

- a) **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 - Whitfield Urban Extension Phase 1, 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.
- 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.
- 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.

- DM20 – Permission for new shopfronts and alterations to existing shopfronts will only be given if the proposals respect the composition, materials and detailed design of the building and the context provided by the street in which they are located.
- DM 23 – Proposals for local shops or extensions to local shops will be permitted: within the urban areas and in rural settlements where consistent with the Settlement Hierarchy; and on development sites for employment uses.

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.

Saved Local Plan Policies

- CO8 – Retention of Hedgerows

National Planning Policy Framework 2021 (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 provides a clear reason for refusing the development proposed (having regard for footnote 6); 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. Housing should be supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).
- Chapter six seeks to secure a strong, competitive economy.
- Chapter seven requires that planning decisions to support the role that town centres play at the heart of local communities. Whilst local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in a town centre location nor in accordance with an up to date development plan, with preference given to accessible sites which are well connected to the town centre, this sequential approach should not be applied to applications for small scale rural offices or other small scale development. Retail impact assessments are not required for small scale developments of, in the absence of locally set thresholds, less than 2,500sqm.
- 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. Paragraphs 98 and 99 advise that high quality open space should be accommodated and existing open space, sports and recreational

buildings and land, including playing fields, should not be built on unless exceptions apply.

- 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. Land should be used efficiently while also creating beautiful and sustainable 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, beautiful and sustainable 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. Design Guides and Codes, consistent with the National Design Guide, should be used to provide clarity about design at an early stage and to reflect local character and design preferences. 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.

Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. New streets should be tree lined.

Permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design.

- 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.

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/10/01010, 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/20/00640 – Reserved matters application pursuant to DOV/10/01010 - relating to layout, scale, landscaping, internal access arrangements and appearance for 185 dwellings (Phase 1c) - Granted

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 15th July 2020*

KCC request additional information as follows:

1. Further information is required on the anticipated catchment area/customer base for the store and the subsequent generation and distribution of the anticipated vehicle trips across routes available, particularly bearing in mind that direct vehicular access to the store does not appear to be available from Phase 1 of the Whitfield Urban Extension (WUE) site.
2. I note the assumptions made on the types of vehicle trip likely to be generated by the convenience store, however further information/clarification is required on the basis of these assumptions.
3. Further information is required on how residents of WUE Phase 1 will access the store, particularly on foot. I suggest it may be possible to provide a footway along Archers Court Road between the site and public footpath ER63, which is being upgraded as part of the adjacent primary school development and provides a link into WUE Phase 1.
4. Customers from the north side of Archers Court Road will need to access the site and are likely to cross on, or very close to, the site frontage. Suitable facilities will therefore need to be provided to accommodate these movements. A footway is also required along the frontage of the site and pedestrians should be segregated from vehicles at the entry point the site, with a segregated pedestrian route ideally also provided within the site.
5. The access arrangements effectively create a crossroads at the Cranleigh Drive junction and will result in unnecessary conflicting vehicle movements. This can be resolved by having a single point of entry and exit where the exit-only point is currently located. The entry point currently shown could be gated and retained for use by delivery/service vehicles only. It should also be noted that the 43 metre x 2.4 metre x 43 metre visibility splays identified in the TA are not shown on the plans.

6. The Delivery Management Strategy indicates deliveries by a 13.5 metre articulated vehicle, and swept paths should therefore be submitted to demonstrate that the same can be accommodated on the site.

7. An assessment of likely parking demand should be made based on trip generation rates. Consideration also needs to be given by the applicant to preventing parking on the highway by customers, particularly bearing in mind the proximity of the site to Cranleigh Drive and the use of this route by buses.

8. Consideration should be given to 10% of parking spaces having electric charging facilities and a further 10% being constructed to allow conversion in the future.

I shall be pleased to comment further on receipt of the above. It should be noted that all highway alterations associated with the development will require a Stage 1 safety audit and designer's response to any issues raised, as part of the planning application process.

