development of 1,250 dwelling, there is a need to vary the product to produce character areas and maintain interest as the repetition of house types across a large housing allocation can become monotonous and work against the visual interest of the development. Given that around 400 dwellings have been granted planning permission which conform to the same 'palette' of house types, it is considered that introducing new house types at this stage is appropriate. The proposed designs are of a comparable form to the previous approved dwellings but with a simplified, contemporary elevational design. The proposed units include a mixture of brick, with protruding porch detailing, brick detailing around the windows, and detailing to break the elevation up and provide interest. Windows will be set in reveals. The designs are undoubtedly a slight simplification compared with the approved dwellings in other phases; however, it is considered that they would sit comfortably adjacent to the approved housing. Whilst the design of the dwellings is not locally distinctive and perhaps does not make the most of the opportunities available on this site, it is not considered that the designs are unacceptable in the context of this site.
- 2.33 The dwellings would feature a mixture of materials, with different areas of the development being finished in different materials to provide character areas. These materials comprise red multistock bricks or yellow multistock bricks which would be paired with either slate grey, brown or red roof tiles. Car barns would be clad in timber weatherboarding. These materials would mirror the 28 dwellings which have been approved along the 'Spine Road' and Street 01', would face towards the school site. Given that the house types also mirror these units, it is considered that the materials are acceptable.

- 2.34 In most instances where boundaries between dwellings would be visible, brick walls are proposed. Elsewhere, and to the rear gardens of dwellings, closed boarded fences or larch lap fences are proposed. Again, these details replicate the boundary treatment detailed within earlier sub-phases and ensure that from public vantage points the development maintains a high quality character. Timber knee rails are proposed around the open spaces.
- 2.35 Overall, whilst it is somewhat disappointing that the housing types chosen are not locally distinctive, it is considered that the layout, scale and appearance of the development overall is acceptable, whilst landscaping proposed is of a good quality and would soften the development. As such, it is concluded that the visual impact of the development is acceptable.

Impact on Residential Amenity

- 2.36 The site would be well separated from existing dwellings within Whitfield, with the closest existing dwelling, No.160 Archers Court Road, being around 29m from the closest dwelling within the development, plot 35. With this exception of this dwelling, and its immediate neighbours which is slightly further away, the next closest existing dwellings, which are to the west of the site, being in excess of 90m from the site. Consequently, it is concluded that existing dwellings would not be subjected to any significant overlooking, loss of light or sense of enclosure.
- 2.37 Turning to the relationships between the proposed dwellings and those which have been granted reserved matters approval other sub-phases of Phase 1, the closest dwellings would be in sub-phase 1A and would be separated by around 24m. The closest dwellings within sub-phase 1B would be around 33m away and the closest dwellings within sub-phase 1D would be around 48m away. Given these separation distances, I am satisfied that no unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.38 It is not considered that there are any other properties which would likely be affected by the proposals. Consequently, it is considered that the development would not result in an unacceptable loss of residential amenity to any neighbour.
- 2.39 The construction phase also has the potential to impact upon the living conditions of neighbours. In this case, the development would remain well separated from the majority of its neighbours, save for the properties on Archers Court Road to the north and neighbouring sub-phases within the Whitfield Urban Expansion. The outline permission acknowledged the potential impacts of the construction phase and sought to mitigate these impacts by way of a condition requiring that a construction management plan be submitted and approved prior to the development of each phase or sub-phase.
- 2.40 Turning to the living conditions of future occupiers, the proposed dwellings are arranged in perimeter blocks (or parts of perimeter blocks, with future sub-phases being capable of completing these blocks). This layout generally allows for reasonable separation between units, typically having back-to-back distances of around 22m. Whilst in some instances this distance would reduce it is not considered that this would be so close that it would cause an unacceptable standard of accommodation, particularly in circumstances where the dwellings would be angled away from each other. However, some relationships warrant further commentary, in particular the relationship

between the flats which are provided over garages (FOG's) and their neighbours. The FOG's are located significantly closer to their neighbours than any other type of dwelling proposed within the scheme, in some cases being separated by as little as 10m. The FOG's comprise car ports at ground floor level and two bedroom flats at first floor level. The buildings rise to 7.2m, with an eaves height of around 4.9m. Given the close relationship of these buildings to their neighbours, the gardens of neighbours would be likely to feel relatively enclosed, however, it is not considered that this sense of enclosure would be so significant that it would warrant refusal. Likewise, whilst the FOG's would reduce light reaching neighbours, this would not be severe. The FOG's are designed such that their windows face towards the road, with only high level roof lights to the rear roof slope. Consequently, the FOG's would not give rise to any unacceptable overlooking. Whilst the residential amenity of the FOG's and the dwellings close to them would be compromised, it is not considered that this is sufficiently poor to warrant refusal. In order to ensure that overlooking is not caused in the future, it would be appropriate to include a condition removing permitted development rights for the insertion of new windows. Likewise, it would be reasonable to ensure, by condition, that all windows which are identified on the plans as having obscure glazed windows are fitted with obscure glazing and that this glazing is maintained.

