

- a) **DOV/20/01508 – Erection of 13 dwellings, of which 10 are proposed as affordable rent (rural exceptions housing) with associated parking and new access road - Land to the south-west of the village hall, Coxhill, Shepherdswell**

Reason for report: Number of representations

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. A summary of relevant policies is set out below:

Core Strategy Policies

- CP1 Settlement Hierarchy. Staple is a Village; identified as a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- CP6 – Development which generates a demand for infrastructure
- DM1 – Settlement Boundaries
- DM6 – Rural Exception Housing
- DM11 – Location of Development and Managing Travel Demand
- DM13 – Parking standards
- DM15 - Development in countryside
- DM16 - Character of the landscape

Draft Local Plan Reg 18

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

National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 47, 177 Chapters 5, 9, 12 and 15

- Paragraph 78 - In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

Other Material Considerations

- Planning Policy Guidance

- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

d) **Relevant Planning History**

None relevant.

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

Shepherdsweil-with-Coldred Parish Council: It was resolved to support this application, however there needs to be care both pedestrian and vehicle access to the site to/from the already dangerous Coxhill Rd and the possibility of headlights shining into the houses opposite should be considered.+ Water run-off also needs to be prevented in the design as well regard for the already struggling sewage system. Consideration needs to be addressed about the cars that currently park along the road towards the village hall.

Housing Development Manager: Confirms a need for affordable housing in this location and the proposal is welcomed. The Housing Needs Survey demonstrates the need. Confirms that evidence is required to demonstrate that the open market units are necessary and justified due to viability issues.

Principal Ecologist: - Accepts the findings of the ecological report and badger survey. Seeks biodiversity gain and suggests condition to secure this to include the badger foraging route.

Natural England: No comments refer to standing advice

Environment Agency: No comments refer to standing advice

KCC Highways:

Initial comments: Placed a holding objection on the development due to a number of issues that needed resolving (see below)

1. Pedestrian access to/from the site will be via the existing 'virtual' footway in Coxhill and via Public Footpath ER81 connecting to Moorland Road and Church Hill. The virtual footway in Coxhill is not ideal but there have been no recorded personal injury crashes in this section of Coxhill in the 5 years to the end of 2019, and footpath ER81 could provide an alternative pedestrian route between the site and the primary school and nearest bus stops to the west of the site. Footpath ER81 should therefore be improved to provide an all-weather surface between the site and Moorland Road.
2. The visibility splays shown at the access are acceptable, however it appears visibility to the north is likely to be obstructed by cars parked on the east side of Coxhill. This parking will also obstruct visibility for pedestrians crossing east to west at the proposed crossing point just to the north of the access. Measures to protect the visibility splays and provide alternative parking arrangements therefore need to be considered by the applicant.
3. The refuse vehicle swept paths submitted appear to show it overhanging outside the highway on the west side of Coxhill when exiting, this manoeuvre also potentially being obstructed by the existing hedge. Swept paths for such a vehicle turning right in and right out of the access have also not been submitted.
4. The width of carriageway in Coxhill at the access point is approximately 4.1 metres and will need to be widened to 4.8 metres to enable two vehicles to pass.
5. There appears to be a lack of visibility for pedestrians crossing the access road on the PROW, to drivers entering the site, due to the proposed retaining walls.
6. A safety audit and designer's response is required for any highway alterations.

7. The application form indicates that the streets within the site are to be adopted. They should therefore be in accordance with Kent Design and the following additional information/amendments are required:

- The proposed extent of adoption should be identified. It should be noted that the street beyond the pedestrian access to plots 4/5/12 will not be adopted and the access to plots 6-11 should be via a private drive served off a vehicle crossing at the end of the adoptable section.
- The gradients of the proposed adoptable streets should be clarified and be in accordance with Kent Design
- A footway should be provided along the southern side of the street from the PROW up to the end of the adoptable section outside plot 12.
- The footway outside plot 2 should extend to the visitor lay-by spaces.
A 0.5 metre-wide service margin is required across the northern end of the road serving plot 3.
- A pedestrian connection should be made between footpath ER81 and the end of the road serving plot 3.