Further comments received 10th August 2020:

I refer to the Technical Note submitted for the above on 22nd July and would comment as follows:

1. Based on the information submitted it appears the proposals could generate additional movements through the Archers Court Road/Sandwich Road junction which already has significant queues in peak hours, and these movements will add to the queues and delays at this junction. The extension northwards of the existing, short two-lane Sandwich Road approach to the Whitfield Roundabout would mitigate this impact and it appears this could be achieved by trimming back of the traffic island in Archers Court Road and remarking of the carriageway, with some minor road widening into existing highway verge also required. The applicant should therefore provide a detailed plan showing such mitigation together with a safety audit of the proposals and designer's response to any issue raised.

2. Whilst Phase 1C of the WUE may provide a footway along the Archers Court Road frontage at some point, this phase has yet to obtain planning consent and there is no guarantee that the footway would be provided as part of that phase before the convenience store opens. There are also existing occupied dwellings in WUE Phase 1A and the nearby school will be open early next year, so there is clearly a need to provide pedestrian access between the store and these developments. The store proposals should therefore include a footway for the full width of the highway verge between the site and ER63 to the east.

3. As previously advised customers from the north side of Archers Court Road will need to access the site and are likely to cross on, or very close to, the site frontage. Suitable facilities will therefore need to be provided to accommodate these movements. A minimum 2.5 metre-wide footway is also required along the frontage of the site and pedestrians should be segregated from vehicles at the entry point to the site, with a segregated pedestrian route ideally also provided within the site.

4. The revised single point of entry/exit for customers and separate gated delivery entry/exit point for deliveries are acceptable, as are the 2.4 metres x 43 metres visibility splays shown. However, it should be demonstrated with vehicle swept paths that two cars can pass each other in the access, i.e. a vehicle entering does not have to wait for a vehicle to exit and vice versa.

5. The revised details in relation to delivery vehicles are noted and the swept path for the 10.35 metre articulated vehicle should be submitted.

6. The car parking accumulation exercise is noted and is acceptable based on the percentage of customers likely to visit by non-car modes.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

Further comments received 19th May 2021:

Even allowing for, say, 50% of trade to come from the existing Whitfield area there will only be a handful of trips through the junction when linked/transferred/diverted trips and the other routes available are taken into account. Therefore, as much as we would like the contribution I don't think there is a severe impact warranting the mitigation contribution.

I believe there are still some outstanding issues on the layout which I communicated to their consultant on 17 September last year but have not been resolved. These are as follows:

- Provision of a footway between the site and PROW ER63 to the north. Confirmation is required that they will provide this should it not come forward earlier via Phase 1C.
- Parking space 16 is too close to the entry point and needs relocating. It appears there is room adjacent to spaces 1-4 with some minor relocation of the same.

Further comments received 20th May 2021:

It would be better to have a plan showing the footway (ideally minimum 2.5 metre width) which can then be conditioned, so we are all clear what is required.

DDC Environmental Health – The submitted noise impact assessment is accepted. Should permission be granted it is recommended that conditions be attached to require the submission and approval of a delivery management plan to manage when and how deliveries are made to control potential noise and disturbance to local residents.

The findings of the contamination report are noted and it is recommended that conditions be attached to any grant of permission to ensure that an intrusive contamination investigations and risk assessment are carried out, together with remediation, verification of remediation and the reporting of any previously unidentified contamination are carried out.

Finally, a construction management plan is recommended to control noise generated by the development during construction.

KCC Archaeology – The submitted heritage statement advises that “a large number of prehistoric (Palaeolithic to Iron Age) remains and features have been recorded in the vicinity of the site, indicating a relatively high and consistent level of prehistoric activity in the locality”. It goes on to identify “there is considered to be low to moderate potential for Romano-British archaeological remains within the site” and that for the medieval period the potential for significant archaeological remains is likely to be low. I generally agree with these conclusions regarding the site's archaeological potential. A condition should be attached to any grant of permission to secure the implementation of a programme of archaeological works.

Southern Water – An application will need to be made to Southern Water to connect to the public foul sewer. There is no surface water sewer in the area to serve the development, so an alternative means of drainage will be required. This should not involve disposal to the public foul sewer.

Whitfield Parish Council – Object.

