

- a) **DOV/21/00402 - Outline application for the erection of up to 117 dwellings with associated parking and means of access (all matters reserved except for access) - Land south-west of Sandwich Road, Sholden**

Reason for report – number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and completion of a s.106 agreement to secure planning obligations.

- c) **Planning Policies and Guidance**

Legislation

The combined effect of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) applies in the event that planning permission is granted and requires that a planning obligation (under s.106 of Town and Country Planning Act 1990) may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015) (“**the LALP**”)
- Saved Policies of the Local Plan (2002)

Relevant policies of the Core Strategy include:

- CP2: Provision for Jobs and Homes
- CP3: Distribution of Housing Allocations
- CP4: Housing Quality, Mix, Density and Design
- CP6: Infrastructure
- DM1: Settlement Boundaries
- DM5: Affordable Housing
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision
- DM15: Protection of Countryside
- DM16: Landscape Character
- DM17: Groundwater Source Protection

Relevant policies of the LALP include:

- DM27: Providing Open Space

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

National Planning Policy Framework

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

At paragraph 8, the Framework states that sustainable development has three overarching objectives – an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways, seeking net gains across each.

Paragraph 11 identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved 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, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits. Footnote 8 is clear that for applications involving the provision of housing, the most important policies will be considered to be out of date where a local planning authority cannot demonstrate a five year housing land supply.

Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 60 – to support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 – planning should aim to achieve health, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

Paragraph 111 – development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 – planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – planning policies and decisions should support development that makes efficient use of land, taking opportunities to achieve net environmental gains.

Paragraph 124 – in achieving appropriate densities, planning decisions should take into account the need for housing and the availability of suitable land to accommodate it; availability / capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of well-designed, attractive and health places.

Paragraph 125 – where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 126 – 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.

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- 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);
- 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;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 131 – trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.

Paragraph 132 – design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 134 – development that is not well designed should be refused; but significant weight should be given to schemes that reflect local or national design guidance.

Paragraph 152 – the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where relevant sequential and exception tests are satisfied.

Paragraph 174 – planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services, as well as the intrinsic character and beauty of the countryside; and minimise impacts on and provide net gains in biodiversity.

Paragraph 174 also seeks for development to not be put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 – if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 182 – the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 183 – planning should ensure that a site is suitable for its proposed use, taking into account ground conditions.

Paragraph 185 – taking into account the likely effects of pollution on health, living conditions and the natural environment, planning should ensure that new development is appropriate for its location.

Paragraph 180 – planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 186 – planning should sustain and contribute towards compliance with relevant limit values for pollutants, including air quality.

Paragraph 199 – great weight should be given the conservation of designated heritage assets.

Paragraph 202 – where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Consultation Draft Dover District Local Plan (2021)

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. But it is still at an early stage in its preparation, with the Regulation 18 consultation closing on 17 March 2021. In accordance with paragraph 48 of the Framework, whilst the draft Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Other Material Considerations:

- Planning Policy Guidance
- DDC Affordable Housing Addendum SPD (2011)
- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

d) Relevant Planning History

There is no relevant planning application history for the site.

The site, as part of a larger parcel of land, has been promoted by the applicant to the emerging Local Plan as suitable for housing growth. The Council's Housing & Economic Land Availability Assessment (December 2020) considers part of that wider parcel of land, fronting onto Sandwich Road (comprising the current application site), to be suitable for development.

e) Consultee and Third-Party Responses

Sholden Parish Council - Objects to the above application on the following grounds:

- i. application breaches Core Strategy Policies DM1, DM15, 16 and 25(i);
- ii. application breaches NPPF policies 8 (a), (b) and (c), 9, 104 (d), 163, and 170;
- iii. fully supports the excellent traffic analysis objecting to the application by Mr Martin Hewitt. NPPF 109 refers; and
- iv. the purpose of sustainable development is to build the right houses in the right place at the right time (NPPF para. 7). The applicant may be providing the right houses but there is no or minimal infrastructure to support such a large development. The proposed development is therefore unsustainable.

Core Strategy Policy DM1: In recent and not so recent major and non-major planning applications, DDC planning authority has, on different applications stated that some applications are outside the settlement confines and therefore recommended that the application should be refused and on other occasions the authority has argued that whilst the development is outside the settlement confines, DM1 should be disregarded and the recommendation was to grant the application (disregarding DM1 not being the sole reason for a grant recommendation). In effect, as stated widely in planning, there

are no non-legal precedents on the application of DM1 and, as we are frequently reminded, each application must be treated on its own merits.

It follows therefore that Planning Committee Members must consider whether this proposed development is outside the settlement confines. It is. The applicant says so in para. 6.6 of the Planning Statement: "*The application site lies within the countryside beyond defined settlement boundaries*" and in addition "*was not allocated in the LALP, as shown on the Policies Map*".

Policy DM1 states that development will not be permitted on land outside the urban boundaries unless specifically justified by other development plan policies. Members need to consider what other development plan policies enable/justify the development. There are some but these do not outweigh the adverse impacts of breaches of, DM15, NPPF Policies 7, 8, 9, 104 (d), 163 and 170. Even with these other breaches, the application stands to be refused simply because it is outside the settlement boundaries. Members should not be persuaded that because the tilted balance has been invoked before it is now paramount in this application. It is not. As above, each application is on its own merits.

Core Strategy Policy DM15/16 and DM25 (vi): The applicant admits that the proposed development breaches Policy DM15 which is designed to protect the countryside. The proposed development will destroy countryside. Nothing more, nothing less.

By virtue of the location of the site and the topography of the wider area, the proposal would be prominent and visible in wider views. The current open field site acts as a buffer and provides a transition between the Sholden London Road area and rural villages and hamlets further out in the open countryside. Therefore, the proposal would harm the character and appearance of the wider landscape and would be contrary to policies DM15, DM16, DM25 (vi) of the CS and Paragraph 170 of the NPPF.

NPPF paragraph 7: As stated in paragraph 1 above and below, Deal does not have the roads, schools, doctors' surgeries or sewage system to cope with this major development. As such, the application should be refused.

NPPF paragraph 8: Members and Officers alike will be familiar with the three sustainability objectives of NPPF 8 – the economic, social, and environmental impacts of the proposed development. Members will also know that significant weight should be given to NPPF 8. Below is our reasoning proving that this major development is not NPPF 8 compliant:

Economic: The applicant states that the development during construction will economically benefit the area. Not true. Transitory work cannot be considered sustainable (that is, long term). Anecdotal evidence from local builders and other artisans indicates that very little economic benefit comes to the local area when major developments are being built. Out of town workers are used.

The applicant states that there will be extra revenue through local taxation. Not true. Council tax is raised as a transactional tax. New residents will want and need services. That will create an additional demand on services (police, social care, fire and rescue, refuse collection, etc.). These services, additional to those already provided, will be paid for from Council Tax revenue. It is not, therefore extra revenue.

The applicant makes claims that the proposed development will generate (a) £20 million investment in the local area (b) a New Homes Bonus of £ 500,000.00 and (c)

two hundred economically active residents will result in a significant uplift in gross annual income and expenditure.

