

- a) **DOV/22/00652 - Outline application for the erection of up to 155 dwellings with associated parking and means of access (all matters reserved except for access) - Land south-west of Sandwich Road, Deal**

Reason for referral – public interest

b) **Summary of Recommendation**

As the applicant has submitted an appeal to the Planning Inspectorate (lodged 23 January 2023) against a decision having not been made, the planning application cannot now be determined by the local planning authority.

In these circumstances a resolution of the Planning Committee is nevertheless sought as to how it would have determined the application should it have been able to do so.

Officers' recommendation would have been to refuse for reasons relating to:

- i. the impact of development on the conditions of the local highway network;
- ii. the absence of up to date and reliable ecological survey information; and
- iii. the absence of a completed s.106 agreement with obligations to secure appropriate levels of on-site affordable housing and contributions towards infrastructure requirements.

c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

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

Relevant policies of the Core Strategy include:

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

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 (2021)*

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 safe and suitable access for all users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

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

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

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

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

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

Paragraph 126 – the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

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

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

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

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

existing resources; and support renewable and low carbon energy and associated infrastructure.

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

Paragraph 174 – planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services, as well as the intrinsic character and beauty of the countryside; and minimising impacts on and providing 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 186 – planning should sustain and contribute towards compliance with relevant limit values for pollutants, including air quality.

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

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

### *Draft Dover District Local Plan*

The draft Dover District Local Plan (Regulation 19 submission – October 2022) (“**the draft 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. The draft Local Plan has been subject to Regulation 19 consultation with the intention for it to be submitted in March 2023 for examination.

The draft Local Plan is a material planning consideration in the determination of this planning application. The weight to be afforded to its policies depends (in accordance

with paragraph 48 of the Framework) on the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the relevant policies, and the consistency of relevant policies with the Framework.

Relevant policies of the draft Local Plan include:

- Policy SP1: Planning for Climate Change
- Policy SP2: Planning for Healthy and Inclusive Communities
- Policy SP3: Housing Growth
- Policy SP4: Residential Windfall Growth
- Policy SP5: Affordable Housing
- Policy SP11: Infrastructure and Developer Contributions
- Policy SP13: Protecting Designated Environmental Sites
- Policy SP14: Enhancing Green Infrastructure and Biodiversity
- Policy CC1: Reducing Carbon Emissions
- Policy CC2: Sustainable Design and Construction
- Policy CC4: Water Efficiency
- Policy CC5: Flood Risk
- Policy CC6: Surface Water Management
- Policy CC8: Tree Planting and Protection
- Policy PM1: Achieving High Quality Design, Place Making and the provision of Design Codes
- Policy PM2: Quality of Residential Accommodation
- Policy PM3: Providing Open Space
- Policy PM4: Sports Provision
- Policy PM6: Community Facilities and Services
- Policy H1: Type and Mix of Housing
- Policy TI1: Sustainable Transport and Travel
- Policy TI2: Transport Statements, Assessments and Travel Plans
- Policy NE1: Biodiversity Net Gain
- Policy NE2: Landscape Character
- Policy NE3: Thanet Coast and Sandwich Bay SPA Mitigation Strategy
- Policy NE4: Air Quality
- Policy HE3: Archaeology

#### Legislation

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

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

#### **d) Relevant Planning History**

The application site includes, so to provide access to the A258 Sandwich Road, land on which outline planning permission (21/00402) was granted in March 2022 and an application for reserved matters (22/01409) is pending consideration:

- 21/00402 Outline application for the erection of 110 dwellings with associated parking and infrastructure (all matters reserved except for access). Permission granted 30/03/22; and
- 22/01409 Reserved matters application for details of landscaping, layout, scale and appearance pursuant to outline permission DOV/21/00402 for the erection of 110 dwellings and associated car parking and infrastructure. Pending consideration.

The site, as part of a larger parcel of land (HELAA reference SHO002), has been promoted by the applicant to the draft Local Plan as suitable for housing development. The Council's Housing & Economic Land Availability Assessment (December 2020) considers the site to be unsuitable for such development due to impacts upon the landscape and highways network.

A duplicate application (reference 23/00111) of same site and development to that subject of this report and appeal has been submitted by the applicant. This application is pending consideration.

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

##### Sholden Parish Council

Objection: the application is in breach of policies DM1, DM11, DM15 and DM16 of the Core Strategy, as well as paragraphs 6, 7, 8, 9, 39, 42, 43, 111, 112 and 130 of the National Planning Policy Framework.

Development has not been accepted by the local planning authority for inclusion in the draft Local Plan due to landscape and cumulative highway impacts. This should carry great / substantive weight.

In more detail with regard to policies of the Core Strategy:

- the site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. Development is contrary to Policy DM1;
- development is contrary to DM11 being outside of the settlement confines; not justified by other development plan policies; and heavily reliant on a vehicle to travel in order to reach all necessary day to day facilities and services (for example secondary schools, supermarkets, NHS surgeries etc.). The development in this location would create unacceptable additional pressure on local and other nearby road networks;
- Policy DM15 requires applications resulting in the loss of the countryside, or adversely effecting its character / appearance, to only be permitted if it meets one of the four exceptions in DM15. The development does not meet any of those exceptions. The development would have a considerable impact on the character and appearance of the countryside. Policy DM15 is not out-of-date and should attract serious weight as grounds for refusal;

- the development would have a considerable impact on the character of the countryside and a significant adverse impact on the landscape. Consequently, the development would conflict with DM16 and is another ground for refusal; and
- as the Council is currently able to demonstrate a five-year supply and delivered more than 80% of the required housing as measured against the housing delivery target (above the 75% figure which would trigger the tilted balance to be applied), the 'most important policies for determining the application' are not out of date. The applicant's references to other delivery percentages are erroneous.