8. The amount of car parking proposed is acceptable without the garages being counted as providing such parking. Parking spaces should be minimum 5 metres long (6 metres in front of garages) x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be minimum 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. A note should be added to the plans confirming these dimensions have been satisfied.

Final comments:

1. The trip rates associated with the site are anticipated to be 6-7 trips in the peak hours, which is unlikely to have as severe impact on the highway network.

2. Pedestrian access – It is understood that previous concerns were raised regarding the lack of footway links to the village. Public Right of Way ER81 has been shown diverted around the site, with a connection to the site. This provides an alternative route between the site, the school and the nearest bus stops. Connections to the existing ER81 and improvements to provide an all weather surface between the site and Moorlands Road. PROW colleagues have commented that the grant of planning permission does not entitle the developer to obstruct the Public Right of Way. The development must not be started until such a time that the Order for its diversion has been confirmed and the new route provided. The diversion of the PROW should be subject to a suitable Condition to ensure that no development shall take place until the Order is considered acceptable.

This will also include the provision of tactile paving, as highlighted in the Stage 1 Road Safety Audit. However, this can be resolved through a separate S278 Agreement, should consent be granted.

3. Parking restrictions on Coxhill are required to protect visibility, due to the narrow nature of the highway. The Traffic Regulation Order should cover the length of the splay to the north and 10 metres to the south. This would equate to 7 parking spaces to the north. A parking survey indicates that only a small number of vehicles park in this location, but without full restrictions, parked vehicles are likely to be more concentrated. The TRO can be Conditioned and actioned by way of best endeavours.

4. The radii has been increased and swept path drawings illustrate that refuse freighters can navigate sufficiently.

5. I understand that the gradient of 1:15 is proposed for the adoptable shared surface within the site. This is for a distance of approximately 30-40 metres, which has been agreed as appropriate by KCC Agreements Manager. Further details will be required on a

plan to establish the gradients and whether they are acceptable as part of the S278 submission.

6. The proposed parking is in excess of the required standards. This includes 6 visitor spaces to displace those previously parked on Coxhill. While the full TRO will encompass approximately 9 parking spaces, it is considered that not all of the extent of the highway in these locations is parked. Therefore, having consideration for the previously submitted parking survey, 6 spaces are considered acceptable.

Subject to conditions KCC Highways are satisfied that the holding objection can be lifted.

KCC PRoW: ER80 and ER81 are both directly affected. Initially objected due to significant loss of amenity and public enjoyment.

Final comments: 'I note from the amended proposed site plan that the proposal is to divert the Public Right of Way ER81 and Part ER80 around the perimeter of the site. My comments remain the same that:

The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Rights of Way, must not be started - until such time as the Order necessary for its diversion has been confirmed, and the new route provided.

The successful making and confirmation of an Order should not be assumed.

If you are mindful to approve the application, I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

In order to avoid delays, the diversion or extinguishment of the right of way should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that your Authority are in a position to make the necessary Orders at the point at which consent is given.

The temporary closure of the right of way to enable development work to progress prior to confirmation of a permanent Diversion Order will not be considered.

KCC Lead Local Flood Authority – Agree in principle to the proposed development. The proposed drainage strategy utilises piped networks and permeable paving to underground geocellular attenuation systems. There is the possibility of using an above ground attenuation feature with underground attenuation if required at the entrance to the development which we would appreciate to encourage a biodiversity net gain for the development.

Southern Water: No objections, suggest informatives.

NHS: state they are not seeking contributions

Public Representations: 98 letters of objection received; 32 letters of support.