However, on (a) there are no facts to substantiate that claim or figure, on (b) the New Homes Bonus Scheme is being reviewed by central government and at present no one can predict what "bonus" (if any) will be forthcoming. On (c), this is an economist's dream. It can mean anything. And certainly, an addition 200 economically active people are not, in the size of Dover District, going to significantly uplift anything.

Social: Whilst the applicant sets out the economic benefits of the application in Chapter 8 of the Planning Statement, there is no equivalent chapter dedicated to complying with the NPPF social objective.

Strong, vibrant and healthy communities do not occur where traffic is backed up, sewage is backed up (see below), air quality is poor because of vehicles idling at backed up access points and pinch points further afield from the proposed development. Vibrant and healthy communities do not occur where there the local schools and medical services do not have the capacity/resources to absorb increased demands on their services (notwithstanding S.106 agreements which may or may not reach local service providers).

Environmental: Likewise, for the Social objective above, there is no dedicated Chapter for complying with the NPPF environmental objective

As will be seen below, from transport, to sewage, this application cannot in any shape or form comply with the NPPF 8 (c) in that it will protect or enhance the environment, that it will improve biodiversity, reduce waste/pollution or mitigates the effects of climate change. Backed up wastewater and excrement alone defeats these environmental sustainability objectives.

NPPF paragraph 9: NPPF 9 stipulates (amongst other things) that decision makers should make decisions taking local circumstances into account (my stress). This is further supported in central government guidance which says that "...all councillors have a role to play in representing the views and aspirations of residents in plan-making and when planning applications affecting their ward are being considered". The applicant has in their Planning Statement detailed the following applications as being relevant to this application:

- (a) Land off Church Lane, Deal (19/01260): 14 Dwellings.
- (b) Land North West of Pegasus, London Road, Sholden (19/00216): 42 Dwellings
- (c) Land at Churchfield Farm, Sholden (17/01345): 48 Dwellings + a 64-bed care home.
- (d) Site at Betteshanger Sustainable Parks Betteshanger Road Betteshanger (20/00419): 210 dwellings

For the four applications above, in total there were approximately, from individual members of the public, 360 objections and 40 representations in support. A ratio of around 89% objecting to these applications. Members also need to take into consideration the objections by town and parish councils. These would reflect that ratio. Adding these into the local circumstance mix and there are thousands of people objecting to major planning applications in Deal, Sholden and the surrounding areas.

At the time of writing this application has attracted 25 Public Comments: there 24 objecting and none supporting.

For the purposes of NPPF 9, in deciding this application, planning committee members cannot ignore these local people with their local knowledge of the area and the planning system. To do so breaches NPPF 9.

NPPF paragraph 104(d): The access to this development cuts through the Miners' Cycle Track that runs continuously alongside the A258 from the junction with the Pilgrims Way Sholden (EE389) to the roundabout at Betteshanger Park and then continues to Bridge Hill.

By way of background, the Miners' Cycle Track was built by Italian Prisoners of War to enable the miners to get to and from their shifts safely. It could be said that it was almost 80 years ahead of its time. The Way is an historic piece of infrastructure. This physical piece of our heritage should be preserved. Its second bisection (19/0216, already granted planning permission, will be the first major nearby bisection) will only increase danger for pedestrians, riders and walkers. And completely undermines the The Miners' Cycle Track as a key "Active Travel" way to connect satellite rural settlements with the Deal Urban Area; these include Finglesham, Burgess Green, Betteshanger Circle, Northbourne etc.

The proposed access to the proposed development site irrefutably breaches NPPF 104(d).

NPPF paragraph 109: As outlined in the summary above, SPC strongly advises members to carefully consider the traffic analysis presented by Martin Hewitt, . This work substantially debunks any claim that there will not be severe residual cumulative impacts on the road network.

NPPF paragraph 163: The applicant agrees that the proposed development breaches NPPF 163. Paragraph 6.41 of the Planning Statements says "*...an enquiry was made to Southern Water, they have confirmed to BWB that the foul water network within the vicinity of the site has adequate capacity in the local network to accommodate some (my stress) of the additional flows for the development before reinforcement works is required*". Planning application decision makers are not tasked with deciding applications (be they outline or not) on whether a part of a development complies with an NPPF policy, they must consider the principle of the whole development and the policy in entirety. NPPF 163 is quite clear: an application is to be refused if the local planning authority cannot ensure that flood risk is not increased elsewhere. As will be seen in the following paragraphs, at present neither DDC nor Southern Water cannot give that assurance.

In respect of foul water and excrement drainage, in the very recent past numerous concerns have been raised by councillors and residents. These concerns focus on the ability of Southern Water to confirm or otherwise that they have sufficient capacity to deal with additional developments. Southern Water recently appear to have not only been unable to answer questions on their capacity abilities but also issued apparently contradictory statements concerning their ability to service the 14 dwellings proposed for the Church Lane development. Southern Water itself has advised at least one District Councillor that the Deal area sewage network is in desperate need of upgrading. In addition, Southern Water in their letter of 08 April to DDC Planning Section say: "*This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network*". The implication in that is that the current sewage system cannot cope with additional demands. In pure planning

terms, it is the job (legally mandated) of the local planning authority to ensure that flood risk is not increased elsewhere. If so, NPPF 163 is breached, and foul water flooding is a serious adverse effect on many levels. It follows therefore that the application must be refused on the irrefutable breach of NPPF 163.

In order to try to resolve breaches of NPPF 163, the planning authority has recently imposed a Grampian style condition on the Land off Church Lane (19/01260). Basically, no dwelling is to be occupied until Southern Water have upgraded the sewage network and conclusively proved that it has the capacity to deal with waste without increasing flooding elsewhere.

Such a Grampian condition on this application would not work. The planned build out is in three sections of 35 dwellings. It is impossible to think that a block of 35 dwellings would not be sold and occupied whilst two further plots were being built. With only partial, staged occupation there is no way of telling whether the sewage system would cope with the fully occupied development. Southern Water need to upgrade their systems prior to any new major planning application being granted. Only when this is done can major planning applications be approved.

In previous applications, the planning authority has been at pains to stress that proposed developments are not required to remedy existing problems. And that might indeed be the case. But it goes without saying that any proposed new developments must not exacerbate current serious problems (such as the regular foul water flooding on Albert Road or traffic pinch points at the London Road/Manor Road roundabout). Exacerbating current problems elsewhere undermines the whole sustainable planning process. Approving applications which increase problems elsewhere is not sustainable development.

NPPF paragraph 170: See DM15 and 16 above.

Conclusion: As detailed above, this application falls to be refused on numerous breaches of Core Strategy and NPPF policies. The supporting infrastructure – schools, medical facilities, road capacity, sewage capacity – does not exist to underpin this major development. The access will bi-sect a major historic, walking, riding and cycling network. That alone irrefutably breaches NPPF 104 (d).

Deal Town Council: Objection. Development will have a negative impact on local highway infrastructure and will limit the width on the Sandwich Road; concerns over the affordability and types of houses being built; lack of environment friendly homes and materials being used, e.g. carbon neutral homes, solar panels or wind turbines. Scale of development is too large. This development is not part of the land allocations in the 2006-2026 DDC Local Plan or the current draft DDC Local Plan 2020-2040.