- 2.41 The proposed dwellings would generally be large in size and the majority, including all the largest dwellings, would have private rear gardens. Where flats are proposed, they would be located reasonably close to areas of public open space. All dwellings would be naturally lit and ventilated. It is not considered that any dwelling would be unacceptably impacted by noise or disturbance. For these reasons, it is considered that the living conditions for future occupiers would be acceptable.

Impact on the Local Highway Network

- 2.42 Details of the first section of the Distributor Road (Primary Street) and part of the Major Access Road have been approved as part of the outline planning permission and reserved matters approval for Phases 1A, 1B, 1D and the previous approval for Phase 1C (which could be implemented in full or in part). The current application would utilise the approved Distributor Road for access, with the parcel containing 'loops' of access roads to serve the development.
- 2.43 The initial submission drew significant concerns from KCC Highways, who advised that a substantial number of amendments would be required. Consequently, several sets of amendments were received to address these matters. The assessment in this report will focus on the latest set of amendments.
- 2.44 The application seeks to provide the main roads through the site to adoptable standards (the intention being to offer these routes for adoption). The internal roads and junctions, following amendments, now provide the required forward visibility, whilst adequate visibility splays would be provided to individual driveways and parking spaces. Tracking plans have also been provided to demonstrate that larger vehicles (fire appliances, refuse lorries etc.) can successfully and safely navigate the site. Access to and from the site and access through the site is therefore considered to be acceptable.
- 2.45 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. In accordance with condition 19 of the outline permission, this reserved matters application must be assessed in accordance with the parking standards of DM13.

- 2.46 The application would create a suburban development. In such locations, Table 1.1 of the Core Strategy advises that one and two bedroom dwellings should be provided with one parking space per unit; three bedroom dwellings should be provided with 1.5 car parking spaces; and dwellings with four or more bedrooms should be provided with two car parking spaces (although these figures are described as being minimums). In addition, 0.2 visitor spaces should be provided for each dwelling. Amendments have been made to the scheme during the course of the application, due to initial concerns regarding the provision of tandem spaces (not independently accessible), the proximity of car parking spaces to junctions, allocated spaces being shown which would affect the adoptable highway and the relationship between spaces and dwellings (where some spaces were poorly located in relation to the dwellings they would serve). The majority of dwellings would now be provided with two allocated car parking spaces with a total of 357 car parking spaces allocated to dwellings (185 dwellings are proposed); however, some dwellings would still be provided with tandem parking spaces, reducing the usability of one space. Whilst not ideal, the impact of this has been limited by providing a high number of visitor spaces (81 spaces compared with a need for a minimum of 37 spaces) and by providing easy routes from dwellings to these spaces. The visitor spaces have typically been well spaced out within the development, with slightly increased prevalence close to roads higher in the road hierarchy (Distributor or Major Access Road) and adjacent to landscaped spaces. This is important to ensure that all dwellings have access to visitor parking and that parking on the arterial routes is guarded against. Whilst the provision of tandem spaces is not ideal, using land whilst being of limited convenience, having regard for the generous provision of visitor spaces and car parking generally it is not considered that the amount or type of car parking would lead to significant harm to the highway.
- 2.47 Safe crossing points are indicated on parts of the Distributor Road which are likely to experience higher volumes of pedestrians and paths have been designed to respond to likely pedestrian desire lines. Concern has been raised by KCC Highways and Transportation and KCC PROW in relation to the limited provision of footpaths through the SAC Mitigation area, in response to which, mown paths through the grass have been shown. The consultees had sought the provision of a made path, as the route leads directly to bus stops and a crossing point and will therefore likely form a pedestrian desire line. The justification for the provision of a mown path as opposed to a made path is that the SAC Mitigation area is controlled by a previously approved SAC Mitigation Plan, the aim of which is to provide a naturalistic walking route for the occupants of the development to divert them away from using the existing SAC land to the south of the A2, which is susceptible to being damaged if overused. In addition, the land is being used for surface level water management. Consequently, the ability to introduce lots of hard landscaping is limited. Whilst I share the reservations of the consultees that a mown path is not ideal, I conclude that the provision of a mown path is a reasonable compromise. It is considered that it would be reasonable to require details for the maintenance of the mown paths in perpetuity to be submitted for approval, via condition.

