

- a) **DOV/21/00255 - Reserved Matters application pursuant to outline permission DOV/17/00487 for the details of appearance, landscaping, layout and scale for the erection of 85 dwellings - Land Opposite 423 to 459 Dover Road, Walmer**

Reason for referral – Number of contrary views

b) **Summary of Recommendation**

(i) Grant planning permission, subject to conditions, and subject to the completion of a satisfactory ecology survey in respect of the western boundary wall within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager.

(ii) If a satisfactory ecology survey in respect of the western boundary wall is not received within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager, delegated authority be given to the Planning and Development Manager to refuse planning permission.

c) **Planning Policy 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 indicates 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 Polices of the Local Plan (2002)

Relevant polices of the Core Strategy include:

- CP1: Settlement Hierarchy
- 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 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.

*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, ahead of a Regulation 19 consultation. 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**

DOV/17/00487 - Outline application for the erection of up to 85no. dwellings (with landscaping, appearance, layout and scale to be reserved) – appeal allowed (04/08/18).

The applicant has submitted applications pursuant to a number of conditions of the outline planning permission (17/00487):

- CON/17/00487/A - public open space and play area (condition 12) – under consideration
- CON/17/00487/B - biodiversity enhancement and management plan (condition 13) – under consideration
- CON/17/00487/C –travel plan (condition 18) - under consideration
- CON/17/00487/D –archaeology (condition 14) - under consideration

For background outline planning permission DOV/17/00487 is subject to the following conditions:

1. Reserved matters application to be submitted and approved
2. Reserved matter to be submitted within three years of date of permission
3. Access in accordance with approved drawing; and no occupation before access is completed
4. Dover Road / western boundary treatment in substantial accordance with indicative plans
5. Permanently close existing vehicular access
6. Finished levels to be approved
7. Surface water drainage scheme to be approved
8. Foul drainage details to be approved
9. Surface water drainage - implementation, maintenance and management details to be approved
10. Construction method statement to be approved
11. Noise attenuation measures for new dwellings to be approved
12. Public open space and equipped play area – details to be approved
13. Biodiversity enhancement and management plan – to be approved
14. Programme of archaeology work – to be approved
15. Reptile mitigation measures to be undertaken

16. Tree protection measures
17. Protection of retained trees
18. Travel plan – to be submitted
19. If unforeseen contamination is encountered

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

A reserved matters under this application was first submitted in February 2021, but was substantially revised in February 2022 to that now being considered and referred to Planning Committee for decision.

For completeness the consultee responses and third party representations for both the original and amended reserved matters submissions are reported here.

**A. Consultee responses received to original reserved matters submission:**

Ripple Parish Council – raise objection, due to the height of the 3 storey dwellings being out of keeping with surrounding houses; access and egress; building infrastructure concerns with doctors and school provision; insufficient parking; environmental impact; and need for crossing for school children.

Ringwold with Kingsdown Parish Council – raise objection, due to concerns with the public notices being misleading; no official notice to Rwk; impact of traffic flows; impact on greenfield site and impacts on proposed sites within the draft local plan.

Walmer Parish Council – raise objections, due to the access and egress to Dover Road being dangerous for motorists and pedestrians; the dwellings being too crowded and close together; the 117 parking spaces are not adequate for the 240 bedrooms proposed; and lack of information to the sustainability and materials used, and energy usage.

Environment Agency - no objection/comments. The applicant may be required to apply for other consents, permissions or licenses from the EA. An informative can be recommended accordingly.

National Highways – the proposals will not result in any additional impacts on the Strategic Road Network and are satisfied the proposals will not materially affect the safety, reliability and/or operation of the SRN.

Natural England – no objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. The site is located 1.2km from a nationally designated landscape namely Kent Downs AONB.