The reasons for objection are summarised as follows:

- Coxhill Road narrow, difficult to negotiate, already congested, limited visibility, extra traffic will exacerbate an existing problem – the busiest road in the village
- Insufficient parking to be provided on site – more cars will be parked on Coxhill Road. Loss of parking for residents of Whittington Terrace. Exacerbated by PC plans to prevent parking at village hall for non-hall users
- An accident black spot will be created from a dangerous new access, no visibility if approaching from the A2, poor sight lines

- Lack of footpaths along Coxhill Road – dangerous for pedestrians as road used as a rat run between A2 and A257 where speeds exceed the 30mph limit (speed watch recordings of 50mph cited)
- Coxhill Road needs traffic calming, the village hall already has a dangerously located access – this will make things worse
- Flooding of gully opposite the site entrance will be exacerbated by water run-off from the site due to elevated and sloping nature of the site
- Light pollution from street lights and car headlights when leaving the site
- Interference with bats flight path/activity/ feeding
- Loss of hedgerow habitat – protected by Hedgerow Regs
- Loss of a view and privacy to residents of Whittington Terrace – adverse impact on quality of life
- Unacceptable to development a greenfield site beyond the curtilage of the village, will set a precedent
- Impact on PRow ER80, ER81, ER82
- Wrong location
- Local facilities will be overstretched, lack of infrastructure
- Contrary to Rural Exceptions Policy DM6 by including 3 dwellings for private sale and having Adverse impact on landscape, historic environment, natural environment, highway system
- Contrary to HELAA findings (SHE012) where site flagged red as unsuitable for development
- Contrary to Shepherdswell Parish Plan Objective H1
- This should not be the best site because it was the cheapest and only one affordable – should consider Coldred or Westcourt Lane – more discussions should take place with other landowners
- Loss of agricultural land

The comments in support of the application are summarised as follows:

- Much needed local housing to allow local people to remain in village
- In accordance with the findings of the Housing Needs Survey
- Will facilitate older generation to downsize and younger low-income families to remain
- Much needed rental properties
- Well designed, sympathetic to location, excellent location on edge of village
- Will support local facilities and amenities
- Development will help secure the future of the primary school
- Trust should be applauded – social justice allowing young people to remain in the village
- Welcome new footpath

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

The Site

- 1.1 The application site is approximately 0.31ha in size and is situated in the Parish of Shepherdswell-with-Coldred. The site is located to the east side of the settlement, outside the village boundary but opposite to it. The site is described as managed arable land and comprises grade 3 agricultural land as identified in Fig 3.4 of the DDC Landscape Assessment 2020.

- 1.2 The site fronts Coxhill Road – a 30mph speed limit in this location. Opposite the site is Whittington Terrace. There is no footpath outside the site or opposite the application site.
- 1.3 The site is on land elevated from Coxhill Road with a fall to Coxhill Road from east to west. A topographic survey is submitted as an appendix in the drainage strategy, this shows that there is a significant fall across the site, from 100.1m AOD in the southeast corner to 94.2m AOD in the northwest corner.
- 1.4 The site does not fall within any specific designation. To the east and south of the site are fields, to the north is the village hall and to the west a row of residential properties. There are PRow along the northern boundary, to the east, south and west, ER80 and ER81.
- 1.5 The village has a number of facilities and services comprising a Medical Centre, Village Hall – which serves as a post office, a Co-op, Topsy Gardener Pub, Hairdresser/beauty salon, PH and a church.

The Proposal

- 1.6 The application has been submitted by a Community Land Trust and seeks full planning permission for the erection of 13 detached dwellings. Of these, ten of the dwellings are proposed as local needs housing (affordable rented) and the remaining three will be open market and used to cross subsidise the delivery along with grant funding for the local needs dwellings. The application is accompanied by a number of documents including:
 - Detailed plans
 - Perspective landscaping
 - A Design and Access Statement
 - Shepherdswell Heritage Statement
 - Ecological Scoping Survey; Badger Survey
 - Shepherdswell Housing Needs Survey 2013 and 2020
 - Development Viability Assessment
 - Construction Costs
 - Transport Statement
 - Road Safety Audit
 - Foul & SUDS Assessment
 - Statement of Community Involvement
 - Local Needs Housing Site Selection Process
 - HCA Development Appraisal
 - Proposed draft S106 Heads of Terms
- 1.7 The accommodation schedule provides for 2no. 1-bedroom apartments, 2no. two-bedroom apartments, 4no. two-bedroom houses, and 2 no. three bedroom houses for local needs. Also proposed are 2no. two-bedroom bungalows and 1no. 3-bedroom chalet bungalow for private/open market ownership.
- 1.8 The proposed layout shows a new access rising from Coxhill Road with shared surface throughout the site. An area of open space is shown to the front northern side of the access and is described as 'flexible communal open space'. One pair of two bed semi-detached properties is located on the northern of the access opposite the chalet bungalow. The properties are at 90 degrees to Coxhill Road. Parking for Plots 1 & 2 is accessed directly off the internal spine road and will require either