With regard to the NPPF:

- developments such as the one proposed increase pressure on the south-east of England and thus are contrary to stated government policy and breach NPPF paragraphs 5 and 6;
- construction jobs are transient and not necessarily related to local job creation and thus not sustainable. There is no evidence that construction will benefit the local area. The applicant claims that there will be indirect employment opportunities beyond construction employment e.g., benefitting the local and national economy including sectors such as "manufacturing..., mining and quarrying...". These industries no longer exist in the Deal/Dover area. No one can predict economic activity or expenditure by residents;
- council tax revenue raised is for extra services and is thus transactional and not an increase in revenue. Development will not be beneficial to the "national economy";
- Sholden Parish Council notes that the NHS Kent and Medway Clinical Commissioning Group has stated that there is "*currently limited capacity within existing general practice premises to accommodate growth in this area*" and *that therefore to mitigate that, the Kent and Medway CCG is asking for £133,920 in Section 106 monies for possible refurbishment/reconfiguration of one, or two or three or all four local surgeries*". However, there is no mention of the increased staff needed. With limited capacity and a lack of medical staff it is highly unlikely that the objective of "healthy communities" will be achieved thus making the proposed development unacceptable;
- section 106 contributions are designed to make unacceptable developments acceptable. In this case the requested NHS related S.106 monies do not make the development acceptable. Without medical staff to achieve healthy communities the development must be unacceptable;
- the development is unsustainable and must be refused;
- the applicant's assertion that the matter of foul water flows had been agreed is disputed. Southern Water in its "Future Proofing Deal's Water Systems" papers states it needs to design new measures to improve capacity in the sewer system; and has stated "*There is pressure on the wastewater systems and one of the factors contributing to this is the number of new homes in the area...will increase the burden on already stretched networks*". An additional 155 dwellings is not going to improve matters;

- many objections cite important material considerations (including sustainability). Development is contrary to NPPF paragraph 9;
- the impacts on the road network would be severe, contrary to NPPF paragraph 111;
- development which bisects a PROW footpath and bridleway, involves the building of a “ghost-island” within sight of a secondary bi-section and another traffic hazard is contrary to NPPF paragraph 112; and
- this proposed development was deemed, for Local Plan purposes, to impact the local landscape that it was excluded from further consideration for development. It therefore follows that the application is contrary to NPPF 130 – that ‘planning decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change’.

The applicant’s Statement of Community Engagement is not strictly accurate. The Parish Council was consulted on one single application for up to 250 dwellings, but that has changed into two major developments. The applicant may have breached NPPF paragraphs 39, 42 and 43 with regard to pre-application engagement and front-loading.

(Officer comment: whilst pre-application community engagement is best practice, there is no prescribed way or requirement to carry that out. Although the applicant may not have approached the Parish Council in respect of this current proposed scheme, it is noted the Parish Council was aware of the full extent (some 250 dwellings) of the applicant’s ambition on the current site and adjacent land.

### *Conclusion*

Dwellings must be built in the right numbers, in the right places, to correct standards and in compliance with policies of the Core Strategy/Local Plan and the NPPF. In this case, the proposed development breaches the Core Strategy policies and numerous NPPF paragraphs. The grant of planning permission would undermine many key aspects of policies and material considerations in the Core Strategy and the NPPF. The adverse impacts of granting permission would significantly and demonstrably outweigh any and all potential benefits. In the circumstances planning permission should be refused.

### Great Mongeham Parish Council

Objection: not enough roads, sewage infrastructure, schools and medical services. The roads are already very congested. The development would increase traffic in Great Mongeham.

Other consented development as well as that proposed, with their accesses bisecting the Miners Way, will lead to massive disruption to local traffic and serious safety issues.

### Deal Town Council



Objection: support the views put forward by Sholden Parish Council and Great Mongeham Parish Council. The application is contrary to the draft Local Plan and the NPPF.

#### Environment Agency

This application is considered to have low environmental risk – thus confirmed no comments to be made.

#### Natural England

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

#### National Highways

Having assessed application 22/00652, content that the proposals would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site.

#### Southern Water

Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Under certain circumstances sustainable drainage systems (SuDS) will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated / end of pipe component, adoption will be considered if such systems comply with the latest guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

#### NHS Kent and Medway Group

NHS Kent and Medway Group has assessed that the development will have a direct impact on general practice services. As there is currently limited capacity within existing general practice premises to accommodate growth, mitigation through the payment of an appropriate financial contribution of £133,920 is required.

This would go towards refurbishment, reconfiguration and/or extension of Manor Road Surgery and/or St Richards Road Surgery and/or Balmoral Surgery and/or The Cedars Surgery and/or Sandwich Medical Practice and/or towards new general practice premises development in the area.

#### KCC Minerals and Waste

No minerals or waste safeguarding objections regarding the proposed development.

#### KCC Flood and Water Management (Lead Local Flood Authority)

The approach as outlined within the submitted Flood Risk Assessment and Sustainable Drainage Statement with infiltration into the chalk bedrock demonstrates that surface water can be accommodated within the proposed development area.

Should planning permission be granted conditions are recommended.

#### KCC Infrastructure

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

Contributions are sought as follows:

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

Contributions index linked from April 2020.

A condition is requested regarding provision of broadband infrastructure.

#### KCC Public Rights of Way

Public footpath EE389/ED48 and EE390/ED39 would be affected by the proposed development.

No objection subject to a condition to provide a full public rights of way (PROW) management scheme to secure enhancements and improvements to path status, alignment, surfacing, widths and signage. This would include details of PROW management during construction if any temporary closures or diversions are required.