KCC Flood and Water Management – no objections, with comments:

- the drainage strategy follows that presented for the outline application;
- infiltration testing submitted with the outline application in 2017 is included in the appendices. The outline application included results for two infiltration tests which showed values ranging from  $4.05 \times 10^{-6}$  m/s to  $1.52 \times 10^{-6}$  m/s;
- recommend at detailed design that additional infiltration testing is undertaken given the age of the current results, given recent increased seasonal rainfalls and to confirm the (lack of) presence of groundwater;

- at detailed design it is important that the separation distances of these deep bore soakaways are provided and the actual number confirmed;
- the arrangement of deep bore soakaways may be permitted but it is important that the deep bore soakaways share loadings equally;
- depths for deep bore soakaways presented for the 1 in 2 year and 1 in 30 year events are acceptable but it would be beneficial to provide calculations for the 1 in 100 year plus 20% event for detailed design;
- recommend that cross-sections of the attenuation basin are provided at detailed design;
- no objection to the approval of the reserved matters given it follows the approved outline drainage plan and that there is sufficient open space to permit some flexibility in the attenuation basin arrangement.

KCC Minerals and Waste – no comments.

KCC Highways - holding objection to resolve detailed matters relating to arrangement of footways; speed restraint measures; road widths; shared driveways; provision of service strips; pedestrian visibility splays; turning provision; extent of adoption; and parking arrangement.

DDC Environmental Protection Officer – the Noise Assessment has examined the noise impact from traffic movements on Dover Rd and Kingsdown Water. The report concludes that for garden areas and for the main part noise levels are within guidelines set out in BS:8233. Mitigation measures, including some ground floor and first floor rooms facing the road will require enhanced acoustic glazing and an alternative method of ventilation. 1.8m close board fencing is recommended. Accept the findings of the report and do not object.

DDC Natural Environment Officer – accept the recommendations of the submitted Biodiversity Enhancement Management Plan.

Kent Fire and Rescue Services – no objections. Off-site access requirements of the Fire and Rescue services have been met.

Kent Police Designing Out Crime - matters raised in connection with the permeability of scheme; need to maximise natural surveillance; and ensuring defensible boundaries. Other advice is given in terms of door and windows locks, lighting, width of footways and security of construction plant.

Southern Gas – confirmed\_no comments.

Southern Water – no objections. A formal application under S106 of the Water Industry Act needs to be submitted and approved by Southern Water for a connection to a public foul sewer before implementing on site.

**B. Following the submission of amended plans and documents a full re-consultation was carried out. The following consultee comments have been received.**

Ripple Parish Council – original objection stands, aside from the issues with the three storey houses, which are no longer part of the development. Original objections

included inadequate parking spaces and overspill onto Dover Road. Concerns with the access and egress and a pedestrian crossing on Dover Road is requested. Request considered given to the impact on the local community and infrastructure.

Walmer Town Council – raise objections regarding overlooking; no account of vulnerable people; does not address surface water; overdevelopment; access concerns from Dover Road. The Town Council has suggested a number of improvements including:

- relocating earth bank along the southern facing border aligning the A258 to act as a sound barrier;
- redesign the scheme to increase walkability, reduced non-permeable surfaces, reduced car dominance, reduced access to service vehicles, revised architectural design and increased height of buildings;
- home refuse collection to be in a purposely designed building;
- cumulative parking areas and creating a tank or covered drainage facility for parking;
- additional pavement to the frontage and cycle parking provision;
- inadequate access to the road and bus passengers are poorly provided for;
- sustainability measures needed including PV cells, grey water systems, EV charging points, permeable paving and minimum energy rating; and
- remove boundary wall and replace with an earth/foilage bank.

Environment Agency - no further comment. The applicant may be required to apply for other consents, permissions or licenses from the EA. An informative can be recommended accordingly.

National Highways – content that all strategic road network (SRN) related matters were dealt with at the outline application stage, and therefore content there will not be any material impact to the SRN. No objections are raised.

Natural England – no objections and the amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

KCC Highways – no objections. Content that previous comment relating to demonstrating visibility splays; 20mph design speed of the site; roadway widths; footways; and provision of an adoptable margin around the amenity area have been addressed.

The total number of car parking spaces (1.5 spaces for a two bed dwelling; two spaces for a 2+ bed dwelling; and 17 visitor parking spaces) is sufficient. Parking for 3 and 4 bed dwellings should be independently accessible.

Kent Police Designing Out Crime – refers to comments made to original reserved matters submission.

KCC Minerals and Waste – no comments.