reverting into or out from each bay. Plot 13 is one of the open market dwellings and benefits from a car barn on the eastern side of the property. These dwellings towards the front of the site are set back by between 8-9m from the back of the public highway and are separated by green space which comprises either landscape screening, private side garden land or the community open space. On both sides of this access road landscape screening is proposed in front of the built form which allows for a buffer between the development and the Coxhill Road. The plans need to be viewed in the context of the site levels which are elevated to Coxhill Road and the dwellings in Whittington terrace.

- 1.9 Plots 3,4,5 &6 comprise a two storey apartment block in the central section of the site; each apartment has its own external main entrance at the front or side of the block and a garden area to the rear. The apartment building has been cleverly designed to obscure its appearance as an apartment block, such that it could be viewed as a pair of dwellings in the landscape. Whilst the roofline is continuous, the protrusion at either end provides for some visual relief. This building backs on to the village hall. Parking is provided at either side of the structure. The material palette is a blend of facing brick at ground floor level, horizontal cladding at first floor with a brown roof tile.
- 1.10 Plots 7,8,9 &10 are situated at the rear end of the site with the allotments to the northern side of plot 7 and open countryside to the east at the rear of the gardens. Sited as two pairs of semi's, Plots 7 & 8 are set further forward to 9 &10 which allows for a visual break when viewed from both within and outside the site. The principal elevations of these plots face in a westerly direction looking back across the site. Parking bays are provided at the front/side of the dwellings. Throughout the site parking is provided for all dwellings to meet KCC parking standards and comprise a mix of allocated spaces and visitor spaces. An additional 6 visitor spaces have been provided to off-set the loss of spaces on Coxhill Road to facilitate the visibility splays.
- 1.11 Plots 11 & 12 are the final two open market properties within this proposal. They are inward facing to the site, with their rear garden backing onto the open countryside to the south.

2. Main Issues

- 2.1 The main issues for determination are as follows:
 - The principle of the development
 - Impact on the landscape character and appearance of the locality
 - Impact on Highway Safety
 - Impact on ecology
 - Impact on Heritage Assets
 - Residential amenity
 - Viability Considerations
 - Other material considerations

Assessment

The 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 Shepherdsweil, although it is opposite a terrace of houses and adjacent to the village hall. In such a location Core Strategy Policy DM1 restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. The extent to which policy DM6 (Rural Exceptions Housing) justifies this proposal will be explored later in this report.
- 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) 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% with a 20% buffer.
- 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 DM6 of the Core Strategy considers Rural Exception Affordable Housing. Whilst this Policy does not directly apply to this proposal (due to cross-subsidy) - the general thrust of the policy can be attributed to the assessment of this scheme. Policy DM6 states:

'Permission for affordable housing schemes in the rural area beyond a settlement's identified confines will be granted provided:

local needs exist and are documented in a comprehensive appraisal of the parish prepared by the applicant and/or Parish Council, and where appropriate, of adjacent parishes; these local needs cannot otherwise be met, the development is of a suitable size and type and will be available at an appropriate cost to meet the identified need – schemes that include cross subsidies between higher priced and affordable housing, or a discounted initial price, will not be permitted; the site is well related in scale and siting to a village and its services; and initial and subsequent occupation is controlled through legal agreements to ensure that the accommodation remains available to meet the purposes for which it was permitted

- 2.9 The NPPF 2021 is the more recent planning policy and guidance, this takes a slightly more flexible approach with regard to meeting rural housing need, specifically it states, 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
- 2.10 It is considered that DM6 is a material consideration but is a dated policy that should therefore be read in conjunction with the NPPF. The local needs evidence shall be considered later in this report.
- 2.11 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.
- 2.12 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.
- 2.13 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 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.
- 2.14 Policy DM16 seeks to prevent development that would harm the character of the landscape. Development proposals will only be permitted if in accordance with allocations in the Development Plan and incorporates mitigation. or the development is sited to avoid or reduce harm and mitigate accordingly.
- 2.15 Given how important Policy DM1 and DM16 are, and in view of the tension between policies DM6, 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.