Environment Agency: As this application has low environmental risk, no comments are made.

Natural England: No objection. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As the Council has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposed development will mitigate against its potential recreational impacts.

Highways England: No objection. It is concluded, given the proposed trip generation and distance of the site from the Strategic Road Network (SRN), that the proposed development would not create any significant traffic impact upon the SRN network in this location and its vicinity.

KCC Highways: The residual peak hour traffic generation as a result of the proposals is approximately 60 two-way vehicle trips, with a distribution at the site accesses of:

- 24(am)/19(pm) trips to/from the north via the A258; and
- 36(am)/40(pm) trips to/from the south via the A258.

The additional trips on the A258 route to/from the north are unlikely to have a severe impact on the highway network bearing in mind the increase is less than 2% of the existing traffic flows.

With regard to the A258 route to the south and the London Road/Manor Road roundabout junction, base modelling data is available through the work done for the draft Local Plan. This provides a forecast of the likely existing situation at the end of the Local Plan period in 2040 with committed development and traffic growth taken into account.

The proposed development trips have been added to this scenario in order to assess their impact. The assessment shows that the development will not have a severe impact, with little or no changes in link or junction capacity and journey time.

The development adds only 9 turning movements (6 in and 3 out) at the A258 London Road/Mongeham Road junction. It is acknowledged that there is an existing section of Mongeham Road on the approach to London Road where the carriageway is of insufficient width for two vehicles to pass, and this can occasionally cause traffic to queue back into London Road when drivers having turned in from London Road then have to give way.

The applicant has therefore agreed some works to improve the existing situation by formalising the existing informal give way arrangements, but for drivers heading towards London Road rather than those having turned in from London Road. This should prevent vehicles queuing back onto the A258. The scheme currently proposed will require a safety audit and need to complete a detailed design and approval process through the highway authority, however these requirements can be secured by condition.

Access to the site will be via a new priority right turn lane junction on Sandwich Road. Suitable visibility can be provided at the junction and requires removal of some existing highway trees. The proposed junction arrangements include improvements to give priority to pedestrians and cyclists crossing the junction, in accordance with latest guidance.

A separate footway/cycleway connection from the site is also proposed to the south of the vehicular access, and is acceptable.

All the proposed highway alterations will be subject to a separate detailed assessment by the Highway Authority through the s.278 process, and the works will be fully funded by the developer.

The nearest bus stops to the site are a short distance away in Sandwich Road, and the applicant has agreed to the request from Stagecoach to replace the shelters at

these stops. The details of these replacement shelters will need to be agreed with DDC, which can be secured through condition. Access to the site by bus, cycle and on foot is therefore acceptable.

The initial Travel Plan is noted and I would advise that monitoring of the same is not required by the highway authority bearing in mind the limited impact of the development proposals. A detailed Travel Plan promoting and encouraging sustainable travel can be secured by condition, and the applicant has agreed to encourage sustainable travel through the provision of bus tickets for each household upon first occupation.

The internal layout of the site and associated parking is not for consideration now and will be dealt with through reserved matters. Construction management, including routing and timing of HGV movements, can also be dealt with by condition. Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds.

Stagecoach Bus: The site is served by a pair of bus stops opposite and adjacent Sholden New Road. The north west-bound stop only has a very small shelter, capable of accommodating only 2 or 3 people. We would ask that developer contributions are sought to provide a larger shelter at this stop.

The south east-bound stop is very poorly laid out and does not meet current disabled access requirements. We would ask that developer contributions are sought to reprofile the layby, install a raised kerb and relocate the shelter (although the existing shelter is probably not suitable to relocate due to space constraints).

We note that whilst these stops are within the 400 metre walking distance from the development, the walking route from the south east corner of the development is somewhat indirect. We therefore consider that a more direct footpath route linking with Sholden New Road should be provided. [*The applicant has since altered the illustrative layout to show a more convenient route.*]

We do not envisage running buses into the proposed development. The current level of service is adequate to meet the demand likely to be generated from the proposed development.

KCC Flood and Water Management (LLFA): Agree in principle to the proposed development – satisfied with the drainage design where surface water is proposed to be infiltrated to ground. Desk-based BGS information indicates that the Chalk Bedrock geology is freely draining and highly compatible for infiltration SuDS.

As part of the detailed design, recommend that site-specific infiltration testing is undertaken at the location of the proposed infiltration devices. At detailed design, final full network calculations and model details should be submitted to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year +20% and 100 year +40% storm intensities.

Final drainage details to be secured by condition.

River Stour (Kent) Internal Drainage Board: Confirm that the intent to dispose of surface water runoff entirely through infiltration is appropriate. Provided the recommendations of KCC (as LLFA) are adhered, no further comments.

KCC Infrastructure: KCC has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Contributions are sought as follows:

- Secondary education: £4,540 per dwelling (excluding 1-bed units less than 56sqm)
- Community learning: £16.42 per dwelling
- Youth service: £65.50 per dwelling
- Library bookstock: £55.45 per dwelling
- Social care: £146.88 per dwelling
- Waste: £54.47 per dwelling

In respect of primary education, no contribution is sought. The proposed development is forecast to produce 33 pupils. This development and other consented developments are forecast to produce 111 primary aged pupils, this is within the 135 place working surplus forecast within the Deal planning group primary schools at the end of 2024-25.

KCC Public Rights of Way: Public Footpath EE389/ED48, and EE386/ED37 would be directly affected by / abut the proposed development. KCC PROW would have no objection to the proposal subject to a condition to provide a full PROW management scheme to agree enhancements and improvements to path status, alignment, surfacing, widths and signage. This would include details of PROW management during construction (if any temporary closures or diversions are required).

The Miners Trail: The primary access to this development cuts across the Miners' Cycle Track that runs alongside the A258. This is a well-used promoted route and a significant part of the Districts leisure and tourism promotion for walking and cycling routes. Cyclist and all user safety must be paramount at this access point and comply to the latest national Cycle Infrastructure Design (LTN1/20). KCC PROW.

We are aware of local Deal Council aims to maintain the cycle routes of the area, providing Active Travel and leisure opportunities to residents and visitors, particularly connectivity from the surrounding villages. We would request that the applicant provides some funding towards improvements for the Trail as mitigation for the above.

[Following discussion with the applicant, rather than making a contribution it is willing to carry out direct improvement works to the Miners Way Trail, secured and controlled by a s.278 agreement.]

KCC Archaeology: The site is in an area of archaeological potential associated with areas of extensive crop- and soil- marks in fields to the south-west and known Romano-British activity on the opposite side of London Road.

These demonstrate the presence of extensive buried archaeological remains and landscapes. These include evidence for several ring-ditches that probably represent the ploughed-flattened remains of Prehistoric burial mounds. Within these fields numerous chance metal-detecting finds have also been recorded, these include a collection of early medieval (Anglo-Saxon) brooches. Such brooches are commonly found in burial contexts and it is now well-recognised that Anglo-Saxon burials were frequently focussed on earlier Prehistoric barrow sites, with the Anglo-Saxons seemingly making use of then visible monuments in the landscape as a focal point for their burials.