KCC Heritage/Archaeology – a Written Scheme of Investigation for archaeological mitigation excavation in the process of being agreed and will need to take place before development commences. [*Officer Comment: this is secured by Condition 14 of the outline permission*].

KCC Flood and Water Management – satisfied the resubmitted documents and amended design deal with and comply with the surface water master strategy previously approved under the outline consent, and the previous comments have been considered and included in the re-design of the drainage strategy. As such, no objections are raised.

DDC Natural Environmental Officer – in terms of reptiles, an updated reptile survey is sought. The removal of the wall along Dover Road is not included within the previous ecological assessment and should inform that work acceptability. No measures secured to ensure the potential bat presence is taken into account in the tree felling and therefore further information is sought to demonstrate how the potential for bat presence will be accessed. [*Officer Comment: The applicant is undertaking further surveys and a condition is recommended regarding a reptile survey*]

Important to secure measures proposed in the BEMP, including hedgehog holes in the close boarded fencing around the gardens and bee bricks per dwelling.

A greater proportion of locally appropriate native species planting should be provided. In particular there should be no *Pinus Sylvestris* and the attenuation base mix includes species not known to occur in the area.

Kent Wildlife Trust – no objections in principle, but question whether updated surveys are needed. [*Officer Comment: The applicant is undertaking further surveys and a condition is recommended regarding a reptile survey*].

Southern Water - no objections. A formal application needs to be submitted and approved by Southern Water for a connection to a public foul sewer before implementing development on site.

### Public Representations

In response to the **original reserved matters scheme**, a total of 18 letters of objection were received which raise the following comments:

- density too great;
- land outside of the urban boundary;
- impact on AONB;
- the three storey houses are too high and out of keeping;
- plans do not show finished levels of all parts of the development in relation to surrounding area and buildings;
- out of character with the local area;
- overlooking and loss of privacy;
- overshadowing and loss of sunlight;
- public amenity space inadequate for the size of the development;
- potential for development to build properties that are substantially over and above national minimum and standards;
- noise, smell, dirt and disturbance;
- concerns with the entrance to Dover Road and the junction visibility;
- increased traffic and road cannot cope with additional homes;

- concerns with the pedestrian crossing being dangerous, busy and pathway insufficiently wide;
- inadequate parking;
- no planned cycle or pedestrian routes;
- public transport is inadequate;
- concerns with construction traffic;
- no mains drainage;
- concerns with the development not being energy efficient or sustainable;
- strain on local services – health care facilities, shops, schools, roads and employment. Particularly given number of other developments in the area;
- concerns with broadband, power, waste and water supply;
- new builds are unaffordable to local residents;
- unclear what species of trees that will be planted on boundary;
- presence of newts in neighbouring pond; and
- impact on wildlife, nature conservation and requirement to protect species.

For the **re-consultation to the revised reserved matters scheme**, the following comments have been received from 9 letters of objection:

- clarity sought on whether the scheme is for 83 or 85 units; [*Officer Comment: the description was amended to confirm 85 units, consistent with the outline planning permission.*]
- comments that the application is out of time, being submitted more than 3 years after the appeal decision; [*Officer Comment: the application was submitted in February 2021, within the time frame and compliant with the relevant condition. The scheme was amended by Taylor Wimpey, however remains the same application.*]
- plans show three storey housing;
- impact on countryside views;
- overlooking and mitigation does not address Inspector's comments;
- impact on Thistledown properties;
- overshadowing;
- request for cross sections to assess impact on neighbouring properties and requirement of Condition 6 to provide finished levels; [*Officer Comment: this is a pre-commencement condition and will be required to be submitted separately.*]
- disruption and noise;
- highways safety concerns; impact of traffic and road congestion; concerns with footpath being too narrow and needs to be widened;
- request for a public footpath/public right of way through the site to connect Dover Road with the footpath on farmland at the rear;
- impact on capacity of local facilities / services;
- natural habitat of wildlife and flora lost;
- query to the maturity of trees to be planted;
- narrow paths along the boundary with properties in Thistledown become unused and dumping grounds;
- security concerns;
- no reference to sustainability measures;
- comments made regarding construction process to avoid congestion, danger and Considerate Constructors Scheme.