This PROW management scheme should address matters including:

- EE389/ED48 runs along the northern site boundary to its junction with Sandwich Road. Its alignment should be clarified along the boundary of the site;
- the main access road into the development crosses EE389/ED48, thus a controlled / appropriate crossing is requested;
- the route of EE389/ED48 should be within an open, wide corridor with surface and minimum 2m width to be agreed;
- EE389/ED48 should be linked to the proposed pedestrian route on the western boundary of the site and enhanced with surfacing to match;

- EE389/ED48 runs from Sandwich Road into the development, and improvements (clearance, tarmac surface) are requested to this section to ensure quality links to and from the site;
- EE390/ED39 runs from Sandwich Road into the site – improvements are requested to this section to ensure quality links to and from the site;
- EE390/ED39 crosses the site and exits to join Mongeham Road. Again, improvements are requested to this section from the site to Mongeham Road; and
- the applicant has proposed a diversion to EE390/ED39 across the site, which will need full approval from KCC PROW and Access. Details of this to be part of the overall PROW scheme.

If PROW improvements are not to be undertaken by the applicant, contributions are requested to ensure links and access to and from the site are of suitable quality:

- EE390: approx. 70m with 4m width tarmac – £11,200
- EE389: approx. 100m with 1.5m width tarmac – £6,000
- ED39: approx. 70m with 1.5m width tarmac – £4,200
- 15% management fee

#### KCC Highways & Transportation (the local highway authority (LHA))

*Three consultation responses have been received from the LHA (dated 23/08/22, 10/11/22 and 20/02/23) with regard to the application as first submitted and following further information from the applicant's transport consultant (dated 01/09/22, 01/12/22 and 03/01/23).*

*The latest response of the LHA (20/02/23), which presents its consolidated position from earlier responses, is presented in full:*

Further to previous comments dated 23 August and 10 November 2022, further details have been submitted. The LHA has a holding objection as follows:

*The proposals will result in the increased use of the existing junction of London Road with Manor Road and London Road with Mongeham Road, which will create a severe impact on the local highway network, to the detriment of highway safety. Satisfactory mitigation measures have not been submitted as part of the current proposal.*

#### *Emergency Access*

Para 1.9 of TN3, the requirement of an emergency access is maintained. An emergency access is proposed via Mongeham Road. As previously outlined, a Traffic Regulation Order (TRO) would be required to remove parking to enable the access, which could be conditioned by best endeavours, which would be for the local planning authority (LPA) to deem whether this is reasonable and appropriate.

#### *Traffic Impact*

The LHA have maintained that the increased use of London Road / Manor Road and London Road / Mongeham Road would result in a severe impact.

Para 1.11 of TN3 asserts that London Road / Mongeham Road would see an increase of 6 seconds (AM) and 7 seconds (PM) per vehicle for left turns from Mongeham Road and 16 seconds (AM) and 15 seconds (PM) per vehicle for right turns.

London Road / Manor Road sees an increase of 39 seconds per vehicles approaching from Deal in the AM peak and 35 seconds per vehicle from London Road (NW) arm in the PM peak.

Para 1.16 states that the anticipated additional vehicle trips will add less than one vehicle per minute, and ascertains that these increases are negligible. The LHA refutes this claim due to the previously outlined conditions of the existing network whose constraints result in delay and consequently increased journey times. In addition it is the opinion of the Highway Authority that any exacerbation of the current delays will result in gap seeking from side roads and vehicles not waiting at the appropriate passing place in the areas of single way working (when large vehicles create the necessity) to the detriment of highway safety.

The transport evidence base should identify the opportunities for encouraging a shift to more sustainable transport usage. The development proposal offers no alterations to the network to encourage or enable modal shift to walking, cycling or public transport usage to and from the site. A scenario of how people want to travel in the future and how this can be improved has not been outlined by the applicant. No improvements are proposed to bus services, and there are no cycle lanes along London Road. The development does not put infrastructure in place to accommodate modal choice, and it is considered that there is little scope available.

As outlined in previous responses, London Road experiences constraints such as on street parking, bus stops, side roads without right turn facilities, school crossing patrols, pedestrian crossing facilities, and private driveways (resulting in vehicles reversing in or out on to the highway). On street parking restricts the width of the highway whereby a car and a lorry / bus are unable to pass. This results in traffic stopping in one direction while larger vehicles pass. This overall results in delays to journey times and queuing due to the constraints, and also the limitations of the mini roundabout as opposed to delays due solely to the volume of traffic.

### *Emerging Local Plan*

Para 1.25 of TN3 outlines that WSP Regulation 19 modelling assessment indicates that London Road / Mongeham Road and London Road / Manor Road junctions are beyond or approaching capacity in the AM peak hour "do minimum" traffic levels.

The applicant draws comparisons to the Whitfield Urban Expansion (WUE), where 4,930 dwellings have been permitted, and included in the emerging local plan. WUE development provides extensive mitigation at the Whitfield roundabout, alongside Dover Fastrack, which anticipates a 10% mode shift offset. This represents a betterment to the overall network, which would not apply in the scenario for the current application. Any development outside Deal, once assigned to the network, would likely have a negligible impact at the London Road junctions.

Transportation impacts that forecast background growth has on the London Road / Manor Road junction has been outlined by WSP in evidence base to the Regulation 19 consultation for the emerging local plan. The Dover and Deal Transport Model Forecasting report summary outlines that prior to the assessment of any specific local plan or committed developments and without any infrastructure improvements, the volume of vehicles using the London Road / Manor Road / Rectory Road priority controlled junction is forecast to increase by 29%, 20%, 21% and 30% around the arms respectively (AM Peak).

WSP also developed a future year VISSIM model for the London Road / Manor Road / Rectory Road junction to further demonstrate the forecast operation to 2037. The

model demonstrated significant increases in journey times through the junction compared with the base year model, with excessive queuing occurring in the AM peak and extending back across 250m along London Road (North West).