The geophysical survey carried out by the applicant of the proposed development site has indicated the presence of two possible ring-ditches within the proposed development area. It is possible that these ring-ditches represent the buried remains of now plough-flattened burial mounds of Late Neolithic/Early Bronze Age date.

In addition to the Prehistoric and Anglo-Saxon funerary evidence, the crop- and soil-marks also show evidence for track-ways, enclosures and other features. One such enclosure, measuring some 35m by 45m, can be seen on aerial photographs towards the centre of the application site. This enclosure was also identified by the geophysical survey which suggests the presence of possible entrances on the enclosure's western and eastern sides. The applicant's assessment suggests that the enclosure is of Iron Age to Romano-British date (presumably based on morphology), but this need not be the case. As yet we do not adequately understand its precise character and significance, but I would note that it does lie close to important findings in the Sholden area.

There is evidence for Romano-British activity on the north-east side of London Road. Here a trackway, pits and cremation were encountered, which are probably associated with a known Roman villa located at Hull Place. It has been postulated that the line of London Road approximately follows the line of an ancient routeway leading north from Deal along the high-ground alongside the Lydden Valley.

There is therefore an indication that the proposed development site may contain important archaeological remains, including remains whose significance is such that they might warrant preservation in situ. On this basis I would suggest that it would be appropriate to seek further information from the applicant in the form of a field evaluation, so that the significance of the archaeological features present can be adequately understood and taken account of in any decision taking.

DDC Heritage: There are no built heritage constraints to the proposed development.

DDC Ecology: The 'Ecological Assessment and Biodiversity Net Gain' report refers to additional wintering bird surveys to be progressed; and full details of the DEFRA metric results to demonstrate a biodiversity net gain is sought.

[Since the comments of the Ecology Officer, the wintering bird surveys have been completed for February and March 2021, and full calculation of the biodiversity net gain calculations have been submitted.]

The 'Ecological Assessment and Biodiversity Net Gain' report offers the following suggestions for mitigation and enhancement:

- a bat sensitive lighting scheme
- bird and bat boxes
- habitat manipulation for reptiles species and provision of hibernacula and log/rubble piles
- hedgehog highways within walls and fences and boxes for shelter

The site lies 0.4km from the Thanet Coast and Sandwich Bay Ramsar and SSSI. The applicant's ecologist has clarified that there is no possibility of surface water runoff from the development entering the Ramsar via the south stream due to the topography of the surrounding land.

A Construction Environment Management Plan is recommended to address any possible pollution impacts from construction (surface water run-off, noise, light, sound, dust etc.) upon the Thanet Coast and Sandwich Bay Ramsar and SSSI.

DDC Environmental Protection:

Contaminated Land: The site has been determined as low risk for contamination (former farm land) and the desk study recommends that a ground investigation be carried out to determine the absence of any contamination as well as to determine the suitability of any soils for re-use as part of the development. As this is the case, conditions to secure further site investigation and any remediation if necessary are recommended.

Noise: There is potential of noise from the nearby A258 road to cause disturbance to future residents. The applicant's noise report discusses means of noise mitigation through layout and provision of appropriate glazing / ventilation partiality for the properties that will be closest to the A258.

Final specifications of noise attenuation on a plot-by-plot basis should be finalised at the reserved matters stage of the design process, once final site layout, internal layouts and glazed openings are known. This final plot layout will enable appropriate mitigation / attenuation measures to be secured.

Air Quality: The applicant's air quality report examines the impact of the development including a qualitative construction phase dust assessment and modelling involving a detailed road traffic emissions assessment to determine the impact of the development on local air quality based on guidance from Defra/IAQM/EPUK.

In terms of the operational phase of the development, modelling predicts that the NO₂, PM₁₀ and PM_{2.5} concentrations for Scenario 3: 2024 Opening year without development and Scenario 4: 2024 Opening year with development are below the relevant annual mean air quality objectives at all receptors.

These conclusions are accepted and are based on current guidance. Overall the impact of the proposed development on air quality is considered to be 'negligible'.

For the construction phase, due to the close proximity of existing residential receptors the highest risk category identified was 'high risk' in terms of dust generated. The air quality report identifies a number of suitable mitigation measures that can be secured (by condition) through a site specific 'Dust Management Plan'. It is strongly recommended that electric vehicle charging points are secured by condition, as proposed in the submitted Transport Assessment.

Southern Water: The additional foul sewerage flows from the proposed development may lead to an increased risk of foul flooding from the sewer network. Southern Water and the developer will need to work together in relation to the delivery of the sewer network reinforcement and the timing of occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review. Southern Water endeavours to provide reinforcement within 24 months of planning

permission being granted, although for larger developments this may be exceeded in respect of work related to initial feasibility, flow monitoring, detailed design and construction.

Southern Water therefore seeks a condition to restrict occupation, so it is phased with the delivery of sewerage network reinforcement works. This is to ensure adequate waste water capacity is available to adequately drain the development. Southern Water seeks an informative that development shall not commence until details of foul sewerage and surface water disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water.

Kent Police Designing Out Crime: A condition is recommended to address designing out crime, which should include details of fences and gates; pedestrian routes; lighting; car parking layout to achieve natural surveillance; door and window specification; layout of play area; tree planting and landscaping; cycle and bin storage; and security during construction.

Public Representations

A total of 32 letters of objection to the proposed development have been received which raise the following comments:

- the houses would not be affordable;
- ongoing problems with the adequacy of the wastewater drainage system in the surrounding area, resulting in foul water flooding. This would worsen with new development;
- lack of local infrastructure – schools, medical infrastructure (GP, dentist) to accommodate development;
- lack of employment opportunities will result in residents traveling to work;
- increased traffic and air pollution;
- viability concerns relating to affordable housing;
- loss of existing property value;
- will set precedent for additional development on agricultural land;
- disruption to foot and cycle path will cause accidents with cars crossing at access;
- Sandwich Road (A258) is already congested due to new builds and school traffic;
- loss of greenfield land;
- impact on wildlife, including protected flora and birdlife;
- emergency services will have issues with additional homes;
- Deal has already seen a lot of new development;
- recent developments have used up road capacity on surrounding network into Deal;
- loss of open space;
- sholden does not need any more houses resulting in loss of village character;
- loss of agricultural land;
- potential loss of privacy for nearby properties;
- poor visibility at access to site;
- highways impact must be considered with other development;
- shortage of parking on other developments with on-street parking resulting in dangers to cyclists and pedestrians;
- each dwelling should have EV charging point;
- site naturally drains into the northward flowing stream with ecology sensitivities;

- access road cuts across bridleway; and
- further recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA).

f) 1. The Site and the Proposal

The Site

- 1.1 The site is located on and abuts the south western side of Sandwich Road, Sholden and extends across an area of 4.99 hectares.
- 1.2 To the north west the site is bound by a public right of way (footpath EE386/ED37), beyond which are other open fields. To the south east is an adjacent housing site (land north west of Pegasus) with extant planning permission for up to 42 dwellings (reference 19/00216). A dogleg part of the site extends to the rear of the 'Pegasus' site up to public right of way footpath EE389/ED48.
- 1.3 To the rear of the site (to the south west) is agricultural land.
- 1.4 The site is located outside of the settlement boundary of Sholden, but adjoins the approved development scheme that will extend the built up area along Sandwich Road (19/00216). Opposite the site across Sandwich Road is a recently built residential scheme that extends level to the north western (outer) extent of the site.
- 1.5 Levels of the site rise gently to the south west away from Sandwich Road.
- 1.6 The boundaries of the site are typified by low-lying hedgerow and grassland buffers that define other adjacent agricultural parcels. There is denser tree and hedgerow vegetation separating the site from the adjacent housing site to the south east.
- 1.7 The site is not within a conservation area or contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 (land at least risk of flooding).