f) **The Site and the Proposal**

## The Site

- 1.1 The site is located adjacent to the southern edge of the defined settlement of Walmer and currently used as paddocks for grazing horses. There are a number of stable buildings positioned towards the north western corner of the site. The site is generally square in shape and located on land that rises from the east and west, with a 10m fall across the site.
- 1.2 There is an existing vehicular access to the site from the A258 along the western boundary. The western boundary is also formed by a redbrick and flint wall which runs the majority of the western side of the site with dense scrub/trees around it. The eastern and southern boundaries are also formed of scrub and trees. The northern boundary treatment is mixed, consisting of various chain link or wooden fencing.
- 1.3 The northern boundary of the site abuts the rear gardens of a recent residential development (Thistledown), comprising two storey dwellings. On the opposite side of Dover Road are a row of older properties of a variety of architectural design. To the south are some commercial buildings including a bottled water company and a small number of residential properties. To the east and to the south west on the opposite side of Dover Road is agricultural land.
- 1.4 The site is situated in Flood Zone 1.

## Proposed Development

- 1.5 Outline planning permission has been approved for up to 85no. dwellings on the site, under application DOV/17/00487. As well as the principle and quantum of development, the outline planning permission has established the principal access from A258 Dover Road. Matters of layout, scale, appearance and landscaping are reserved for subsequent approval.
- 1.6 This application is for consideration of these reserved matters (of layout, scale, appearance and landscaping).
- 1.7 This reserved matter submission (as amended) presents a scheme that:
  - has a single principal access from Dover Road, connecting to a central avenue into the site, leading up to a crescent of houses and area of open space towards the eastern part of the site;
  - to the north and south of the principal route has shorter cul-de-sacs (or spurs) of houses, then with a secondary road curving northwards from the central crescent;
  - maintains / provides larger areas of open space around the south eastern corner of the site and along the southern and eastern boundaries;
  - accommodates a surface water attenuation basin in the north eastern corner of the site;
  - has a predominantly two storey scale and height of houses, with a limited number towards the centre of the site having dormer windows in the roof space;
  - provides designated car parking for each dwelling, with visitor spaces available;

- repositions / replaces an existing brick and flint wall further into the site, to ensure appropriate visibility spaces, the construction of a new footway and new bus stop (as considered and secured as part of the outline planning permission).

1.8 The development comprises the following mix of units and split between market and affordable housing:

**Table 1: Mix of Units**

	<b>Market</b>	<b>Affordable</b>	<b>Total</b>
<b>2 bed</b>	8	11	19
<b>3 bed</b>	22	15	37
<b>4+ bed</b>	29	-	29
<b>Total</b>	59 (69%)	26 (31%)	85

1.9 As well as detailed drawings, the following documents accompany the application:

- Acoustic Appraisal Report
- Arboricultural Method Statement
- Biodiversity Enhancement and Management Plan
- Design and Access Statement
- Drainage Statement
- Illustrative Boundary Wall Detail Plan
- Landscape Management Plan
- Landscape Masterplan
- Specification for Landscape and Horticultural Works
- Planting Plan Overview
- Planting Plans
- Play Space Plan
- Planning Statement
- Transport Note

### **Main Issues**

2.1 The principle of residential development on the site (for up to 85 dwellings and principal access to the highway) has already been approved at outline stage. The outline planning application included illustrative information as to the manner in which the site might be developed.

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

- place making and character of the surrounding area;
- mix of units and density;
- affordable housing;
- residential amenities;
- highways / transport matters;
- trees and ecology;
- other matters.

### **Assessment**

### Place Making and Character of the Surrounding Area

- 2.3 The Framework emphasises that creating high quality places is fundamental to the planning process, including that development should function well and add to the overall quality of the area; is visually attractive; 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.
- 2.4 With regard to the appeal decision for the outline planning application, the site was considered by the Inspector to be largely self-contained, with characteristics of the urban edge of Walmer/Deal rather than being representative of the wider landscape. The detailed design of the reserved matters scheme is considered in this context.