The following table is an excerpt from the WSP Regulation 19 Forecasting Report, whereby the vehicle capacity has been highlighted in bold where flows exceed 85% in the baseline scenario with committed development in the vicinity of the London Road / Manor Road roundabout.

|  | AM         | PM        |
|--|------------|-----------|
| A258 London Road, North of Mongeham Way Junction         | <b>90</b>  | 65        |
| A258 London Road Northbound                              | <b>95</b>  | 61        |
| A258 London Road/ Manor Road Roundabout Circulatory Arm  | <b>108</b> | 72        |
| A258 London Road/ Manor Road Roundabout; Circulatory Arm | <b>94</b>  | 74        |
| Northern part of London Road / Manor Road roundabout     | 81         | <b>86</b> |

### *Predicted Delay Outside of Peak Hours*

The applicant utilises data to ascertain that traffic volumes are lower outside of peak periods. While it is accepted that this is likely to be correct, the LHA assess the AM and PM peak periods to understand a ‘worst case’ scenario when the network is most saturated and to understand the impact of any development during these times. Presenting data for off peak periods does not substantiate the proposal and its impacts on the highway network.

The applicant goes on to provide data for the hour after the AM and PM peak periods. While this suggests a reduction in the traffic flows and queue lengths, this is not the established baseline assessment. These assessments are made utilising 2019, pre-Covid data where it may be assumed that the AM period is extended due to changed in working locations and patterns. This would therefore assume that the post AM and PM peak period reduction in traffic flows will now be less pronounced than suggested.

Published data on GOV.UK on transport use during the Covid-19 pandemic informs us at an aggregate level how much road traffic there is by different vehicle types, and how it compares to pre-pandemic levels. Car traffic in 2022 was predominantly below pre-pandemic levels while HGV, and particularly LGV traffic, is above. This further attests to the exacerbation of interruption to the free flow of traffic using the London Road with large vehicles preventing two way flow more regularly.

### *Traffic Counts*

A Traffic Count Comparison From 2019 to 2022 Technical Note has been submitted, to outline more recent traffic counts to those previously submitted. Manual Classified Counts (MCC) took place on Wednesday 23 November 2022 at the junctions of London Road/Mongeham Road, and London Road/Manor Road/Rectory Road. It has been confirmed by KCC Streetworks Team that there were no works taking place during this time.

The traffic count data indicates that traffic flows have reduced since the 2019 data. The applicant ascertains that this fall is likely due to homeworking and changes to working patterns, alongside an increase in active travel.

It is the opinion of the Highway authority that the network has generally returned to former (pre-Covid) growth patterns. Therefore, the data requires further validation to

enable to LHA to accept the figures presented. Additional justification is required to enable the LHA to accept the updated counts as they vary to such a considerable degree from our own experience and the existing evidence base.

As previously outlined, the conditions of the highway network have not changed. As such the latest transport evidence presented by the applicant, stating that London Road now operates without capacity constraints, requires further justification and validation to be accepted as credible by the LHA. Furthermore, various traffic studies in the area have previously demonstrated outputs with capacity constraints in the area, and significant journey times, thus concluding that further development in the area could not be justified.

Subject to further sensitivity testing to validate the submitted counts by an independent consultant (to be agreed with KCC), should the outputs demonstrate the accuracy of the submitted TA and the network is proven to operate without the need to mitigate the new trips generated by the development, then KCC Highways will remove the holding objection.

### DDC Landscape Consultant

#### *Site context*

The landscape is generally open, with long views across the valley. Trees are generally restricted to field boundaries and the valley floor, although the settlement edge to the north-east of the site is also well treed. The site is rural in character, but has urban influence from adjacent settlement to the south-east and south. There are open views of the site from the majority of the footpaths located between the western edge of Sholden and Northbourne Road to the west. There are partial views from footpath ED38, which follows the valley floor to the west of the site, as rising ground screens the land beyond the brow of the ridge to the east

#### *Landscape baseline*

The site is considered to be representative of the 'Northbourne' Landscape Character Area. The site is rural in character, however the urban influence of adjacent settlement to the south-east and south of the site is acknowledged. The recent development to the north-east of the site, east of the A258 London Road (off Sholden Drive), is not visible from the footpath (ED48) at the northern boundary to the site.

The site is part of the characteristic rolling arable landscape, which is a distinctive feature in its own right and contributes to the scenic quality of the landscape to the west.

There is a gradation of susceptibility across the site, with a higher susceptibility to the north-west, on the brow of the hill, and a lower susceptibility to the south-east, where the influence of existing settlement is stronger. The overall assessment of 'medium landscape sensitivity' of the site and local surroundings in the applicant's Landscape Visual Impact Assessment (LVIA) is not disputed.

#### *Visual baseline*

The predicted values to the views of selected visual receptors are generally consistent with the methodology provided. Some of the susceptibility judgements are questioned, particularly where a 'medium susceptibility' has been given for people using footpaths with open views of the site. However, in many of these cases the overall sensitivity

appears reasonable (i.e. higher than a straightforward combination of assessed value and susceptibility), although it is unclear how this sensitivity judgement has been reached.

### *Landscape effects*

The landscape effects predicted for the site in the LVIA underestimate the magnitude of change and subsequent level of effect, particularly to the north-west of the site, where the proposed development would encroach over the brow of the hill, affecting the open character of the site and wider landscape.

The curved western site boundary does not fit the pattern of the landscape and the northern parcel of housing does not fit the existing settlement pattern – in particular the north-western area, which extends beyond the line of the 'Phase 1' housing and over the brow of the hill.

The magnitude of effect at a site-specific level is considered to be underplayed within the LVIA. The open and expansive character of the site would be compromised, and the pattern of the landscape and adjacent settlement would be altered.