- The application is contrary to outline planning permission DOV/10/01010 (including condition 9 of that permission), the Whitfield SPD and Core Strategy Policy CP11.
- The building is in the wrong location - shops should be located at neighbourhood centres
- Loss of green/recreation space secured by the outline planning permission
- Increased traffic
- Inadequate parking and access
- Impact on neighbours
- Loss of vegetation/hedge
- Would support well designed and well-designed retail provision

Public Representations – 28 letters of objections have been received, raising the following points:

- The shop is not in the right location
- The application doesn't accord with the Whitfield Masterplan, the Core Strategy or the outline planning permission
- The entrance would be opposite a busy junction
- Impact on highway safety
- Insufficient car parking
- Increased traffic on Archers Court Road
- Inappropriate pedestrian access
- Harm to residential amenity
- Noise
- Harm to the character of the areas
- Loss of green space
- There is no need for a shop/competition for existing shops
- Additional unauthorised use of front gardens as a short cut
- Litter/anti-social behaviour
- Impact on ecology
- The applicant is seeking to amend open space secured by the outline planning permission through a separate application for a non-material amendment

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

- 1.1 This application relates to an area of former agricultural land. The land lies to the east of Whitfield and to the west of land which benefits from reserved matters approval for the construction of housing. The land, whilst relatively flat, falls gradually from west to east, whilst beyond the site to the east and gradient becomes more pronounced. The boundary of the site with Archers Court Road is defined by a loose hedgerow.
- 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), but does not follow the outline planning permission for Phase 1 (DOV/10/01010). Instead the current application is a standalone application for full planning permission. To the north, currently under construction but nearing completion, is the new primary school which is being delivered as part of the Whitfield Urban Expansion.

1.3 This application seeks full planning permission for the erection of a retail unit. The single storey retail unit, which would have a floor area of approximately 372m² (244 m² net), would be set back from the highway behind a car park accommodating 20 car parking spaces and a loading bay. The car park would be served by two vehicular accesses on Archers Court Road. A plant area would be proposed to the southern corner of the site.

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 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.

2.4 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.

2.5 It is considered that policies CP11, DM1, DM11, DM15 and DM23 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%).

- 2.6 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 NPPF. 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. This application, whilst on land allocated for development under CP11, does not follow the outlie permission and is, instead, a standalone full application. Policy CP11 seeks to achieve a mix of uses, including retail provision, to deliver a sustainable community. Consequently, subject to being acceptable in other respects, which will be discussed throughout this report, it is considered that the development accords with policy CP11.
- 2.7 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 (including retail uses) in the plan and the development therefore accords with Policy DM1.
- 2.8 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 development, including retail, and given that it adjoins the existing settlement the development accord with Policy DM11. Users of the shop would be able to reach the site by more sustainable forms of transport, including walking and cycling. The site is also close to public transport links.

- 2.9 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 Whitfield Urban Expansion 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.
- 2.10 Policy DM23 is a positively worded policy which states that proposals for local shops (i.e. those with a floor area of up to 500sqm) will be permitted within the urban areas and in rural settlements where consistent with the settlement hierarchy and on development sites for employment uses. This is broadly consistent with the NPPF which, whilst supporting a town centre focused approach, does allow retail uses outside of town centres where this would accord with the development plan and does not require retail impact assessments for retail developments of less than 2,500sqm. Paragraph 89 of the NPPF also makes an exception to the town centre first in relation to small scale rural development, albeit this development does not rely on support from this exception. Consequently, I consider that policy DM23 is not out-of-date and continues to attract weight. The proposed shop would have a floor space of 372m² (244 m² net) and so is supported by DM23.
- 2.11 Policy DM1 is out-of-date, whilst CP11, DM11, DM15 and DM23, 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 and DM23 are critical and 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 Compliance

- 2.12 The Whitfield Urban Expansion 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 this application is a standalone full application rather than an application for the approval of reserved matters, and is not therefore tied to the conditions or parameter plans approved as part of the outline planning permission, the site does lie within the area covered by the SPD. In particular, the site is within the Light Hill neighbourhood.
- 2.13 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.
- 2.14 Whilst much of the SPD concentrates on the requirements of the proposed housing and transport issues, it also references the need to provide a range of facilities to support the housing and ensure that the community is sustainable by reducing the need to travel. Regarding the provision of retail, paragraph 5.78 of the SPD states:

“Core Strategy policy CP11 makes provision for the inclusion of commercial facilities and services such as shops, professional offices, cafes and restaurants that fall within the planning categorisation of uses in Use Classes A1 to A5. The Core Strategy is concerned that any facilities are only of a scale to support the WUE and existing residents. This is of particular relevance to retail provision. As set out earlier in this chapter, these uses should be focused at the proposed Village Centre and the larger Neighbourhood Centres”.