### Layout

- 2.5 The proposed scheme has a legible layout with a central spine between the principal access and focal crescent of houses and open space, then with a logical arrangement of secondary roads.
- 2.6 At the front, houses are set back from the western boundary to face outwards onto Dover Road (engaging with the street), whilst maintaining suitable offset / space to ensure a substantial landscaped buffer. Within the site, houses are arranged in defensible perimeter blocks, facing outwards onto the new road layout and enclosing useable garden space.
- 2.7 The central crescent of open space provides some identify for the development, helping to create a positive and more distinctive sense of place.
- 2.8 The layout is also considered suitably permeable, with cycle and pedestrian access onto Dover Road to the north and south of the principal entrance, increasing accessibility to the surrounding area (including services/facilities in Walmer).
- 2.9 The layout retains substantial areas of green infrastructure along the southern and eastern boundaries, as well as providing space to reprovide the verdant landscaping along Dover Road.
- 2.10 The layout is considered an appropriate structure / framework for the detailed development scheme.

### Scale

- 2.11 The scale of houses at predominantly two storeys in height is in keeping and compatible with the surrounding built form / urban areas – including houses opposite the site on Dover Road and those most recently built adjacent to the north at Thistledown.
- 2.12 A limited number of houses (eight pairs of semi-detached) are taller at two and a half storeys (with habitable space in the roof and dormer windows), but these are positioned and suitably well contained in the centre of the site.
- 2.13 The taller houses would provide some variation and interest to street scenes of the proposed development.
- 2.14 The scale of the proposed buildings is considered appropriate to the site itself and its wider context in the surrounding area.

### Appearance

- 2.15 The houses have a simple and traditional form with a variety of gable and hipped roofs to provide some variation. Houses on key corner plots at the principal entrance to the site, and where the main roadway turns to the crescent, have dual-frontages, helping ensure an attractive / active appearance.
- 2.16 The facades of the houses comprise a mix of facing brick (buff and red/brown), white composite weatherboard, red/brown tile hanging; stone detailing soldier courses; and slate grey and brown composite roof tiles. This pallet is generally considered consistent with the varied urban character and appearance of other and nearby areas of Walmer. Final materials (with samples to be provided) will be secured by condition.
- 2.17 The overall appearance of the proposed development is considered appropriate, in keeping with that of the surrounding area and other recent development.

### Landscaping

- 2.18 The structural landscaping of the site is considered consistent with the illustrative material submitted with the outline planning application. Of note, the proposed landscaping includes:
- a strong landscape buffer along Dover Road, which would screen the frontage of the site and visually contain the development;
  - an attractive central area of open space, including children's play equipment;
  - tree lined streets across much of the site (but noting where densities increase more space is required for car parking,);
  - a large surface water attenuation basin, surrounded by new planting;
  - retention of the existing area of shrub / vegetation on the south eastern corner of the site, which expands along the southern boundary with mown footpaths to provide a robust landscape context and amenity; and
  - reinforced planting along the northern site boundary.
- 2.19 Hard landscaping is limited to the tarmac roadways, with permeable block paving to the parking areas and flag paving to the dwelling frontages. This is considered acceptable for these locations.
- 2.20 The existing brick and flint wall on the western boundary of the site, fronting Dover Road, would be rebuilt slightly into the site (to the east) to accommodate the visibility splays, widened footpath and new bus stop. This approach is consistent with the outline planning permission, which requires the new boundary wall and associated landscape treatment to be in substantial accordance with indicative plans.
- 2.21 Other boundary treatment comprises 1.8m high timber fencing between the gardens of the properties, with some areas of boundary wall framing corner plots. These boundary treatments would provide both privacy and robust security where appropriate.

- 2.22 Overall the approach to landscape will provide a suitably attractive scheme to enhance the visual appearance of the development and to the amenity and wellbeing benefits of future residents.

#### Mix of Units and Density

- 2.23 The mix of houses (of 19no. 2-bed; 37no. 3-bed; 29no. 4+-bed units) will provide an appropriately balanced development consistent with the objectives of Core Strategy Policy CP4.
- 2.24 The detailed scheme would have a density of 33 dwellings per hectare (dph), excluding the largest areas of retained green infrastructure. This is compliant with the outline consent and consistent with Core Strategy Policy CP4 in seeking at least 30 dph to make effective use of deliverable land.
- 2.25 Whilst Policy CP4 encourages higher densities above 40dph wherever possible, the outline planning permission limits the number of dwelling to up to 85; and such a greater amount of housing is considered likely to be at too greater variance with the edge of settlement character and site constraints.