### *Visual effects*

The proposed development may be screened by the proposed woodland planting in summer; however, the proposals would foreshorten existing open views across the landscape to the west and would create an atypical pattern of woodland where the proposals kink out to the west, and in the curve of the landscape.

Pedestrians using footpath ED48 would experience a disrupted and disjointed arrival into and departure from the proposed settlement edge.

From the footpath within the valley to the west, landform screens all views of existing development to the east and forms the skyline to the view. The phase 1 development sits back behind the brow of the ridge and would not be visible within the view. In contrast, the proposed development within the site would skyline within the view, creating a new and incongruous feature.

### *Conclusion*

The submitted LVIA has underplayed the potential landscape and visual effects of the proposals. The development would have an adverse effect on the open and expansive character of the landscape, and would have adverse effects on public views from the rural landscape to the north and west of the site.

There would be substantial and long-lasting changes to the visual amenity of people using the footpaths within and to the north of the site.

The existing settlement edge to the north-east of the site is set back beyond a small tree copse and the eastern edge is relatively soft. The approved phase 1 development would be visible in the short and medium term, but is set back behind the brow of the local ridge and would eventually be screened by woodland planting.

The proposed extension of the development westwards over the brow of the local ridgeline would exacerbate and extend the predicted visual impacts of the phase 1 development, increasing the predicted harm to landscape character and visual amenity.

The development proposals do not respond positively to the sensitivity of the site with the illustrative layout being contrary to the landform of the site and settlement pattern of existing and forthcoming development.

It is acknowledged that the submitted design would bring about benefits in terms of open space within the site; and that the visual effects of the proposals on views from the west and north-west would be reduced by the proposed planting in the long term.

#### DDC Ecology Officer

The 'Ecological Assessment and Biodiversity Net Gain' reports were undertaken between 2018 and 2021. There has apparently been no ecological site visit since March 2021 (wintering birds) and no habitat survey since November 2020.

A more recent walkover to confirm the habitats currently present on site, along with an updated review of the potential for protected species to be present and affected by the proposed development, needs to be provided.

Depending on the outcomes of this updated ecology work, it may be necessary to undertake updated species surveys to inform the determination of the application.

The biodiversity net gain assessment was carried out using the Defra 2.0 metric, which was superseded by metric 3.0 in July 2021 and metric 3.1 in April 2022. A revised biodiversity net gain assessment using metric 3.1 is required following the updated site walkover.

#### DDC Housing

Split of affordable housing sought is 55% affordable rent, 25% first homes and 20% shared ownership.

Affordable rented properties of all sizes are required, and where possible ground floor flats should be designed to be wheelchair accessible. First homes must be two-bedroom houses or flats. Shared ownership should be two-bedroom houses predominantly, although some 3-bedroom houses would be acceptable.

#### DDC Environmental Protection

Contaminated Land: The report content is accepted, but it is noted the land is identified as having a risk for unexploded ordnance (UXO). Further a ground investigation should be secured to confirm ground conditions; assess the ground gas regime; and allow for in-situ and laboratory testing to inform foundation design. Conditions are recommended regarding further investigations and risk assessments; remediation; verification report; and unidentified contamination.

Noise: There is sufficient noise information to enable noise impacts of the development to be scoped out of more detailed consideration. Existing development in London Road provides a barrier for noise to future residents and additional traffic is likely to increase noise by 3dB only.

Air Quality: The applicant's air quality report examines the impact of the development including a construction phase dust assessment to determine the impact of the development on local air quality based on guidance from Defra/IAQM/EPUK. This report is accepted. A condition is required regarding a site specific dust management plan to control dust levels during development.



Electric vehicle charging points should be secured by condition.

Overall the impact of the proposed development on air quality is considered to be negligible.

#### Kent Police Designing Out Crime

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

#### Kent Fire and Rescue Service

The secondary emergency access is shown in the design access statement as required in the Kent Design Guide. No problems have been identified.

#### Public Representations

A total of 21 letters of objection to the proposed development have been received which raise the following comments:

- use of greenfield site;
- development will negatively affect the area;
- access at London Road is already overly congested;
- the development would detrimentally affect pedestrian safety;
- lack of appropriate services in place to cope with development;
- enough housing already provided in Deal;
- lack of pupil spaces at local school;
- there is a lack of shopping facilities;
- the proposed emergency access is not suitable due to parked cars;
- A258 is dangerous and needs relief;
- concern over loss of agricultural land;
- loss and impacts upon of public footpaths; and
- there is a lack of local medical facilities.

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

#### The Site

- 1.1 The site can be considered in two parts: (i) land located to the north west of development fronting Mongeham Road and to the south west of properties along London Road/Sandwich Road (including some with a 'back-land' setting) and Hall Crescent ('the main site'); and (ii) land that overlaps with the site on which there is extant planning permission for up to 110 dwellings (21/00402) ("**the Phase 1 Scheme**") that runs from the main site to abut the south-western side of A258 Sandwich Road ('the access land').
- 1.2 The site comprises undeveloped fields in agricultural use, outside of the settlement boundary of Sholden, and extends across an area of 11.48 hectares.
- 1.3 The main site rises in level from some 18m at its eastern corner to some 23m along its north western edge. Levels also rise from the north eastern edge before falling to the south west towards a valley feature associated with 'North Stream'. The settlements

of Great Mongeham and Northbourne are located beyond that valley feature on higher ground.

- 1.4 The south eastern edge of the main site is bound by the rear gardens of houses along Mongeham Road; to the north east it is bound by shorter rear gardens of bungalows along Hall Crescent and a linear treed coppice; to the north west its boundary is open, but common with the Phase 1 Scheme site that would provide landscaping; and the curved south western boundary of the main site is undefined.
- 1.5 Two public rights of way (PROW) cross the main site: PROW EE389/ED48 that has a north-east to south-west alignment; and PROW EE390/ED39 routing between London Road and Mongeham Road. An extract from KCC's PROW map is at Figure 1.