- 2.48 There are two PROW which cross the site, the ER 63 which runs north west from Archers Court Road to south east and the ER71 which runs from north east to south west. The two cross each other to the south of the school site.
- 2.49 Concern has been raised that, following the reduction to the site area for this application, the last stretch of the PROW ER63 has been omitted from this application and, as such, the link cannot be secured by this application. However, the provision of an enhanced path joining Archers Court Road was secured by a condition attached to the outline permission and details of this path have now been submitted and approved. The highways officer has expressed disappointment that this path is 3m wide and not 4m wide, however, these details were approved following consultation with KCC PROW. Within the site and adjacent to the school, separate but adjoining footpaths and cycle paths are proposed, which would continue the separate paths approved under a previous application. This route continues around the boundary of the school. Further to the south, ER63 becomes a combined footpath and cycle path and would be set within a landscaped corridor and would link with ER71.
- 2.50 ER71 is proposed to be diverted a short distance to the south of its current alignment in order to provide an optimum layout for the development and the provision of surface water attenuation. The diversion would be minor and would not cause a significant delay. The diverted route would pass along the southern side of a landscaped area and would include a separate, hard surfaced, footpath together with a cycleway which would, in part utilise a shared surface. The route would retain a pleasant character, with the character changing from an unmade route through an agricultural field to a made route bounded by soft landscaping.
- 2.51 Overall, the development would provide safe and convenient vehicle access and car parking. Pedestrian and cycle access is, for the most part, well catered for. Where access is more constrained, this is due to competing land interests which limit the ability to provide a continuous north west to south east link. Whilst this is regrettable, it is considered to be unavoidable due to the need to retain a naturalistic environment and due to the need to manage surface water in this location.

Ecology

- 2.52 Natural England have advised that the development will need to be carried out having regard for the approved SAC mitigation plan. This requires that areas of open space (together with walking paths) are provided in accordance with approved details. This will encourage occupants of the dwellings to avoid increasing the use of the nearby SAC land which could cause habitat damage. The proposal includes significant provision of SAC mitigation land. It is noted that the approved SPA mitigation strategy (which was approved in consultation with Natural England), requires that the initial provision of mitigation land be in excess of that required in quantitative terms, so as to provide a meaningful opportunity for recreation from the outset. The development had previously provided a temporary area of land to the west of the site, which will be replaced with the permanent provision around the access to the site from the A256 and around Phase 1A. The approved mitigation strategy requires that the permanent areas for SAC mitigation be provided and these areas have been seeded. The current application, as set out at paragraph 2.16, provides the necessary areas for SAC mitigation in accordance with the strategy.

2.53 The site itself provides limited habitat at present, comprising arable farmland and improved grassland. However, to the peripheries of the site and in a north east/south west line across part of the site (between the arable land and the improved grassland) there is a loose row of trees. Having regard for Natural England's Standing Advice, these features, due to their location and condition, are unlikely to support protected or notable species. This is supported by the ecological work carried out at the outline application stage (albeit this is now of only limited use, being written in 2011). Whilst it is not considered that these features are likely to be of ecological importance, it is noted that the site area has now been amended to set development away from the vegetation bounding Archers Court Road. For these reasons, it is not considered that ecology is a constraint to this application for approval of reserved matters. In reaching this conclusion, regard has been had for the conditions (37 to 43 inclusive) attached to the outline permission which require that up to date surveys are undertaken prior to the commencement of each sub-phase and vegetation clearance takes place outside of the breeding bird season.

Archaeology

2.54 Archaeology was considered at the outline application stage, with a condition (condition 44) being attached to the planning permission. The condition requires that, prior to development on each phase or sub-phase taking place, a programme of archaeological field works must take place and, if important remains are found or further archaeological works need to take place, safeguarding measures be put in place to preserve remains in situ.

2.55 KCC Archaeology have advised that evaluation works (trial trenching) has taken place on site and, whilst they are yet to receive the report, the Senior Archaeological Officer was able to monitor the trenching to observe the works in the field. KCC have advised that the evaluation has confirmed the presence of a double ring-ditch in the western part of the site, which represents the remains of a Prehistoric barrow (burial mound) of probable Late Neolithic or Early Bronze Age date. Whilst unproven, further secondary/satellite burials may also have been inserted into and/or around the mound. The covering mound has subsequently been lost to erosion through ploughing, but the monument's encircling ditches (and potentially any accompanying burials) have been demonstrated to survive. It lies within the area currently proposed for development, albeit close to the area of proposed open-space which runs along the western boundary of the site in a south east to north west direction. KCC have questioned whether the layout of the development could be amended to remove the barrow from the development area.

2.56 Under the amended scheme, the location of barrow corresponds approximately with the location of the shared drive off Green Lane 2, such that most of the likely location of the barrow would be under the road and verges. At this reserved matters stage, it is not considered that it would be reasonable to refuse permission based on the likely presence of a barrow, particularly as it has not been demonstrated that the amended scheme would be incompatible with the preservation of the barrow. Should the archaeological work conclude that the amended scheme is incompatible, it will be for the applicant to either submit a new application for reserved matters approval or, more likely, apply to make non-material changes to their scheme.

Drainage

- 2.57 A site wide surface water drainage strategy was approved as part of the outline permission, which outlined the broad principles which were to be relied upon in order to achieve sustainable drainage. Whilst detailed drainage details were not provided at the outline stage, the outline permission included a condition (Condition 50) which requires that a detailed strategy be submitted for each phase or sub-phase prior to the commencement of the development of that phase or sub-phase. To date, the details pursuant to the first sub-phase, 1A, has been submitted and approved.
- 2.58 The application has been supported by a Flood Risk and Surface Water Strategy, which sets out how surface water will be managed. KCC, as Lead Local Flood Authority have advised that the overland flow path (the existing area within the site which becomes saturated during extreme weather events) has been modelled and the submitted drawings demonstrate that this can be accommodated within the layout. The scheme proposed a series of shallow depressions within the landscape area which will be allowed to become wet during extreme events, albeit for the vast majority of the time they would be dry. KCC have advised that the surface water drainage strategy is therefore acceptable.
- 2.59 Foul drainage is addressed through a condition (Condition 51) which was attached to the outline permission and a clause in the S106 Agreement. The proposal would link into the system which has been approved through a Condition 51 submission, comprising a holding tank within the Phase 1 site which discharges to the Southern Water pumping station adjacent to Sandwich Road when it has capacity (the on site system and the Southern Water system communicate with each other to ensure that there is capacity. The approved system has sufficient capacity to meet the needs of all of Phase 1. Southern Water are also currently working on increasing the capacity of their pumping station, although the housing proposed by this application is not reliant on Southern Water's improvements.

Other Matters

- 2.60 Condition 46 attached to the outline permission requires that all dwellings be constructed such that their occupants are not unacceptably impacted by noise. Environmental Health have advised that the noise report submitted with this application (Clarke Saunders Noise Impact Assessment AS11556 dated March 2020) is acceptable, but request that its recommendation for standard double glazed units with trickle ventilation to be fitted to all units be secured by condition.
- 2.61 Representations have been received which comment on the lack of affordable housing being delivered within the development. Affordable housing and contributions were assessed at the outline stage, when it was concluded that due to the infrastructure costs associated with Phase 1, the development could not support affordable housing. The application before members is a reserved matters application to assess the appearance, layout, landscaping and scale of the development. The merits of whether the scheme can support affordable housing is not therefore pertinent to the determination of the matters being considered.
- 2.62 Many of the objection letters received raise concerns regarding the development encroaching on land identified for the provision of open space or that the scheme does not accord with the layout shown at the outline planning

permission stage. The scheme has been subsequently amended to remove development from the area identified for open space.

- 2.63 Kent police have made a number of recommendations in order to allow the development to gain Secure by Design accreditation. Some of their recommendations fall outside of the scope of planning whilst, in other respects, securing measures which could reduce crime or the fear of crime need to be balanced against other material considerations, for example balancing the disbenefits and benefits of permeable layouts. The development has been designed to generally avoid secluded areas and pedestrian alleyways, with the perimeter block layout providing for good natural surveillance and pedestrian accesses reserved for instances where access is necessary to achieve reasonable refuse carry distances. Overall, it is considered that the development strikes the right balance between securing good design, pedestrian and cycle friendly development and reducing the likelihood of crime or the fear of crime.

3. Conclusion

- 3.1 The site is located within the Whitfield Urban Expansion allocation and on land which benefits from outline permission for the erection of housing and associated infrastructure. As such, the principle of the development has been established. The site has been identified as the primary housing allocation in the district, intended to deliver at least 5,750 dwellings. The site is also proposed to be reallocated for housing in the Draft Local Plan.
- 3.2 This reserved matters application seeks approval for the appearance, layout, landscaping and scale of the development within this phase. As set out in this report, there is some criticism of the detailed design of the dwellings; however, it is concluded that, overall, the development would provide a development of reasonable quality. The development: would not cause unacceptable harm to the character and appearance of the area; would not harm the residential amenities of neighbours; would provide a reasonable standard of accommodation to future occupiers; would not cause unacceptable harm to the highway network or highway safety; and is acceptable in all other material respects.
- 3.3 It is therefore recommended that permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions to include: -
- (1) approved plans, (2) materials to accord with submitted details, (3) noise mitigation measures in accordance with submitted noise report, (4) removal of permitted development rights for the insertion of new openings to certain dwellings, (5) obscure and non-opening windows, (6) windows to be set in reveals, (7) bicycle storage, and (8) details for the maintenance of the mown paths.
- II Powers to be delegated to the Head of Planning, 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
Luke Blaskett