#### Affordable Housing

- 2.26 Planning obligations (secured through a s.106 undertaking) of the outline planning permission provide for 30% affordable housing on-site. The detailed reserved matters scheme is consistent with this – 26 of 85 dwellings will be affordable (31%). Of these affordable units, 70% would be affordable rent and 30% shared ownership.

#### Residential Amenities

- 2.27 Given the site's edge of settlement location the only immediate neighbouring properties are those to the north and west of the site.
- 2.28 The proposed development would back onto Thistledown where generally there are sufficient distances of separation to the proposed development to ensure the amenities of these existing residents (in terms of outlook, light and privacy).
- 2.29 Two houses on Thistledown are closer to the site than others; and these are given further consideration.
- 2.30 Re No.28 Thistledown:
- this dwelling has windows at ground, first and second floor level, in its southern flank gable, facing onto the site. Whilst these windows would have some outlook over the site, there is a sufficient distance (to proposed houses on plots Nos. 46 & 47) or sufficiently oblique angle (to the proposed house on plot No.48) for the detailed development scheme to not cause a materially detrimental level of overlooking to No.28 Thistledown;
  - given the facing southern windows of No.28 Thistledown are not sole principal windows of habitable rooms, it is reasonable for greater boundary planting to be provided to further screen the property from the proposed development (as well as a closeboard fencing at ground floor level);
  - indeed, new evergreen trees (revised from four deciduous) are proposed on the northern boundary to provide that greater degree of screening.

- 2.31 Further along Thistledown to the east there is a second house closer to the northern boundary of the site, but the relationship between this and the closest proposed property on plot No.39 is considered acceptable given the landscape treatment on the common boundary and more oblique angle of any views.
- 2.32 As considered at outline stage, the separation distance and presence of Dover Road, as well as new boundary planting, would limit any impact of the detailed development scheme on the existing houses to the west.
- 2.33 Within the site, there is an appropriate layout and arrangement between the new houses to ensure suitable amenities (outlook, privacy and amenity space) for future residents. The larger amounts of public open space on the site would complement areas of private amenity space.
- 2.34 In respect of any disruption / disturbance during the construction phase of development, this is short term and can reasonably be controlled through good practice and conditions.
- 2.35 With appropriate measures of mitigation through façade attenuation, DDC Environmental Protection Officers advise that traffic noise is not a constraint to development. This is consistent with the outline planning permission granted.

#### Highways/Transport Matters

- 2.36 The principal access to the site and matters relating to traffic generation were considered and approved at outline stage. They are not relevant / material to this reserved matters scheme.
- 2.37 With regard to the internal arrangement within the site, KCC Highways raise no objection, advising that previous queries concerning visibility splays; the design speed of the site (20 mph); roadway widths; footways; and provision of an adoptable margin around the amenity area have been addressed.
- 2.38 Across the site, a total of 222 car parking spaces would be provided, with an average of 2.4 per dwelling (205 spaces) and 17 visitor spaces. KCC Highways are satisfied with this overall amount and level of parking for each dwelling.
- 2.39 KCC Highways question whether parking for the larger three and four bed dwellings would be redesigned so each space is independently accessible, rather than in a tandem arrangement. However, the disadvantages of a tandem arrangement are considered outweighed by allowing the effective use of the site – in reducing the width of car parking along the street frontage in places and increasing areas available for landscaping.
- 2.40 Each dwelling has sufficient space within a garage or the garden areas for cycle storage.
- 2.41 The proposed layout provides a suitable refuse collection strategy, which allows refuse vehicles to access the majority of the site, with refuse collection points appropriately located.

#### Trees and Ecology

- 2.42 The submitted Arboricultural Method Statement shows the loss of trees and hedgerows along the western site boundary (Dover Road) and some within the site,



particular toward the southern and eastern boundaries. However those trees to be lost are of a lower quality (all Category C) and the approach being generally consistent with the outline planning permission.