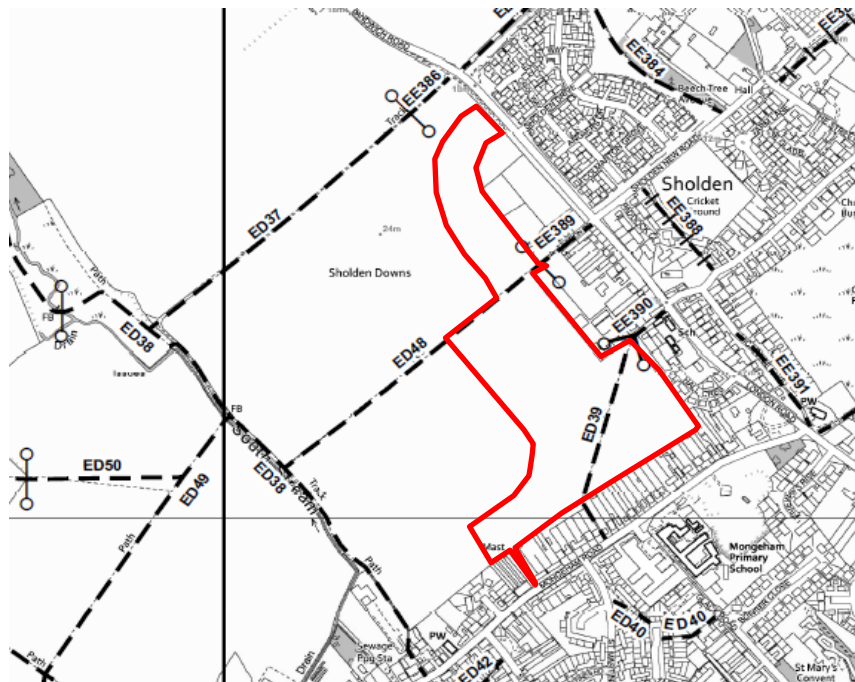
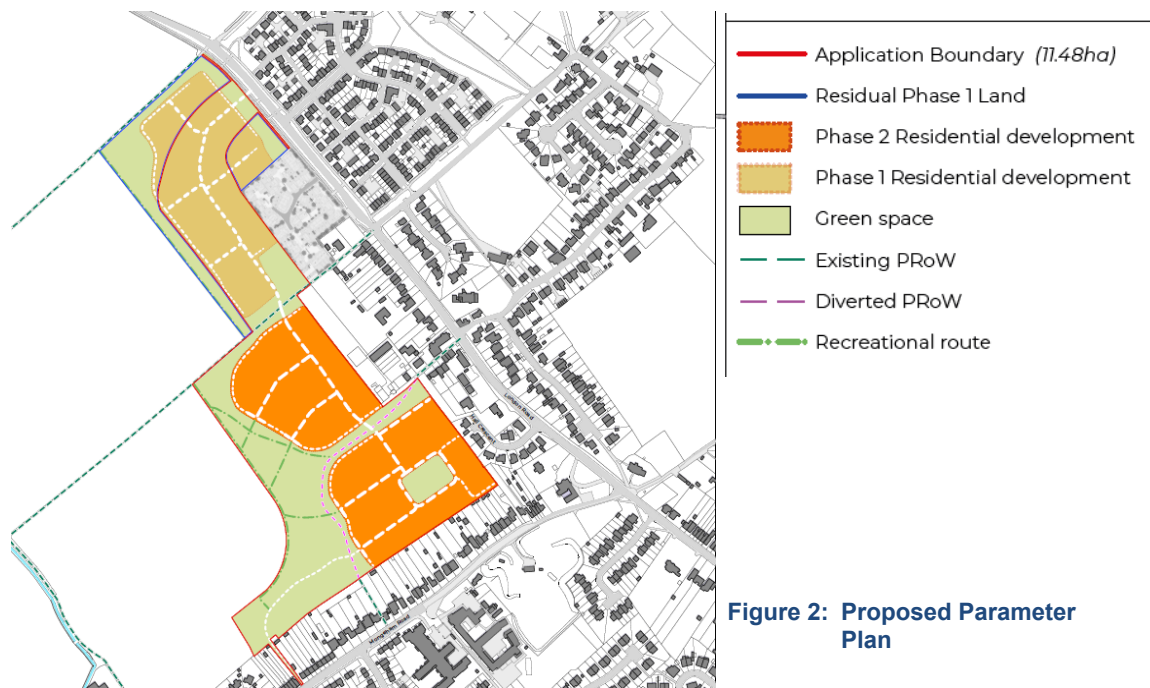


Figure 1: Public Rights of Way

- 1.6 Within walking distance of the site are a range of facilities including Sholden C of E Primary School, Hornbeam Primary School, Sholden village store and The Sportsman public house.
- 1.7 There are bus stops along A258 Sandwich Road/London Road with services including to Sandwich, Deal and Dover.
- 1.8 The site is not within a conservation area nor contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 as land at least risk of flooding.

## Proposed Development

- 1.9 Outline planning permission is sought for erection of up to 155 dwellings with principal access onto Sandwich Road. Matters of layout, scale, appearance and landscaping of the proposed development are reserved for subsequent approval.
- 1.10 A parameter plan has been submitted for approval, which shows areas of residential development in two parcels on the main site – across its eastern section, closest to houses on Mongeham Road and Hall Crescent, and in its northern part adjacent to the Phase 1 Scheme / access land.