2.16 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.

Impact on the Landscape Character and Appearance of the Locality

2.17 The application site falls within Character Area LCT E (1) of the Dover District Landscape Character Assessment 2020: Open Arable Chalk Farmland with Parkland. The key sensitivities and values of the area are identified as follows:

- Elevated chalk ridges and valleys provide topographical interest and contrast of openness and enclosure in the landscape.
- Ecologically important priority habitat deciduous woodland and ancient woodland is locally designated.
- Historic parklands at Goodnestone, Knowlton and Fredville create locally distinctive historic landscapes.
- Historic links to coal mining at Tilmanstone and Snowdown former collieries and pit villages and the East Kent Railway provide a link to the recent industrial past.
- Small scattered historic settlements and farmsteads with a vernacular of redbrick, flint and Kent peg tiles.
- Narrow, winding rural lanes.
- Recreational value of PRowS including Long Distance North Downs Way and Miners Trail Way.

2.18 Essentially, the pattern and rhythm of the landscape is of undulating land form with narrow roads and far reaching views. The landscape strategy for E1 Shepherdswell Aylesham Parklands LCA is, 'to conserve and enhance the rural character and simple pattern of the rolling arable landscape interspersed with blocks of woodland and parkland'.

2.19 The site falls within the category of Grade 3 "best and most versatile" agricultural land. The precise grade (i.e. whether the land is Grade 3a) could only be determined by a detailed site survey.

2.20 The site extends to 0.57 hectares, which is not deemed a particularly significant loss. The loss needs to be balanced along with all other material considerations but in itself is not deemed a justifiable ground of refusal.

2.21 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition, it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. This application is not submitted on the basis of agricultural need; it is not in accordance with any allocations and is not required to sustain a rural economy but is put forward to support the rural community. On this basis there is some policy (DM6) and NPPF support. It is therefore considered that subject to the detail, the proposal would not be contrary to policy DM15.

2.22 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the

development plan, incorporating any necessary mitigation; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.23 The relevant landscape character assessment recognises the undulating landform of the locality. In this instance, the application site rises away from the settlement. Nearby public rights of way (PRoW) afford views across the land. This proposal has been designed to take account of the landform and its edge of rural setting and seeks to provide views through the site. The additional landscape buffer around the periphery of the site helps to mitigate the built form and blend it into the backdrop of existing built form on two sides of the application site.
- 2.24 The application site itself is presently undeveloped and therefore does contribute to the wider open countryside and affords views across the landscape. It would not be possible to develop the site without altering the landscape character and appearance of the locality, however, the detail of the scheme is crucial in determining the level of harm that the proposal would give rise to and whether this is outweighed by the benefits.
- 2.25 The new dwellings, if permitted, would be visible from the immediate locality and approaching the site from Coxhill Road to the south and also from the PRoW network which is to all sides of the application site. The site will be particularly visible when looking down the valley from the PRoW to the east and also from the closer proximity of that which is to be diverted around the site. The land rises to the south east where again views back across the field to the development site, which are currently of the lower mass of the village hall, will be defined by the more significant built form of the development proposal. This being said, the proposal would draw the eye to the settlement boundary sooner when approaching from the south but would not appear as isolated development due to its relationship with the existing dwellings opposite the site and the built form to the northern side. A key aspect for this development is the scope to provide a landscape and ecological buffer from the development to the open countryside, thereby helping to mitigate the impact on the landscape character of the area and integrate the development into the local area.
- 2.26 The proposals show a landscape buffer of 5m width on the eastern and southern field boundaries. A detailed planting scheme would be required as part of a planning condition. 1.2m high stock proof fencing is shown as the boundary between the site and the open countryside. A great deal of time has been spent on the detailed design of the proposal in terms of ensuring safe and acceptable highway arrangements and seeking to mitigate against the development eroding the rural character and appearance of this location.
- 2.27 The delivery and maintenance of this landscape buffer is considered crucial to ensuring an acceptable landscape impact from the development. Planning conditions would be necessary to ensure early delivery of the landscape buffer and details would be required of a management plan to ensure the long-term maintenance by an appropriate management group.
- 2.28 Accordingly, the development is considered to be acceptable in terms of its impact on the character and its effect on the countryside subject to securing the relevant details through planning conditions.