Proposed Development

- 1.8 Outline planning permission is sought for erection of up to 117 dwellings with principal access onto Sandwich Road. Matters of the layout, scale, appearance and landscaping of the proposed development are reserved for subsequent approval.
- 1.9 A parameter plan has been submitted for approval, which shows areas of residential development across a larger central part of the site (and adjacent to the 'Pegasus' housing site to the east) and areas of open green space around the edges.
- 1.10 30% affordable housing is proposed, split 70/30 affordable rent / intermediate tenure (such as shared ownership). The mix of market and affordable dwelling type and size is shown illustratively at this stage and considered further in this report.
- 1.11 An illustrative masterplan has been submitted that shows how the proposed development could be achieved. This includes:
 - a central spine road connecting to the principal access;
 - connections to both flanking public rights of way;

- a separate footway / cycleway at the south eastern end of the Sandwich Road frontage;
- surface water attenuation basins (a form of (SuDS) along the Sandwich Road frontage and within the eastern corner of the site;
- a play area (a Local Equipped Area of Play (LEAP)) in the western corner of the site, connecting to a linear park along the south western and south eastern boundaries;
- houses fronting onto Sandwich Road, the SuDS and linear park (along the rear boundary);
- residential units backing onto the adjacent housing site to the south east; and
- perimeter blocks of houses with defensible rear gardens.

1.12 As well as the parameter plan drawing (for which approval is sought), the following documents accompany the application:

- Design and Access Statement
- Illustrative Masterplan
- Planning Statement
- Agricultural Land Classification and Soil Resources
- Air Quality Assessment
- Arboricultural Impact Assessment
- Ecological Assessment and Biodiversity Net Gain Assessment
- Flood Risk Assessment
- Phase 1 Geo Environmental Assessment
- Transport Statement and Travel Plan (with Road Safety Audit)
- Heritage Statement
- Landscape and Visual Impact Appraisal
- Noise Impact Assessment

2. Main Issues

2.1 The main issues in the consideration of this application are:

- principle of development
- loss of agricultural land
- affordable housing and dwelling mix
- design
- landscape and visual impact
- impact on residential amenity
- transport and highways
- archaeology and built heritage
- drainage and flood risk
- noise and air quality
- ground conditions
- s.106 contributions
- planning balance / conclusion

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The site is located outside the existing settlement boundary of Sholden, although it adjoins an approved residential scheme to the south east and is opposite other houses on Sandwich Road. In such a location Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the Proposed Development does not fall within any of these exceptions, it is contrary to Policy DM1.
- 2.4 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy. Therefore, as one of the most important policies for determining the application, the weight to be afforded to Policy DM1 must be considered further in light of paragraph 11 and footnote 8 of the Framework.
- 2.5 Notwithstanding the primacy of the development plan, paragraph 11(d) of the Framework states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test (75% or less)), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or where specific policies in the Framework indicate that development should be restricted.
- 2.6 Having regard for the Council's current housing land supply (HLS) position it is currently able to demonstrate a five-year HLS of 5.56 years and the Council has not 'failed' the Housing Delivery Test with its latest measurement being at 80%.
- 2.7 However, as Members are aware, the current Core Strategy policies and the settlement confines referred to within the policies 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 557 dwellings per annum. As a matter of judgement, it is considered that the evidence base underlying Policy DM1 is out-of-date and the blanket ban on development outside the defined urban confines is inconsistent with the Framework which focusses on protecting important elements of the countryside, where they are present, and not all countryside. Moreover, paragraphs 78 and 79 of the Framework on rural housing provide no support for a blanket prohibition on the provision of housing in the countryside, especially on sites close to or adjoining existing settlements. As such, the Policy DM1 should carry only limited weight.
- 2.8 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the

proposed development, being outside the settlement boundary, is also considered to conflict with Policy DM11.

- 2.9 However, whilst the aim of Policy DM11 and the Framework are similar – to maximise use of sustainable modes of transport – the blanket restriction of Policy DM11 (to prevent development outside of settlement boundaries) does not follow the approach of the Framework, which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded limited weight.
- 2.10 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside, which is broadly consistent with the Framework. However, given that the spatial restriction of Policy DM1 is afforded less weight and the blanket restriction of Policy DM15 to prevent development resulting only in the loss of countryside is does not follow provisions of the Framework (as explained above), parts of policy DM15 therefore are not up-to-date. It is thus considered that Policy DM15 should be afforded less than full weight.
- 2.11 Given how important Policy DM1 is, and in view of the tension between policies DM11 and DM15 and the Framework, it is considered that the ‘basket of policies’ which are most important for determining applications are out-of-date and should not be given full weight.
- 2.12 The application must therefore be assessed against paragraph 11 of the Framework which directs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted.
- 2.13 This approach is consistent with the position presented in the Committee Report for development at Betteshanger Sustainable Parks, Sandwich Road, Sholden (DOV/20/00419). Here it was concluded that this tension between the Council’s Core Strategy housing requirement (of 505 dwellings per annum) and the larger standard methodology figure meant that the settlement boundaries of the Core Strategy and by implication the spatial restriction of Policy DM1, DM11 and DM15 were out of date.
- 2.14 The relevance of the weight to be attached to these policies (DM1, DM11 and DM15) in respect of whether or not the proposed development on the site should be approved is considered further in the overall planning balance at the end of this report.
- 2.15 Whilst the draft Dover District Local Plan only carries limited weight given its relatively early stage of preparation, Members should note that the Local Plan Regulation 18 consultation that closed in March 2021 included an allocation for housing on the application site for an estimated 100 dwellings, anticipated to be delivered in the short term (up to 2024).

Loss of Agricultural Land

- 2.16 The Framework makes provision for the natural capital of land to be recognised including the economic and other benefits of the ‘best and most versatile agricultural land’. An ‘Agricultural Land Classification and Soil Resources’ report submitted by the application considers the site can be considered as ‘best and most versatile agricultural land’; however the applicant presents that in the context of the District – that such land is not uncommon and given the need to release greenfield sites for housing

development (to meet those needs of local communities) such loss is inevitable and should be outweighed by the benefits of the proposed development.