- 1.11 Green infrastructure is proposed (as shown on the submitted parameter plan), which would provide:
- a setting for PRow EE390/ED39;
  - a central / green focus for the eastern development parcel; and
  - a larger expanse of open space to the west / south-west of the built form.
- 1.12 Principal access would be via the Phase 1 Scheme onto Sandwich Road. A pedestrian/cycle access onto Mongeham Road, which would also serve as an emergency access, is proposed. The development would have other pedestrian access via the existing PRow network.

- 1.13 30% affordable housing is proposed. The mix of market and affordable dwelling type and size is shown illustratively at this stage, as considered further in this report.
- 1.14 An illustrative masterplan has been submitted to show how the proposed development could be achieved. This includes:
- a central spine road across the main site, linking to the Phase 1 Scheme / routing through the access land, to the principal access onto Sandwich Road;
  - houses arranged around the central open space in the eastern parcel, or facing outwards onto other areas of green infrastructure to the north west or south west;
  - houses arranged in three perimeter blocks or fronting onto the spine road in the northern parcel;
  - surface water attenuation basins (as part of the SuDS) on the larger, western area of open space;
  - areas of hedgerow and woodland planting, along with a network of footpaths in the western open space; and
  - a children's play area in the centre of the eastern parcel.



**Figure 3: Illustrative Masterplan**

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

- Design and Access Statement
- Illustrative Masterplan
- Planning Statement
- Agricultural Land Classification and Soil Resources Report
- Air Quality Assessment
- Arboricultural Impact Assessment
- Ecological Assessment and Biodiversity Net Gain Report
- Energy and Sustainability Statement
- Flood Risk Assessment
- Sustainable Drainage Statement
- Phase 1 Geo Environmental Assessment
- Transport Assessment
- Travel Plan
- Utilities Assessment
- Heritage Statement
- Landscape and Visual Impact Appraisal (LVIA)
- Noise Appraisal
- Preliminary Arboricultural Impact Assessment
- Statement of Community Engagement

1.16 During the course of the application, additional information was submitted by the applicant:

- parameter and illustrative masterplan drawings with topographical contours;
- response to comments from the LHA – technical notes dated 01/09/22, 01/12/22 and 03/01/23; and
- response to comments of the Council’s landscape consultant – note dated 15/12/22

## **2. Main Issues**

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

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

### **Assessment**

#### **Principle of Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.

#### *Development Plan*

- 2.3 The site is located outside the existing settlement boundary of Sholden and considered to be within the countryside, defined by Core Strategy paragraph 1.49 as “*undeveloped land beyond settlement boundaries*”. In such a location Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the proposed development does not fall within any of these exceptions, it is contrary to Policy DM1.
- 2.4 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy.
- 2.5 As Members are aware, the Core Strategy policies and the settlement confines referred to within those policies were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government’s standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying Policy DM1 is considered out-of-date. As such, Policy DM1 should carry less than full weight.
- 2.6 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.
- 2.7 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 less than full weight.
- 2.8 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 provisions of Policy DM1 are afforded less weight, it follows that the blanket restriction part of Policy DM15 to prevent development resulting in the loss of countryside is not up-to-date and must also not carry full weight.
- 2.9 Given the importance of Policy DM1, the relationship between Policy DM1 and DM15, and the tension between Policy DM11 and the Framework, it is considered that the ‘basket of policies’ in the Core Strategy which are most important for determining applications are out-of-date and should be given less than full weight.

### *Tilted Balance*

- 2.10 Notwithstanding the primacy of the development plan, Framework paragraph 11(d) states that where the policies which are most important for determining the application are out of date permission should be granted unless (i) 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 (ii) specific policies in the Framework indicate that development should be restricted.
- 2.11 This approach is consistent with the position presented in the committee reports for the Phase 1 Scheme (21/00402) and development at Betteshanger Sustainable Parks (20/00419).
- 2.12 The consequence of engaging the tilted balance, in respect of the recommendation of how this application would have been determined, is considered further in the overall planning balance at the end of this report.
- 2.13 It is noted that the Council is able to demonstrate a housing land supply of 6.03 years<sup>1</sup>; and the Council's Housing Delivery Test measurement is currently 88% and forecast to increase to 102% for the period 2019/20 – 2021/22.

### *Draft Local Plan*

- 2.14 Regard is had to the draft Local Plan, which sets out the Council's vision, strategic objectives and development strategy for the growth of the district over the period until 2040. This includes planning for housing development based on a local housing need figure of 611 dwellings per annum (using the Government's standard method), with a distribution of those homes focussed on Dover town and Whitfield; at Deal and Sandwich, to an extent that reflects their environmental and highway constraints; and at Aylesham through a strategic size extension to that settlement.
- 2.15 The draft Local Plan under Policy SP4 (Residential Windfall Development) also makes provision for residential development within or immediately adjoining larger defined settlements subject to adherence with a range of spatial, transport and environmental -led criteria.
- 2.16 The draft Local Plan currently carries some weight in decision making. However, in accordance with Framework paragraph 48, given there are objections to relevant spatial and housing allocation policies of the draft Local Plan that are unresolved ahead of examination, full weight cannot yet be afforded to its overall strategy of meeting the district's housing needs.

### Loss of Agricultural Land

- 2.17 The Framework makes provision for the natural capital of land to be recognised, including the economic and other benefits of 'best and most versatile' agricultural land.
- 2.18 The applicant's 'Agricultural Land Classification and Soil Resources' report identifies the site as being such 'best and most versatile' land, split between Grade 2 (very good) and Grade 3a (good). However, in the context of there being a greater amount of such 'best and most versatile' land within the district than regional or Kent-wide averages (as highlighted by the Core Strategy), the applicant presents that the loss of such land

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<sup>1</sup> Five Year Housing Land Supply 2022 – 2027 (September 2022)



is inevitable and not significant. The loss of such land is weighed in the planning balance later in this report.