Heritage Impact

- 2.29 A Heritage Assessment has been submitted and identifies the locality of Heritage Assets to the north and south of the site. There are 8 grade II listed assets identified along Coxhill Road. This initially seems a fairly significant number that could potentially be impacted by the development proposal, however, consideration needs to be given as to whether, in heritage terms, the proposed development respects the setting of these heritage assets and whether views are retained or impacted from the application site.
- 2.30 The site formed part of a larger area that was assessed as a potential housing site through the local plan process. The local plan (HELAA) assessment rejected this larger site due to the number of units proposed (20) which was considered to have a harmful impact on the rural setting of the listed buildings when viewed from the PROW running from the village hall car park towards the allotments. The HELAA site, as mentioned, was larger and extended further south to the grade II listed Oast. The current scheme is for a lower number of units and a smaller site area. It includes a perimeter buffer/ecological corridor around the edge of the site together with a rerouted PROW. The previous concerns are mitigated by the changes to the scale and siting of the proposal. The proposal will still allow a view from the PROW and therefore the heritage assets will still be visible within the rural context.
- 2.31 Clearly it is not possible to develop any site without changing the localised views. In this instance, an assessment of harm has been undertaken, and balanced against whether there are compelling reasons that would give rise to benefits that would outweigh this harm. The proposal has been discussed with the Principal Heritage Officer. The current proposal due to the reduced site area, rerouted PROW and scaled back level of development is not considered to give rise to Heritage harm/concerns.

Highways

- 2.32 The proposed development is for thirteen additional dwellings together with a new access off Coxhill Road to service the development. The KCC Highway Authority has provided detailed comments throughout the course of the application to ensure that the proposal would not result in a severe impact to highway and pedestrian safety.
- 2.33 Extensive objections have been received from residents raising concern over the width of Coxhill Road in this locality. Residents have made reference to issues with parking and generally this being a hazardous spot for a development to be serviced. A Transport Statement was submitted with the application and the applicant would be required to enter into a S278 Agreement for the off-site highway works.
- 2.34 In itself, the likely volume of traffic generation from the thirteen dwellings would not be likely to cause a severe impact on the highway network. However, other concerns regarding the lack of a footpath, road width and visibility splays are issues that require careful consideration.
- 2.35 The applicant has taken advice from the KCC Highway Officer and the plans have been amended on more than one occasion. Tracking plans have been provided, visibility splays adjusted and proposals put forward to widen the road to 4.8m and provide double yellow lines outside the application site. In response to residents concerns over loss of existing on street parking, extra spaces have been provided within the site – 29 in total, 7 of which are visitor spaces. 2.36 The matter of parking no longer being permitted at the village hall unless attending the venue, is not for consideration under this application.

- 2.36 To enhance accessibility to the site, it is proposed to provide a footpath link out of the site and a new crossing point. The impacted PRow will be rerouted around the application site. The site is considered to be in a reasonably sustainable location and will form a natural extension to the built form on this side of Coxhill Road.
- 2.37 Whilst the number of objections is noted relating to highway concerns, the application has been scrutinised by the KCC Highway Officer and the advice is clearly, that subject to safeguarding conditions, the application is acceptable. In the absence of any compelling highway evidence to the contrary, it would not be appropriate to deviate from this position. Accordingly, there is no objection to this application on highway grounds.