- 2.43 Importantly, the loss of existing trees and vegetation would be offset / compensated for by comprehensive new landscape / planting scheme across the site, including the new crescent area of open space, along Dover Road, around the surface water drainage basin, elsewhere along the eastern boundary, and around the southern boundary open space. New street tree planting would be provided too.
- 2.44 In relation to the ecology on the site and wider area, the application is accompanied by a Biodiversity Enhancement and Management Plan (BEMP) and document titled Further Ecological Survey Consideration / Clarification.
- 2.45 Key findings of these include that:
- the outline consent was informed by ecological surveys and mitigation measures;
  - the principle of development (and associated parameters and principal access) has been approved and the current application is unlikely to further influence mitigation measures in regard to protected species beyond the permitted outline scheme;
  - updated survey work has been undertaken to ensure measures remain appropriate and sufficient to ensure protected species are appropriately safeguarded;
  - an updated habitat and faunal survey inspection took place in February 2022;
  - previous survey work identified the presence of small number of reptiles (peak count of 1 slow worm), the presence of a small number of trees offering low potential for bats, presence of badger, along with the potential for nesting birds, and mitigation measures have been identified in respect of these species;
  - the 2022 survey work indicated the habitats present were recorded to remain unchanged from the previous position, particularly in regard to any potential for protected species;
  - the site has not developed any suitability to provide opportunities for other protected, rare or notable species.
- 2.46 DDC's Natural Environment Officer is generally satisfied with the reserved matters scheme, subject to:
- securing the enhancement measure proposed in the BEMP, including hedgehog holes in fences, bee bricks and bird and bat boxes (with the final BEMP to be considered pursuant to conditions of the outline planning permission);
  - an updated reptile survey to be secured by conditions and any mitigation delivered before commencement of development;

- a detailed ecological assessment of the wall along Dover Road to be carried out before reserved matters approval is granted (with any measures coming out of that work to be appropriately conditioned); and
- the final mix of new planting to be reviewed (as to be secured by condition) to ensure an appropriate mix of native species, which should not include scots pine.

2.47 In respect of the impact of development through recreational pressure on the Thanet Coast and Pegwell Bay SPA, contributions to management measures have been secured at outline stage.

#### Other Matters

2.48 KCC Flood and Water Management (as the Lead Local Flood Authority) is satisfied with the approach to surface water drainage (raising no objection), with final details secured under conditions of the outline planning permission.

2.49 With regard to foul water drainage, the Drainage Statement indicates that the foul flows generated are to be managed through a new below ground network with flows to be discharged to the existing public sewer. Southern Water raise no objections.

2.50 Contributions towards local services/infrastructure (including education, community learning, libraries, social care, NHS, and off-site outdoor sports facilities) were secured as part of the outline planning permission.

### 3. **Conclusion**

3.1 Overall it is considered the proposed reserved matters scheme would:

- provide a suitable layout and scale of development, with good quality landscaping and appearance of buildings, generally consistent with illustrative material that suitably informed the outline planning permission;
- create a mixed and balanced community with affordable housing and variety of dwelling size;
- suitably maintain neighbouring residential amenities;
- ensure a safe and convenience development in terms of transport and highways matters;
- would provide good quality landscaping and new planting to offset/compensate for the loss of existing trees; and
- appropriately (with additional survey work for the western boundary wall and reptiles) safeguard wildlife/biodiversity interests across the site.

### g) **Recommendation**

I GRANT PLANNING PERMISSION subject to conditions, and subject to the completion of a satisfactory ecology survey in respect of the western boundary wall within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager.

Conditions to include:

1. Approved plans
  2. Details and samples of materials – external surfaces of the dwellings
  3. Details and samples of materials – hard surfacing
  4. Revised planting details (with native species) – to be submitted
  5. Implementation of landscaping before occupation
  6. Boundary treatment – to be carried out
  7. Updated reptile survey
  8. Provision of EV charging points
  9. Provision of car parking before occupation of respective dwellings
  10. Provision of cycle parking before occupation of respective dwellings
  11. External lighting of public realm areas
- II If a satisfactory ecology survey in respect of the western boundary wall is not received within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager, delegated authority be given to the Planning and Development Manager to refuse planning permission.
- III Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions (part I) or reasons for refusal (part II) in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Somerville