The SPD identifies that the Light Hill Neighbourhood should include a Local Centre, where facilities could be provided.

- 2.15 There is no clear Local Centre at Phase 1 currently, with the development comprising housing the Primary School. Whilst it is unlikely that significant further commercial development is necessary within Phase 1, it is considered that the provision of a modest retail unit would reduce the need to travel and increase the sustainability of the site. The location of the shop, relatively close to the school, is logical as it would encourage linked, rather than separate, trips. Third parties have commented that the shop should be better integrated into the Phase 1 development, rather than be on its edge. There would be some merit in this; however, I take the view that the proposed location, which is roughly equidistant from the eastern edge of the WUE and the existing shop on Sandwich Road, means that the shop would serve the greatest number of people whilst reducing walking distances. Moreover, as the shop would likely be operation before (potentially quite a few years before) Phase 1 is substantially complete, its location means that the shop will be more likely to be viable whilst the housing in its catchment is built. I am also mindful that the SPD advocates that commercial uses should serve both future and existing residents. Consequently, it is concluded that the location of the shop accords with the SPD.

Character and Appearance

- 2.16 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.
- 2.17 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.
- 2.18 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, albeit the majority of these are more relevant to the delivery of housing. Appendix 4 sets out a framework for Design Codes whilst Appendix 5 gives detailed guidance for the submission of planning applications.

- 2.19 The proposed building would be set back from the road behind a customer car park. Whilst set well back from the road the building would be roughly in line with its neighbour, No.80 Archers Court Road and, consequently, the layout the building would not appear out place in the street scene. Likewise, the scale of the building, being single storey with an eaves height of 3.6m rising to a ridge height of around 5.8m, would be comparable to the adjacent bungalows and lower than the two storey dwellings which are prevalent in the area. Whilst the footprint of the building would be greater than that of the surrounding houses, particularly in terms of its width, it would sit in a larger plot which would afford separation between the building and its boundaries. As a result of this, the building would not appear cramped within the plot.
- 2.21 The appearance of the building is somewhat utilitarian, being functionally designed to deliver an efficient commercial use. That said, the building would be well proportioned, with the building being spit into three equally sized bays containing large, glazed openings and, to the centre of the building, the entrance, and a double width bay (without any openings). Whilst the design of the building is unremarkable, it is not considered that it would draw attention but would instead sit quietly within the street scene. There is limited detail regarding the use of materials and so it will be important that details of the materials to be used are secured by condition. Likewise, it is considered that details of the projecting columns, plinth and how the glazing would sit between these columns and above the plinth (i.e.by what distance would it be recessed) will be necessary to ensure the quality of the scheme. Areas above the glazing have been identified for the provision of advertisements. In principle, these areas appear appropriate for the provision of advertisement; however, the provision of adverts would be require an assessment under a separate application for Advertisement Consent.
- 2.22 The development would necessitate the loss of vegetation along the frontage of Archers Court Road to facilitate the provision of accesses and visibility splays, with the majority of the existing hedge being lost. The submitted Arboricultural Assessment identifies that the hedge comprises a mixture of Field Maple, Ash, Hazel, Elder, Blackthorn, Privet, Holm Oak and Yew the majority of which are in poor condition, being unmanaged, multi-stemmed and, in many cases, ivy clad. Having regard for the report and having inspected the hedge, I take the view that, although individually of little value, collectively the hedge is of value to the street scene and 'rural edge' character of this part of Archers Court Road. Whilst, on balance, I do not consider that it would be justifiable in planning terms to prevent the development due to the loss of the hedge, it is considered that securing a high quality landscaping scheme to replace the hedge is vital, albeit the areas available to achieve this are limited. This is particularly important given the requirement at paragraph 5.95 of the SPD to "strengthen the character of Archers Court Road through tree planting where appropriate" and the recent update to the NPPF which advocates the delivery of trees in development. Consequently, a condition should be attached to any grant of permission requiring a landscaping scheme to be submitted for approval which, for the avoidance of doubt, should include appropriate tree planting. The landscaping details will also need to include details of the hard surfacing and any minor artifacts such as bollards, directional signs etc.
- 2.23 The layout and scale of the building responds to the overall character of the area. Whilst the design is utilitarian, subject to securing high quality materials and finishes, and subject to a high quality landscaping scheme including vertical planting (trees) which will soften the appearance of the site, it is

concluded that the development would create an appropriate built frontage to Archers Court Road.