SuDS/Drainage

- 2.38 A Foul and SuDS Drainage Assessment has been undertaken by GTA and submitted with the application. The report has been considered by the statutory consultees and the KCC Lead Local Flood Authority has agreed in principle to the proposed development. The proposed drainage strategy utilises piped networks and permeable paving to underground geocellular attenuation systems. Drainage is an issue that is referenced in the third party comments submitted in response to the application and therefore it is critical that none of the statutory consultees raise concern over this element of the application. KCC have stated that there is the possibility of using an above ground attenuation feature with underground attenuation if required at the entrance to the development which it is stated would encourage a biodiversity net gain for the development. The final details of drainage is a matter that can be dealt with by planning condition due to the general acceptance of the assessment and details that have been submitted with the application.

Impact on Ecology

- 2.39 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 2.40 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
- 2.41 The application was accompanied by an ecological scoping report. The application site is highly managed arable land with limited botanical interest. There is a hawthorn dominant hedgerow that runs along the western boundary parallel with Coxhill Road; the ecological report advises that this has limited potential to support reptiles and/or dormice.

- 2.42 The conclusions from the report were that there is limited botanical interest on the site. A badger latrine was found within the development site and a detailed survey was required in relation to badgers. No evidence of other protected species was found. Recommendations were made with regard to avoiding the bird nesting season for site clearance and use of low level lighting to maintain any bat usage of the site for commuting.
- 2.43 No badger setts were found near to the proposed development site. However, there was evidence of badgers using the site to forage, having corridor routes and territorial latrines within the proposed development area.
- 2.44 The report sets out a number of recommendations in relation to provision of a corridor to continue badger activity around the site in order to maintain the existing population. The suggestion of a wildlife corridor was discussed early in the consideration of this planning application and with the additional site area on the east and southern boundary, this facilitates the re-routing of the PRow and the corridor routes to maintain wildlife.
- 2.45 In light of the above considerations, there are no objections on the grounds of ecology subject to stringent measures being put in place to ensure protection and enhancement of biodiversity and protected species.

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

- 2.46 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding 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.
- 2.47 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.
- 2.48 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.
- 2.49 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.
- 2.50 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

- 2.51 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.

Residential Amenity

- 2.52 Concern has been raised that the development would give rise to overlooking and light pollution to the residential amenity of the properties opposite the site at Whittington Terrace.
- 2.53 The proposed development is on the eastern side of Coxhill Road with the access opposite Whittington Terrace. The land rises from Coxhill Road and sections were sought that demonstrated the levels between existing and proposed dwellings. It is noted that the proposed dwellings will be taller than those existing, however they will be set several metres back into the site and have their principal elevations facing into the site. It is not considered that there will be overlooking from the proposed dwellings due to the combined distance, siting and design of the dwellings.
- 2.54 Cars leaving the site in the dark will be using an access directly opposite Whittington Terrace. There will be a degree of additional lighting momentarily that does not currently exist. However, in terms of severity and frequency, it is not considered that the 13 dwellings would generate a level of light that is significant beyond that expected within a settlement with a route directly onto the A2.
- 2.55 The change of use from the existing site to proposed will alter the outlook and activity level of the site to what is presently the case; however, this in itself is not a reason to refuse planning permission.

Local Needs Housing

- 2.56 In February 2020 a Housing Needs Survey was undertaken to help identify the local housing needs for the Parish of Shepherdsweil and Coldred. A previous survey had been undertaken in 2013 however, a more up to date survey was required in order to help inform the need for this current application.
- 2.57 The need was identified for up to 12 affordable homes – 3 single persons, 2 couples and 7 families. Fifteen homes were also sought by older households wishing to downsize and of those survey 3 required an ‘affordable’ property. A site search was undertaken and a number of sites were considered. As a result the application site was suggested as the most suitable and ultimately the only deliverable site subject to the submission of a detailed scheme.
- 2.58 The need for affordable homes for rent has been welcomed by the Housing Manager.

Viability Assessment

- 2.59 In support of this application, the applicants have submitted a Development Viability Assessment (February 2021) to demonstrate that the three open market units are required to cross-subsidise the local needs housing. This report has been independently assessed by Dixon Searle (Viability Consultants) in order to provide

DDC Officer's with 'an independent check of, and opinion on, the planning applicant's viability information and stated position in this case.