Affordable Housing and Dwelling Mix

- 2.17 In accordance with Core Strategy Policy DM5 and ‘Delivering Affordable Housing Through the Planning System SPD’ (2007), the proposed development would provide 30% affordable housing, with an appropriate tenure split of 70% affordable rent and 30% shared ownership. This provision would be secured through obligations in a s.106 agreement.
- 2.18 Core Strategy Policy CP4 requires the mix of major residential development to be informed by most recent Strategic Housing Market Assessment (SHMA) information.
- 2.19 The Council’s latest SHMA (Dover Strategic Housing Market Assessment – Partial Part 2 Update, December 2019) provides a mix of market and affordable dwellings to best meet current and future housing needs. The mix of the proposed development (based on the illustrative scheme) against the SHMA is set out at Table 1. Whilst there is some variance, most notably in the number of 4 bed houses, this to an extent is offset by a greater number of three beds; and for affordable one bed apartments, it is considered that other locations are more appropriate (perhaps through higher density town centre or brownfield schemes) and more likely to deliver such units.
- 2.20 Thus the proposed scheme is considered to appropriately respond to the housing need profile of the District and is consistent with Policy CP4 in this regard.

Table 1: Dwelling Mix

	Market		Affordable (affordable rent)	
	SHMA 2019	Proposed Development	SHMA 2019	Proposed Development
1 bed	6%	5%	32%	12%
2 bed	21%	20%	11%	12%
3 bed	38%	54%	23%	69%
4 bed	34%	19%	32%	6%

- 2.21 Whilst the current scheme is outline and the final mix of units may change, an appropriate final mix in line with details provided at this outline stage or other appropriate arrangement can be considered and secured at the time of a reserved matters application.

Design

- 2.22 The Framework emphasises that creating high quality places is fundamental to what the planning and development process should achieve. This includes that development should function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and effective landscaping; is sympathetic to the local character; establishes a strong sense of place; and is safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity for future users.

- 2.23 As an outline planning application, matters of layout, scale, appearance and landscaping are subject to reserved matters for subsequent consideration, but the submitted Design & Access Statement identifies a number of principles (as shown on the illustrative layout) that would inform that more detailed design stage. These include:
- an attractive landscaped gateway into the site;
 - creation of tree lined avenues;
 - retention of existing and planting of new native trees and boundary treatments;
 - a hierarchy of streets from a central spine road;
 - a focal space at the heart of the development, with landmark buildings (up to 2.5 storeys);
 - a range of densities across the site from up to 30 dwellings per hectare (dph) around the periphery of the built area to up to 40dph in the centre of the site;
 - permeable walking / cycling connections to existing public rights of way and Sandwich Road; and
 - linked areas of open space centred around the a LEAP in the western corner of the site, then extending along its rear and south eastern parts to create a linear park.
- 2.24 Overall, the design approach of the illustrative layout is considered appropriate and consistent with the Framework, providing a suitable basis to consider further details at reserved matters stage.
- 2.25 Matters relating to external lighting details have not been submitted, but would need to be appropriately considered at reserved matters stage once the final proposed layout of houses and surrounding spaces is known.
- 2.26 At an average density of 37dph, based on 117 dwellings, the proposed development is considered consistent with Core Strategy Policy CP4 in seeking at least 30 dph so to make effective use of deliverable land. Whilst Policy CP4 encourages higher densities above 40dph wherever possible, such a scheme is considered likely to be at too greater variance with the edge of settlement character of the site and its surrounding suburban context.
- 2.27 The Kent Police Designing Out Crime Officer has no objection to the proposed development subject to a condition which should include details of fences and gates; pedestrian routes; lighting; car parking layout to achieve natural surveillance; door and window specification; layout of play area; tree planting and landscaping; cycle and bin storage; and security during construction.

Open Space

- 2.28 LALP Policy DM27 requires residential development to provide sufficient on site open space or contribute towards off site facilities where that may be more appropriate, in relation to accessible green space, outdoor sports facilities, equipped play space and allotments.
- 2.29 Against the LALP standards, the amount of on site accessible green space (measuring 0.82ha) exceeds the minimum required; and a suitably sized and located play space (LEAP) is proposed. In terms of allotments, it is understood as there are none currently being delivered by the Parish Council a contribution is not required / necessary.

- 2.30 For outdoor sports facilities a contribution per size of dwelling is agreed with the applicant consistent with the Council's standard formula – 1-bed £208.43; 2-bed £353.01; 3-bed £438.08; 4-bed £542.38.

Landscape and Visual Impact

- 2.31 As a greenfield location on the edge of Sholden, development on the site inevitably will have a landscape and some visual impact upon its surroundings. CS Policy DM16 states that such development should only be approved where it can be sited to avoid or reduce the harm and/or design measures incorporated to mitigate the impacts to an acceptable level. This is consistent with Framework – that it is necessary for development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 2.32 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which considers such impacts of the proposed development.
- 2.33 In terms of landscape, the site is classified (by the Dover District Landscape Character Assessment (October 2020)) as falling within the 'Open Arable Chalk Farmland with Woodland' landscape character type and more specifically within landscape character area 'Northbourne'.
- 2.34 Key characteristics of the 'Northbourne' landscape character area include its gently rolling topography, numerous small blocks / belts of woodland that break up large arable fields; some wider views across the arable and mixed crop fields; a strong public right of way network, enabling access into the countryside; and views generally enclosed by woodland and the rolling topography.
- 2.35 The LVIA considers the more immediate landscape context of the site – that it does not represent the more characteristic distribution of woodland blocks and many of the historic field boundaries have been eroded over time. It notes that the established settlement edge and proximity to Sholden is clearly an influencing factor, and whilst open in nature the site is not a remote or intact landscape of recognised quality.
- 2.36 In this context, the LVIA considers the landscape to be of ordinary / common value and has a medium sensitivity and susceptibility to change. With the proposed development, the introduction of new dwellings would have a relatively localised and minor adverse impact once the landscape and boundary planting has matured.
- 2.37 The identified landscape planting across the site is considered very important, to establish / reinforce the south west and north west boundaries and so provide a greater degree of containment and screening. Whilst the proposals are submitted in outline, the illustrative layout shows how the development could provide adequate landscape mitigation, which can be secured through reserved matters.
- 2.38 In terms of visibility, the LVIA identifies that views to the north are largely limited by existing development opposite on Sandwich Road, the gently rising landform and layers of vegetation associated with Betteshanger Park. To the east, again the built edge of the existing settlement along Sandwich Road / London Road provides significant screening. To the south, some middle distance views could be available towards and from the upper reaches of St Martin's Church in Great Mongeham. To the west views of the site (without mitigation) do extend across the undulating landscape.

- 2.39 The LVIA undertakes a more detailed assessment of specific viewpoints from identified potential receptors. Of these, three viewpoints are selected from local roads; ten from public rights of ways (footpaths and bridleways); six from nearby residential properties; and others from public buildings or business premises including St Martin's Church and Cottingham Lakes.
- 2.40 Of these visual receptors, the greatest impact of the completed development is considered by the LVIA to be 'minor adverse' from the surrounding highway, public rights of way network and from the outlook of some neighbouring residential properties. From these viewpoints, the LVIA considers there will be some localised visual change, but notes that the development (of houses and associated landscape) would be characteristic of existing built form in the wider area.
- 2.41 With regard to St Martin's Church, the LVIA's more detailed assessment considers there to be no notable change in outlook as a result of the proposed development. Likewise, visitors to Cottingham Lakes would experience no notable change in experienced views.
- 2.42 Overall, the level of landscape and visual impact, and how that effects the overall character and amenities of the surrounding area, is considered to demonstrate that the site is capable of accommodating the proposed development without a level of unacceptable harm. This includes the landscape planting mitigation measures proposed to provide boundary screening and increase the assimilation of the scheme with the existing suburban character of the area. As such the development is considered to accord with Core Strategy Policy DM16.

Residential Amenity

- 2.43 For the proposed new homes, consideration of future levels of amenity, including privacy, outlook, levels of daylight and sunlight, garden size/private amenity space and overall size of each dwelling and its rooms, should be considered at reserved matters stage, rather than part of this outline application.
- 2.44 Given the site's edge of settlement location there are no immediate neighbouring properties whose residential amenity would be affected. The arrangement of the illustrative layout, with gardens backing onto the adjacent site to the east (with extant planning permission 19/00216) and retaining the mature common field boundary, indicates an acceptable amenity relationship between the two schemes.

Transport and Highways

- 2.45 CS Policy DM11 and the Framework aim to locate travel generating development where there is opportunity for walking, cycling and use of public transport.
- 2.46 The applicant's Transport Assessment identifies the pedestrian and cycling accessibility of the site to surrounding local facilities, including convenience shops, primary school, public house, village hall, church, and GP surgery. It also highlights the regular bus routes that pass the site along Sandwich Road, with regular services to locations including Sandwich, Deal and Dover.
- 2.47 As such, and in accordance with the consultation advice of KCC Highways, the site is considered suitably accessible by sustainable means of transport.

- 2.48 The applicant has confirmed agreement to upgrade the northwest bound bus stop shelter on Sandwich Road and the shelter and associated kerb / layby provision to serve the existing south east bound bus stop.
- 2.49 Sustainable modes of travel from the site would be encouraged through a Travel Plan, including the provision of bus tickets for each household upon first occupation, which can be secured by condition.
- 2.50 Principal vehicular access to the site would be from a new priority access onto Sandwich Road, including a right hand turn lane on the existing highway. KCC Highways has confirmed this arrangement to be acceptable, including that appropriate visibility can be provided.
- 2.51 To maintain the amenity and benefit of the existing foot and cycleway (Miners Way Trail) that runs along the southern side of Sandwich Road, it would be slightly realigned away from the bell mouth of the principal access to the site. This would be to enable pedestrians and cyclists crossing the junction to maintain priority over vehicles, as well as providing appropriate visibility. This is agreeable to KCC Highways.
- 2.52 In terms of trip generation and impact on the highway network, KCC Highways advise the peak hour traffic from the proposal is approximately 60 two way vehicle trips, which are unlikely to have a severe impact on the highway network (including the London Road/Manor Road roundabout junction) as an increase of some 2% to existing flows.
- 2.53 However, recognising the increase in traffic that would occur, the applicant has agreed to provide works to improve the flow of traffic along Mongeham Road (where the carriageway is of insufficient width for two vehicles to pass) by formalising the give way arrangement in favour of drivers coming from London Road. This should prevent vehicles queuing on London Road as they would have priority, when travelling southwards, through the narrow section of Mongeham Road.
- 2.54 Overall, it is considered that Core Strategy Policies DM11 and DM12, as well as transport provisions of the NPPF, are satisfied.
- 2.55 Core Strategy Policy DM13 (Parking Provision) requires that development provide a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. Such matters should however be considered at the subsequent reserved matters stage once a detailed proposed layout comes forward.

Built Heritage and Archaeology

- 2.56 The Heritage Statement that accompanies the application identifies designated heritage assets in the surrounds of the site, including the Grade II* listed Church of St Martin, the Grade II* Registered Northbourne Court Park and Garden, and the Grade I Listed Church of St Augustine, but considers the proposed development will have no impact upon their setting. DDC's Heritage agree.
- 2.57 In relation to archaeology, the site is in an area of archaeological potential associated with areas of extensive crop and soil marks in fields to the south-west and known Romano-British activity on the opposite side of London Road.
- 2.58 The applicant has agreed to carry out intrusive field investigation work to better understand what may or may not be beneath the site, but asks that this be a condition of the outline planning permission for the survey work to be undertaken before (and

then to inform) the submission of reserved matters. Given this outline application expresses the number of dwellings as an 'up to' figure, and there is opportunity to rearrange the built areas should any significant archaeology be found, this approach is considered a reasonable one. The risk that archaeology is found that necessitates significant alterations to the development proposals remains with the applicant.

Noise

- 2.59 The applicant's Noise Assessment considers that noise levels associated with traffic on the A258 have the potential (for those proposed houses closest to the road) to cause disturbance in habitable rooms when a partially opened window is relied upon for ventilation.
- 2.60 Therefore, as advised by DDC's Environmental Protection, final specifications of noise attenuation and appropriate ventilation measures, on a plot-by-plot basis, should be secured at reserved matters stage once a final site layout, internal layouts and glazed openings are known.

Air Quality

- 2.61 In respect of air quality, the applicant's Air Quality Assessment demonstrates that the proposed development would not result in exceedances of levels of nitrogen dioxide or particulate matter above objective levels at local receptor locations. The development would therefore have a negligible impact. DDC's Environmental Protection agree.
- 2.62 In respect of construction impact on air quality, the potential for generation of dust can be appropriately mitigated through a 'dust management plan' to be secured by condition.

Ground Conditions

- 2.63 A Phase 1 Geo-Environmental Assessment has been submitted and assessed by DDC Environmental Protection. The site has been determined as low risk for contamination; however as recommended by the applicant a further ground investigation, to be carried out to determine the absence of any contamination, any remediation if necessary, as well as to determine the suitability of any soils for re-use as part of the development, should be secured by condition.

Ecology

- 2.64 In relation to existing ecology on the site and wider area, the application is accompanied by an Ecological Assessment and Biodiversity Net Gain Assessment. Key findings of this report are that:
- no roosting bat habitat was found;
 - low levels of bat activity were recorded within the site;
 - no badger sets were found within the site. Whilst part of a set was found close to the eastern boundary, there would be no development within 30m of that;
 - no reptiles were found following survey work; and
 - wintering bird surveys identified no species associated with the nearby Thanet Coast & Sandwich Bay SPA and Ramsar site.
- 2.65 In this context, the Ecological Assessment and Biodiversity Net Gain Assessment offers measures of mitigation or enhancement including: a bat sensitive lighting

scheme; bird & bat boxes; habitat creation for reptiles and invertebrates;, and hedgehog accessibility (or 'highways') through walls and fences, with suitable boxes for shelter. These measures are welcomed, are consistent with paragraph 179 of the Framework that promotes the conservation and enhancement of ecological networks, and can be secured through condition.

- 2.66 The Ecological Assessment and Biodiversity Net Gain Assessment demonstrates how a biodiversity net gain would be achieved across the site – quantified as a 20% net gain in habitat units and 134% net gain in hedgerow units.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.67 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.68 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.69 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.70 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.71 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution in accordance with the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy (of 1-bed £19.26; 2-bed £38.52; 3-bed £57.78; 4-bed £77.05) is therefore sought to this effect.

Drainage and Flood Risk

- 2.72 The site is located within Flood Zone 1, the area the Environment Agency considers

as the lowest risk of flooding.

- 2.73 In accordance with the Framework paragraph 169, major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 2.74 In relation to the proposed development, a Flood Risk Assessment and Sustainable Drainage Statement has been provided by the applicant, confirming infiltration drainage to be appropriate with the provision of a number of surface water drainage attenuation basins. KCC Flood and Water Management (as the Lead Local Flood Authority) agrees and raises no objection subject to conditions in respect of the final design and verification of the scheme to be approved.
- 2.75 With regard to foul water drainage, matters raised by the Parish Council and local residents that there are issues with foul waste are noted. The consultation comments of Southern Water, as responsible for foul drainage, are therefore crucial.
- 2.76 Southern Water considers the additional foul sewerage flows from the proposed development may lead to an increased risk of foul flooding from the sewer network, but advises it is working to provide sewer network reinforcement to provide additional capacity and address any existing issues.
- 2.77 Through working with the developer, Southern Water considers that sufficient infrastructure reinforcement for future development can be carried out within 24 months of the grant of planning permission, thus enabling development to be built at the same time.
- 2.78 It is therefore vital that occupation of the development (that would increase demand on foul water infrastructure) does not happen until such necessary reinforcement works are provided. To ensure this a planning condition is recommended, to be structured as follows:
- that no dwelling shall be occupied until any necessary sewerage network reinforcement work has been carried out to ensure that adequate wastewater network capacity is available to adequately drain the development; and
 - before occupation of development, details of the foul water drainage network to serve the development (including evidence of any network reinforcement works carried out), to demonstrate there is sufficient available capacity without increasing the risk of flooding on or off the site, shall be submitted to and approved in writing by the Council as local planning authority.
- 2.79 This condition meets the relevant planning tests in that it is necessary, relevant, precise, enforceable and reasonable in all other respects, and presents an appropriate way to ensure the development and infrastructure it is reliant on are delivered in orderly/timely manner.

Section 106 Contributions

- 2.80 Policy CP6 of the Core Strategy emphasises that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 2.81 In light of the consultation responses received and planning assessment above, the

following obligations are required to be secured through a s.106 agreement:

Table 2 s.106 Contributions

Matter	Contribution
Secondary education	£4,540 per dwelling (excluding 1-bed units less than 56sqm)
Community learning	£16.42 per dwelling
Youth service	£65.50 per dwelling
Library bookstock	£55.45 per dwelling
Social care	£146.88 per dwelling
Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy	Per dwelling: <ul style="list-style-type: none"> - 1-bed £19.26 - 2-bed £38.52 - 3-Bed £57.78 - 4-bed £77.05
Outdoor sports facilities	Per dwelling: <ul style="list-style-type: none"> - 1-bed £208.43 - 2-bed £353.01 - 3-Bed £438.08 - 4-bed £542.38
Affordable housing	30% affordable housing; split 70/30 affordable rent / intermediate. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage
Bus stop shelter	Provision of new shelter to serve north west bound bus stop on Sandwich Road / London Road closest to the site Provision of a new or relocated shelter as well as improvements to the layby and kerb facilities for the south east bound bus stop on Sandwich Road / London Road closest to the site

- 2.82 Whilst a waste contribution has also been requested from KCC, the basis for this has still to go through a wider consultation process including with DDC as local planning authority. Thus on this basis the request cannot be confirmed to meet the required tests to justify any planning obligation and will not be sought for the proposed development
- 2.83 Other infrastructure improvements to the highway network can reasonably be secured via condition requiring the applicant to enter into a s.278 agreement to carry out those works before occupation of development:

- improvements to the surface of the Miners Way Trail along Sandwich Road in the vicinity of the site; and
- works to improve the prioritisation of vehicles along the narrowed section of Mongeham Road, to reduce the likelihood of vehicles queuing on London Road.

3. Conclusion

- 3.1 In light that policies that are most important for determining this application are considered out of date in respect of the delivery of housing and associated settlement boundaries, this planning application for the proposed development should be considered in respect of the 'presumption in favour of sustainable development' as set out at paragraph 11d of the Framework.
- 3.2 This requires that planning permission be granted unless (i) the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the application or (ii) the adverse impacts of doing so (in granting planning permission) would 'significantly and demonstrably' outweigh the benefits.
- 3.3 In respect of (i) this planning assessment demonstrates that no assets of particular importance (including sites of national or international importance for wildlife / ecology, the AONB or any designated heritage asset) would be adversely affected by the proposed development.
- 3.4 For (ii), the proposed development would deliver a range of benefits including new market and affordable housing to which significant weight should be attached; new public open space for the benefit of existing and new residents alike; a net gain in biodiversity; improvements to the Miners Way Trail and public rights of way network; and a range of positive economic measures through the construction phase and occupation of the houses. Against these benefits, whilst some harm of the proposed development is identified through the loss of some 'best and most versatile agricultural land' and impact on the character of the landscape and visual amenities from views towards the site, these are considered to not 'significantly and demonstrably' outweigh the benefits of the scheme (when assessed against the Framework as a whole) such that planning permission should be refused.
- 3.5 It is therefore recommended that planning permission be granted as set out below.

g) Recommendation

I That PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions set out above (Table 2) and subject to the following conditions to include:

- 1) Reserved matters details – layout, scale, appearance and landscaping
- 2) Outline time limit
- 3) Approved plans

Pre-Reserved Matters

- 4) Archaeological field investigation – in accordance with details to be submitted and approved; and then findings to be submitted and verified before submission of any reserved matter application

Pre-Commencement

- 5) Intrusive ground investigation surveys and risk assessment
- 6) Details of and verification of ground remediation (if necessary)
- 7) Unforeseen contamination
- 8) SuDS detailed design
- 9) Environmental and Transport Construction Management Plan (including dust suppression)
- 10) Noise attenuation and ventilation measures to achieve appropriate internal and external levels
- 11) Public rights of way management and improvement scheme to be submitted and approved
- 12) Tree / hedge protection measures
- 13) Secured by design measures
- 14) A scheme of ecological mitigation and enhancement measures to be approved
- 15) Details to achieve at least a 10% net gain in habitat units across the site

Highways conditions

- 16) Details of visibility splays of principal access onto Sandwich Road before commencement
- 17) Completion of principal access and separate footway/cycleway connection before occupation
- 18) Completion of improvement works to Mongeham Road before occupation of development, in accordance with s.278 agreement
- 19) Scheme of electric vehicle charge to be approved before commencement
- 20) Completion of highway infrastructure for each dwelling before occupation
- 21) Improvements to the Miners Way Trail in accordance with s.278 agreement

[other matters relating to provision of car and cycle parking, street lighting, bin storage, gradients, street furniture etc. to be addressed at reserved matters stage]

Pre-Occupation

- 22) No development shall be occupied until any foul water drainage network reinforcement, to ensure sufficient network foul water capacity is available to adequately drain the development, has been carried out
- 23) Details of equipment for children's play area
- 24) Travel plan
- 25) Landscape management plan

- 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 the Planning Committee.

Case Officer

Andrew Somerville