Impact on Residential Amenity

- 2.24 The site would be well separated from existing dwellings within Whitfield and the dwellings which have been approved within Phase 1 of the Whitfield Urban Expansion. However, the site is directly adjacent to one dwelling, number 80 Archers Court Road.
- 2.25 The proposed building would be 9m from the boundary of No.80 and 13m from the nearest part of the dwelling. The shop would have an eaves height of around 3.6m, rising to a ridge of around 5.8m. The fencing around the plant area would be up to 2.4m in height whilst the fence alongside the loading area would be 3m high. These fences would be around 2.5m from the boundary and 5m from the nearest part of the No.80. Given the modest height of the building and the fences/enclosures, together with their separation from the boundary, it is not considered that any significant loss of light or sense of enclosure would be caused. Moreover, there would be no windows capable of causing overlooking whilst the fence and vegetation along the boundary would screen views. As such, no unacceptable overlooking would be caused.
- 2.26 Given the proximity of the development to number 80 it is necessary to consider the effect of noise on the occupants of that property. The application form identifies that the shop would be open between 06:00 and 22:00 every day. The shop would have a car park for 20 vehicles, together with a loading bay for delivery vehicles. A plant area is proposed to the rear of the site, whilst there would be an ATM to the front of the shop. The nearest of the parking spaces would be 2m from the boundary of No.80 and 7m from the dwelling itself. The loading bay would be 6.5m from the boundary and around 8m from the dwelling itself. The plant area would be 2m from the boundary and around 9m from the dwelling itself. Finally, the ATM would be around 20m from the boundary and 22m from the dwelling itself. The NPPF, at paragraph 185, states that planning decisions should “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”, whilst the Noise Policy Statement for England is also material to the assessment.
- 2.27 The application has been supported by a Noise Assessment which applies the relevant British Standards BS8233 and BS4142 to establish whether the development would create an unacceptable acoustic environment for the neighbouring residential properties. Baseline noise surveys were undertaken which established that background noise levels were 40dB LA90, 1 hour during the daytime and 36dB LA90, 15 minutes during the night. The development, in addition to the noise caused by the coming and goings, noise would be generated by the proposed plant (which would include a gas cooler, a refrigeration pack in enclosure and an air conditioning unit). It is also proposed to install an acoustic barrier around the plant bay and loading area to mitigate noise impacts. Subject to the mitigation provided by the acoustic barrier and on the basis of the submitted hours of operation, the development would meet the standards set by the British Standards and would be at a level below background noise levels. Whilst there would inevitably be some individual noises which may be noticeable to neighbours, it is not considered that the development would cause an adverse effect on health or quality of life. It is considered that a condition requiring the development to be carried

out in accordance with the Noise Assessment, opening times and details submitted with the application should be attached to any grant of permission.

- 2.28 The construction of the development, whilst of modest scale, could give rise to noise and disturbance. Given that the site directly abuts a residential property, it is considered that in line with advice from Environmental Health it would be reasonable to attach a condition to any grant of permission requiring the submission of a Construction Management Plan. This will ensure that hours of operation, dust, noise and vibration do not unreasonably harm the living conditions of neighbours.
- 2.29 Concerns have also been raised by third parties that the front gardens serving house to the opposite side of Archers Court Road are used as a cut through the site from Cranleigh Drive and Farncombe Way and that the siting of shop would exacerbate this. The front gardens of units 10 to 28 inclusive are open plan, without any fences or other means of enclosure between them, whilst there is a path serving each property which terminates around 10m from the footpath serving Archers Court Road. Whilst I have some sympathy with the occupants, the principle desire lines from the north and west would be via Cranleigh Drive, with the shop directly opposite this access. As such, I do not consider that the unauthorised use of private land by members of the public would warrant the refusal of this application.
- 2.30 For the reasons set out above, it is not considered that the development would have an unacceptable impact on living conditions.

Impact on the Local Highway Network

- 2.31 The site would be accessed via Archers Court Road. Whilst the road itself is not highly trafficked, there are understandable concerns from third parties regarding the junction of Archers Court Road and Sandwich Road/Whitfield Roundabout. In acknowledgement of this, KCC initially requested further information in order to help them assess the likely impact on that junction. A further technical note was provided by the applicants which advised that due to the size and location of the shop, it would provide a top up shopping function, attractive to a relatively localised population (there is a similar shop on Sandwich Road, which would limit the catchment of the proposed shop). Given that the road link to the shop from Phase 1 of the Whitfield Urban Expansion would require a trip onto the A256, the A2, the Whitfield Roundabout and then Archers Court Road, it is likely that local users from the new development and the school would walk to the shop. Some of the trips would also be linked trips, i.e. people stopping off at the shop during a journey they would be making anyway, rather than diverting to another shop elsewhere. Notwithstanding this, some additional vehicle movements would be generated. Following this information, KCC advised that, as the development would place some additional pressure on the Archers Court Road/Sandwich Road junction which already has significant queues in peak hours, a mitigation scheme (trimming an existing island and 'signing and lining' to extend the two-land approach) should be delivered, comprising minor changes to the Archer Court Road/Sandwich Road junction. However, the need for this was questioned by the applicant and in response KCC confirmed that, whilst this would be desirable, the scheme would not cause a severe impact on the network in the absence of this mitigation. The NPPF advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Consequently, it is

not considered that requiring junction improvement would be justified in this instance.

- 2.32 The proposal includes two vehicular accesses. It is proposed that the western access would provide access for delivery lorries, with the eastern access used for customer vehicles. Both accesses are of sufficient width to allow vehicles to enter and leave the site concurrently, whilst the site provides sufficient space to allow vehicles to turn and exit in a forward gear. Visibility out of these accesses would be acceptable, each achieving 43m by 2.4m by 43m.
- 2.33 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. Non-residential development, such as this, should be informed by KCC Guidance SPG4, or any successor. The development proposed the provision of 20 car parking spaces, three of which would be designed for disabled customers and three of which would be designed for families. Based on the floor area of the shop, the size of the catchment and the likely mode of transport for customers, the provision of 20 car parking spaces is considered to be reasonable. Cycle racks are also proposed, the provision of which should be secured by condition.
- 2.34 The NPPF advises that “developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”. Whilst little weight can be given to the emerging Local Plan due to the document having just passed the Regulation 18 stage, it is relevant that the plan will propose that developments provide electric vehicle charging points within new development. Given the NPPF position, it is considered that, in accordance with other decisions by the council over the past year, it would be reasonable to require that the development provides on site electric vehicle charging points for customers, which should be secured by condition.
- 2.35 In accordance with KCC’s advice, the applicant has submitted a plan to show the provision of a 2.5m wide footpath along the Archers Court Road frontage, which would link the existing footpath to the west of the site with public right of way ER63. The provision of this footpath, which will ensure that the shop can be safely reached by occupants of the new houses within Phase 1 of the Whitfield Urban Expansion, should be secured by condition.

Ecology

- 2.36 The site provides limited habitat at present, comprising arable farmland and improved grassland. However, to the northern boundary of the site 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). It is not therefore considered that ecology is a constraint to this application. That said, the application does indicate that a small section of the hedge would be retained to the west of the vehicle exit. It is recommended that this be retained by condition.

Archaeology

- 2.37 The application has been supported by a Heritage Desk-Based Assessment, in accordance with paragraph 189 of the NPPF. The report identifies that Palaeolithic and Iron Age remains and features have been found in the vicinity of the site, whilst there is a low to moderate potential for Romano-British archaeology and a low potential for medieval archaeology. Consequently, the report recommends that, should permission be granted, a condition should be attached to require that a programme of archaeological works takes place. KCC Archaeology have been consulted and concur with the findings of the report. Consequently, it is recommended that an archaeological condition be attached to any grant of permission.

Contamination

- 2.38 The application has been supported by a Contaminated Land Assessment, which concludes that a site investigation, including ground testing, is required to determine the actual level of risk associated with the potential contaminants (pesticides) and geotechnical hazards identified in the desk study. Environmental Health have noted the findings of the report and recommend that conditions be attached to any grant of permission to ensure that an intrusive contamination investigations and risk assessment are carried out, together with remediation, verification of remediation and the reporting of any previously unidentified contamination are carried out. Subject to such a condition, I am satisfied that the development would not risk contaminants being released from the ground or be at risk from contamination itself.

Flood Risk and Drainage

- 2.39 The site lies in Flood Risk Zone 1, which represents the lowest risk of flooding from rivers or the sea. The site is also outside of any areas which are identified as being at risk from surface water flooding. Notwithstanding this, it is still necessary to consider whether the development would increase the risk of flooding on site or elsewhere.
- 2.40 The application proposes to drain foul water to the existing public sewer in Archers Court Road. This will require an on-site pump due to raise the foul water and provide a fall to the public sewer, due to the on-site levels. Southern Water have confirmed that there is capacity in the foul sewerage network to meet the needs of the development. It is recommended that, should permission be granted, full details of the system are submitted for approval to ensure that the foul sewerage system operates as intended, such that there is no increased risk of flooding.
- 2.41 The existing site is undeveloped agricultural land, whilst the proposed development would provide areas of impermeable surfacing, such as the roof of the building and the car park. It is therefore necessary to consider how surface water flows will be managed to ensure that surface water runoff does not cause localised flooding. The application proposes to manage surface water through the construction of surface water sewers which would lead to an attention/infiltration tank located beneath the car park. This would itself be connected to a deep bore infiltration manhole. Given the underlying chalk geology, infiltration rates would be sufficient to ensure that surface water would be attenuated, even in extreme weather. It is recommended that full details of the system and confirmation of its maintenance regime are submitted via condition.

Other Matters

2.42 Some of the objectors have raised concerns regarding the development encroaching on land identified for the provision of open space. The outline planning permission for Phase 1 of the Whitfield Urban Expansion included a set of parameter plans which identified the broad locations of, amongst other things, open space and sports facilities. These plans indicated that a 'buffer' of landscaping and open space would be provide between the housing development and Archers Court Road. The proposed shop would be located within this open space. Whilst this application must be considered on its own merits, in order to deliver Phase 1 of the expansion the applicants would need to achieve an alternative provision of open space, in order to comply with their outline permission. Separate from this shop application, the land owner for Phase 1 has submitted an application under S96a to make a non-material amendment to the outline permission which proposes the amend the approved parameter plan. The amendment, whilst retaining the vast majority of the open space as approved, would replace the land which is proposed to be occupied by this shop with additional open space elsewhere in phase 1, such that the overall quantity of open space remains unchanged. Applications for non-material amendments do not require considerations of the planning merits of the change but a determination as to whether the change is material in the context of the overall permission. A determination on the non-material amendment application is yet to be made. Members are asked to determine the current application on its planning merits.

Conclusions

2.43 The site is located within the Whitfield Urban Expansion allocation which will require the provision of retail and other uses to ensure that the development is sustainable. Moreover, the provision of modest 'local shops' is supported by the development plan. As such, the principle of the development is acceptable. The site is also proposed to be reallocated for housing in the Draft Local Plan.

2.44 The development would not cause unacceptable harm to the character and appearance of the area and, subject to conditions, would not cause unacceptable harm to the residential amenities of neighbouring dwellings. Whilst it is regrettable that off-site highway works will not be achieved, requiring such improvements would not be necessitated by the development and as such it would be unreasonable to require the developer to secure these. Consequently, the development would not cause unacceptable harm to the highway network or highway safety. The application is acceptable in all other material respects.

2.45 It is therefore recommended that permission be granted.

g) Recommendation

I PERMISSION BE GRANTED subject to conditions to include: -

(1) time limit, (2) approved plans, (3) samples of materials, (4) sections through the shop front to demonstrate detailed appearance of the columns, plinth and glazing reveals, (5) Details of hard and soft landscaping, including the provision of trees, (6) provision of footpath and dropped curbs to Archers Court Road, (6) provision of vehicle parking, (7) bicycle storage, (8) provision of delivery vehicle parking, (9) provision of accesses and visibility splays, (10) provision of Electric Vehicle Charging Points, (11) Delivery Management Plan,

(12) Construction Management Plan, (13) opening hours, (14) implementation in accordance with the submitted Noise Assessment, (15) contamination, (16) Archaeology, (17) foul drainage details, and (18) surface water drainage details.

- 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