- 2.60 The independent report confirms that the overall approach to assessing viability of the proposed development is appropriate. In relation to the costs that have been applied to the scheme, if anything, Dixon Searle consider that some of these may have been underestimated but either way, it is considered that the scheme is dependent on the cross-subsidy funding together with grant funding.
- 2.61 It is therefore the case that whilst the grant funding level could fluctuate, the deliverability of this scheme is dependent on both the cross-subsidy and other funding as without these the scheme would not be viable.
- 2.62 In light of the independent advice received, it is considered that there is no dispute regarding the need for the three market units to help secure the delivery of the local needs housing.
- 2.63 Draft Heads of Terms have been submitted which propose a cascade approach to ensuring the affordable homes go to the local community. KCC sought contributions in relation to the 3 open market units and a number of infrastructure costs. In this instance the 3 open market bungalows are put forward for 'downsizing' accommodation and not as family homes. Due to the clear viability issue having been demonstrated and the independent viability assessment suggesting that the scheme could bear only a small level of contribution, then the limited payments sought by KCC towards Community Learning, Youth Service, Library Book Stock, Social Care and Waste (totalling £1,016.16) appears justified.

3 Conclusion/Planning Balance

- 3.1 The proposal is for full planning permission for 13 dwellings of which 10 will be local needs housing. The site is close to the settlement boundary of Shepherdswell. There are dwellings opposite the site to the west and built form adjacent on the northern side.
- 3.2 Whilst the character of this rural landscape will change, it is considered that efforts have been made to design a scheme that can be mitigated in the location.
- 3.3 It is acknowledged that the categorisation of the settlement of Shepherdswell as a local centre means that, in principle, development of a suitable scale to reinforce its role as a provider of services to the local community may be acceptable – (albeit the application site is not strictly within the village). The proposal has been considered against Policies DM1, DM11, DM15 & DM16 of the Dover District Core Strategy which resist new development outside of existing settlement boundaries to ensure the highest level of protection is given to landscape protection; however where the impact is mitigated, the design sympathetic to the location and other material considerations apply (DM6, NPPF para 77) then planning permission can be justified.
- 3.4 The impact on the Heritage Assets that are less than 1000m to the application site have been given careful consideration, particularly in relation to Chapter 16 of the NPPF. The proposal is considered to cause less than substantial harm to the significance of these designated heritage assets and the public benefits of providing the rural needs housing is considered to outweigh this harm.

- 3.5 Overall the development is consistent with the aims and objectives of the NPPF. The report recognises that the proposal would deliver a form of affordable housing for which a local need has been identified. This benefit is considered to exceptionally warrant consideration of housing in this location. While the development would adjoin open countryside and therefore raise legitimate concerns about landscape impact, the provision of a robust landscape buffer which would be managed/maintained over the lifetime of the development, and provide screening, would help to mitigate harm. On balance and when weighed against the housing benefits being delivered, it is considered that this buffer, in the circumstances of this case, would be an acceptable approach to address the landscape concerns. No objections have been raised to the proposal by KCC Highways or any other consultee.
- 3.6 Accordingly, it is considered that this application is acceptable, and as such it is recommended that planning permission be approved subject to the applicant entering into a legal agreement to secure the rural needs housing.

(g)

Recommendation

- I PERMISSION BE GRANTED subject to a S106 Agreement to secure 10 local needs houses and matters covered in this report and subject to and the following conditions:
- 1) Standard time limit
 - 2) Drawing nos
 - 3) Material samples
 - 4) Joinery details
 - 5) Boundary treatment
 - 6) Site levels
 - 7) Ecological mitigation & enhancement scheme
 - 8) Landscaping scheme
 - 9) Landscape buffer including timetable for delivery and details of maintenance by way of a management group /company - also to include management of open space
 - 10) PRow details/delivery
 - 11) Construction Management Plan
 - 12) Drainage
 - 13) EV charging points
 - 14) Parking spaces/garage retention
 - 15) Highways – visibility splays, 278 agreement
 - 16) PD rights removed – boundary treatment, alterations to roof
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle the S106 Agreement and any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks