

- a) **DOV/21/00402 - Outline application for the erection of up to 110 dwellings with associated parking and means of access (all matters reserved except for access) - Land south-west of Sandwich Road, Sholden.**

Reason for referral – 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.

Background

This application is referred back to Planning Committee following the submission of an amended parameter plan and additional information by the applicant to seek to address the concerns of the Planning Committee at its meeting on 16 September 2021.

At this meeting, the Planning Committee considered that the landscape and visual impacts of a development of up to 117 dwellings, as seen from nearby footpaths to the west of the site, would be harmful to the character and visual amenities of the wider area and would not be outweighed by the benefits of the development.

In response, the applicant has submitted a revised scheme that:

- reduces the number of dwellings from 117 to 110;
- increases the area of open space and landscaping between the built area and the site's north western boundary – from 12m to 14m at its widest, from 4m to 10m wide at its narrowest point, and with an average width up from 8m (for the original scheme) to 12m (for the revised scheme);
- increases the area of open space and landscaping between the built area and the site's south western boundary – from 51m to 60m at its widest, from 11m to 17m at its narrowest point, and with an average width up from 31m (for the original scheme) to 39m (for the revised scheme);
- reduces the size of the surface water attenuation basins closest to Sandwich Road, to position the built area slightly closer to the main road;
- limits the height of dwellings across the whole site to a maximum of two storeys, where the original scheme included houses of up to two and half storeys across the central part of the site; and
- includes a commitment to provide five bungalows in the southern corner of the site.

Along with the revised parameter plan, other illustrative and technical information has been received, comprising:

- Illustrative Masterplan;
- Landscape Strategy Plan;
- Green Space Provision;
- Design & Access Statement Addendum;
- Visualisations of the development;
- Landscape and Visual Impact Assessment (LVIA) Addendum;

- Sustainable Drainage Statement; and
- Flood Risk Assessment.

c) Planning Policy and Guidance

Relevant planning policy and guidance is set out in the first Committee Report as enclosed at **Appendix A**.

d) Relevant Planning History

There is no other 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

The consultee responses and third party representations received for the original scheme are set out in the first Committee Report at **Appendix A**.

For this revised proposal, additional consultation requests have been made from:

- Sholden Parish Council;
- Deal Town Council;
- KCC Highways;
- KCC Flood and Water Management; and
- KCC Infrastructure.

At the time of drafting this report additional responses from these consultees have not been received, but will be reported in an update at the time of the Committee meeting.

NHS – Kent and Medway Clinical Commissioning Group (CCG): A response from the CCG has been received (noting that comments were not received for the original submission).

This proposal will generate approximately 264 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls within the current practice boundaries of St Richards Road Surgery, Balmoral Surgery, The Cedars Surgery and Sandwich Medical Practice

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, should therefore be met through the creation of additional capacity in general practice premises.

The CCG uses a formula for calculating s106 contributions, based the number of proposed units multiplied by the assumed occupancy multiplied by £360. As an outline application, an assumed average occupancy of 2.4 persons per dwelling is used. Thus a contribution of £95,040 is sought: $110 \times 2.4 \times £360 = £95,040$.

Public Representations

A total of 13 letters of objection to the re-consultation of the revised scheme have been

received which raise the following comments:

- excessive building in Deal
- not enough local amenities and lack of infrastructure
- harm to wildlife and 'greenery'
- loss of beautiful countryside
- more traffic and lack of car parking
- already extremely congested
- lack of school places
- existing properties should be redeveloped instead – brownfield first
- fields should be left for growing crops
- flooding in the local area
- local people cannot afford these homes
- schools and doctors at capacity

f) 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 110 dwellings (as revised from the original submission) 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. (As detailed

above, the width of the areas of open space and landscaping along the south west and north western boundaries of the site have increased from the original submission.)

- 1.10 As before, 30% affordable housing is proposed, split 70/30 affordable rent / intermediate tenure (such as shared ownership).
- 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;
 - pedestrian connections to both flanking public rights of way;
 - a separate footway / cycleway access onto Sandwich Road at the south eastern part of the site;
 - SuDS attenuation basins 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 The revised scheme provides a more detailed landscape strategy plan that includes:
- native hedgerow and structured tree planting along the north west and south western boundaries. This will include a variety of trees of different heights and maturity when planted, which will be established on a grid system with 1m between whips, 2.5m between feathered trees (a single vertical trunk with lateral branches that has been allowed to develop naturally) and 5m between heavy standard trees; and
 - a mixed deciduous and evergreen copse at the western corner of the site.
- 1.13 The revised submission from the applicant also includes a number of computer generated images (CGI) of the proposed development and proposed landscaping from three viewpoints:
- viewpoint 3 to the north west of the site from Sandwich Road;
 - viewpoint 8 to the south west of the site from public footpath ED51/ED49; and
 - viewpoint 15 to the west of the site from public footpath ED37.
- 1.14 There are four images from each viewpoint that show the existing baseline, then the completed development at year one, year five and year ten as the planted landscaping matures.
- 1.15 These 12 CGIs are provided at **Appendix B**.

2. Main Issues

2.1 The main issues in the consideration of this revised scheme are:

- landscape and visual impact
- transport and highways
- drainage and flood risk
- s.106 contributions
- planning balance / conclusion

2.2 Other relevant issues remain as set out in the original Committee Report at Appendix A:

- principle of development
- loss of agricultural land
- design
- open recreation space
- affordable housing and dwelling mix
- impact on residential amenity
- archaeology and built heritage
- noise and air quality
- ground conditions

Assessment

Landscape and Visual Impact

2.3 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. Core Strategy 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 the National Planning Policy 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.

2.4 The applicant has submitted an addendum to the LVIA to consider the impacts of the revised scheme, taking into account the larger areas available for landscaping, the enhanced planting along the outer north west and south western boundaries, and reduced number and height of the houses.

2.5 The LVIA addendum identifies that the landscape strategy of the revised scheme would:

- provide a more extensive tree belt and hedgerow planting to screen views from the adjoining public footpath to the north west – this includes trees of varying height and maturity, with younger whips providing more vigorous lower growth, whilst feathered standard and larger heavy standard trees will create canopy cover and enclosure;
- to the south west provide a more substantial width of planting and recreation space, with planting of various size and maturity of trees being the same as to the north west; and

- include a new treed copse of heavy standard trees and concentration of evergreen species in the western corner of the site, which will provide a greater sense of enclosure and bookend the planting along the north west and south western boundaries.

Landscape Impact

- 2.6 The original Landscape and Visual Impact Assessment (LVIA) identifies the site to be within the 'Open Arable Chalk Farmland with Woodland' landscape character type and more specifically within the 'Northbourne' landscape character area (with reference to the Dover District Landscape Character Assessment (October 2020)).
- 2.7 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.
- 2.8 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.
- 2.9 In this context, the LVIA considers the landscape to be of ordinary / common value and has a medium sensitivity and susceptibility to change.
- 2.10 With the proposed development, the introduction of new dwellings would have a localised and minor adverse landscape impact once the boundary planting has matured at year 15.
- 2.11 For the parameters and landscape approach of the revised scheme, the LVIA addendum considers that they are a beneficial revision that would improve the integration of the residential development into the landscape.

Visual Impacts

- 2.12 The LVIA of the original scheme identifies that views to the north are largely limited by existing development opposite on Sandwich Road and 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.
- 2.13 The original LVIA undertakes a more detailed assessment of specific viewpoints from identified potential receptors. These are categorised as:
- views for road users (motorists and pedestrians) from Sholden Road / Sandwich Road to the north and Northbourne Road (Great Mongeham) to the south (a total of three viewpoints);
 - views for users of public footpaths and bridleways to the south and west of the site (a total of 10 viewpoints);

- views from private residential properties surrounding the site (a total of six viewpoints); and
- views from other public buildings and business premises, as well as for agricultural workers, including St Martin's Church and Cottingham Lakes (a total of six viewpoints).

2.14 The location of these viewpoints is shown at **Appendix C**.

2.15 As set out in the original Committee Report:

- 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; and
- 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.

2.16 To address the specific concerns of the Planning Committee in relation to the recreational receptors of public footpaths and bridleways, the LVIA addendum has provided a further assessment of the revised scheme, as set out at Table 1.

Table 1: Viewpoints from recreational routes (public footpaths and bridleways)

	Visual Receptor		Residual Operational Effect – Revised Scheme
VP15	White Cliffs Country Trail: to the north-west of the site boundary - Ref: ED37/EE386		Minor adverse
VP14 & 16	Public Footpath: to the south-west of the site boundary – Ref: ED48/EE389		Minor adverse
VP12	Public Footpath: traversing land to the south-west of the site – Ref: ED39/EE390		Minor adverse
VP13	Public Footpath: at the bottom of the valley to the south of the site – Ref: ED38/EE370		Minor adverse
VP4 & 5	Public Footpath: connecting Northbourne to Betteshanger – Ref: EE369		Negligible
VP6	Public Footpath: at Little Betteshanger – Ref: EE373		Negligible
VP7	Public Footpath: connecting Northbourne to Sholden – Ref: EE371/EE369A		Minor adverse

VP8	Public Footpath: connecting Great Mongeham to Sholden – Ref: ED49/ED51		Minor adverse
VP10	Public Footpath: connecting Ripple to Mill Hill – Ref: EE433/EE434/ED44		Negligible
VP9	Public Footpath: connecting Church Farm to Coldblow Farm – Ref: EE436		Negligible

- 2.17 Table 1 shows the revised scheme with maturing boundary landscaping to have no more than a minor adverse impact from nearby public footpaths and bridleways.
- 2.18 With regard to the detailed information contained in the CGIs now produced by the applicant, reflecting the importance of the landscape planting as mitigation, greater certainty can be placed on the findings of the LVIA addendum.
- 2.19 The CGI show for each of the three selected viewpoints (VP3, 8 & 15) that by year five a strong natural treed boundary will have been established, and by year 15 that planting will substantially have screened the residential built form.
- 2.20 To secure this landscape planting, a range of legally enforcement planning obligations (rather than just through normal planning conditions) are recommended in this report below.

Overall

- 2.21 With regard to the additional landscaping and CGI information provided by the applicant, the reduced number of dwellings (from 117 to 110) and lower maximum storey height of buildings (from 2.5 to two storeys), it is considered that the site is capable of accommodating the proposed development without a level of unacceptable harm. There is sufficient confidence that the landscaping mitigation (once mature at year 15) will result in a development that has no more than a minor adverse impact on the landscape and from visual receptors.
- 2.22 As such, the development would successfully assimilate with the existing suburban character of the area and would accord with Core Strategy Policy DM16.

Transport and Highways

- 2.23 Given the revised scheme is for fewer houses than the original submission, the transport and highway trip generation and impact of the development will be marginally less and therefore remains acceptable.
- 2.24 As set out in the first Committee Report (Appendix A):
- the site's location is considered suitably accessible by sustainable modes of transport;
 - principal access to the site from Sandwich Road is safe;
 - there is agreement to upgrade nearby bus stop infrastructure on Sandwich Road;

- a Travel Plan, including the provision of bus tickets for each household upon first occupation, can be secured by condition;
- minor adjustments to the Miners Way Trail would be made to enable pedestrians and cyclists crossing the junction to maintain priority over vehicles, as well as providing appropriate visibility; and
- improvements to the one way system through to narrow section of Mongeham Road would be made in favour of drivers coming from London Road, which should prevent vehicles queuing on London Road.

Surface Drainage and Flood Risk

- 2.25 In respect of the revised design of the SuDS attenuation basins, the applicant has updated its Sustainable Drainage Statement that considers there will still be adequate surface water drainage provision.
- 2.26 A final surface water drainage scheme can be secured through condition.
- 2.27 Matters relating to foul water drainage are set out in the first Committee Report at Appendix A.

S.106 Contributions

- 2.28 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.
- 2.29 In light of the consultation responses received to the original scheme 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: - 1-bed £19.26 - 2-bed £38.52 - 3-Bed £57.78 - 4-bed £77.05
Outdoor sports facilities	Per dwelling: - 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
GP Surgeries	A contribution of £864 per dwelling (2.4 occupancy x £360)

2.30 Given the importance of the landscaping along the north west and south western boundaries of the site to mitigate the impacts of the scheme, details of this should be secured through obligations of a s.106 agreement to cover:

- specification and arrangement of tree planting and establishment of other vegetation (i.e. to ensure a sufficient size and density of plants);
- measures of site preparation to ensure the successful establishment of the landscape planting;
- that landscape planting along the boundaries of the site should be in first planting season following commencement of development (i.e. not on occupation) so to quicken the time it will take for species to mature;
- that any planting that fails along the outer boundaries of the site will be replaced for a period of 15 years from first planting (i.e. up to the point where the landscaping is expected to reach sufficient maturity); and
- details of management and maintenance of the landscape planting for an extended 15 year period.

2.31 As set out in the original Committee Report, 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

2.32 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.

Planning Balance

- 2.33 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.
- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 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 obligations set out above (at Table 2 and paragraph 2.37) and subject to the following conditions to include:

- 1) Reserved matters details – layout, scale, appearance and landscaping
- 2) Outline time limit
- 3) Approved plans
- 4) No building on the site shall be greater than two storeys in height (including the provision of dormer windows in the roof space)
- 5) Removal of Permitted Development rights for dormer roof extensions

Pre Reserved Matters

- 6) 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

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

[Landscape details are addressed through s.106 obligations]

Highways conditions

- 18) Details of visibility splays of principal access onto Sandwich Road before commencement
- 19) Completion of principal access and separate footway/cycleway connection before occupation
- 20) Completion of improvement works to Mongeham Road before occupation of development, in accordance with s.278 agreement
- 21) Scheme of electric vehicle charge to be approved before commencement
- 22) Completion of highway infrastructure for each dwelling before occupation
- 23) 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

- 24) 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
- 25) Details of equipment for children's play area and provision before first occupation
- 26) Travel 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