### Affordable Housing and Dwelling Mix

- 2.19 In accordance with Core Strategy Policy DM5 and draft Local Plan Policy SP5, the proposed development would provide 30% affordable housing. The tenure split of this housing in accordance with advice from the Council’s Strategic Housing Manager, if planning permission was to be granted, would be secured (through obligations of a s.106 undertaking) as 55% affordable rent, 25% first homes and 20% shared ownership.
- 2.20 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council’s latest evidence of housing need and market demand. This latest evidence is the Council’s Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 (“**the SHMA**”), against which the illustrative mix of dwellings of the proposed development is shown at Table 1.

**Table 1: Dwelling Mix**

|               | Market Housing |                      | Affordable             |   |
|---------------|----------------|----------------------|------------------------|---|
|               | SHMA           | Proposed development | SHMA (affordable rent) | Proposed development (total affordable) |
| <b>1 bed</b>  | 6%             | 4%                   | 32%                    | 8.5%                                    |
| <b>2 bed</b>  | 21%            | 19%                  | 11%                    | 72.5%                                   |
| <b>3 bed</b>  | 38%            | 45%                  | 23%                    | 13%                                     |
| <b>4+ bed</b> | 34%            | 32%                  | 32%                    | 6%                                      |

- 2.21 The proposed mix shows an appropriate correlation between mix of market homes and the SHMA. For affordable homes, whilst the SHMA figures in Table 1 relate to affordable rent and proposed development includes a wider range of such tenures, there is variance with a disproportionate number of two bedroom units compared to the greater need for one, three and four bed units. To address this, if planning permission was to be granted, a condition requiring the final mix of dwellings to be agreed prior to submission of reserved matters would be recommended. This would ensure the reserved matter design is informed by that appropriate agreed mix.

### Design

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



- 2.23 Draft Local Plan Policy PM1 requires development to achieve a high quality of design that fosters a positive sense of place including in respect of its context and identity; density and wayfinding; movement of people and vehicles with a clear hierarchy of space; and biodiverse green space. Draft Local Plan Policy DM2 requires new residential development to be compatible with neighbouring buildings and spaces; facilitate comfortable living conditions with natural light and ventilation; meet minimum floorspace standards; be wheelchair adaptable / accessible; and have appropriate external amenity space.
- 2.24 As an outline planning application, matters of layout, scale, appearance and landscaping are subject to reserved matters for subsequent consideration, but the submitted Design & Access Statement identifies a number of principles (as shown on the illustrative layout) that would inform the more detailed design stage. These include:
- a central focal green space in the eastern parcel;
  - a green corridor through the centre of the site that would accommodate the public right of way;
  - a hierarchy of streets from a central spine road;
  - a range of densities from up to 25 dwellings per hectare (dph) around the periphery of the built area to up to 40dph in the centre of the site;
  - a larger area of landscaped open space in the western part of the site;
  - tree lined streets;
  - retention of existing and planting of new trees and boundary treatments;
  - permeable walking/cycling connections to existing public rights of way and Sandwich Road/London Road and Mongeham Road; and
  - a variety of play spaces.
- 2.25 Overall, the design approach of the illustrative layout is considered appropriate and consistent with the Framework and draft Local Plan, providing a suitable basis to consider further details at reserved matters stage.
- 2.26 The developable area of the site would result in an average density of 31dph and considered consistent with Core Strategy Policy CP4 in seeking to make effective use of land. Whilst Policy CP4 encourages higher densities above 40dph wherever possible, such a scheme is considered likely to be at too greater variance with the character of the site and its surrounding context.
- 2.27 The Kent Police Designing Out Crime Officer has no objection to the proposed development subject to a condition which should include details of fences and gates; pedestrian routes; lighting; car parking layout to achieve natural surveillance; door and window specification; layout of play area; tree planting and landscaping; cycle and bin storage; and security during construction.

#### Open Space

- 2.28 LALP Policy DM27 requires residential development to provide sufficient on site open space or contribute towards off site facilities where that may be more appropriate, in relation to accessible green space, outdoor sports facilities, equipped play space and allotments.
- 2.29 Draft Local Plan Policy PM3 (Providing Open Space) identifies standards of open space being applied by the Council, as presented at Table 2 alongside that proposed by the development.

**Table 2: Open Space**

| <b>Open space type</b>       | <b>Policy PM3 requirement for open space (estimated population: 372 (155 x 2.4))</b> | <b>Proposed development</b>                    |
|------------------------------|--|--|
| Accessible greenspace        | 0.71 ha  | 3.58 ha (including play areas and SuDS basins) |
| Allotments                   | 0.08 ha  | None included                                  |
| Children's play space (LEAP) | 0.04 ha (as minimum area to be provided)   | 0.04 ha LEAP + natural play trail              |

- 2.30 Against the standards of draft Local Plan Policy PM3, the amount of on-site accessible green space exceeds the minimum required (even accounting for the area of SuDS basins); and there is opportunity for a locally equipped area of play (LEAP) in the eastern parcel, as well as a natural play trail, as shown on the illustrative layout and Design & Access Statement.
- 2.31 In terms of allotments, it is understood that as none are currently to be delivered by the Parish Council a contribution is not required or necessary.
- 2.32 For outdoor sports facilities, a contribution per size of dwelling is required consistent with the Council's standard formula – 1-bed £208.43, 2-bed £353.01, 3-bed £438.08 and 4-bed £542.38. This was the approach taken for the Phase 1 Scheme.

#### Landscape and Visual Impact

- 2.33 Core Strategy Policy DM16 (Landscape Character) seeks to protect the qualities of the district's landscape. Harm to the landscape would only be acceptable if development has been allocated through the plan-led system and designed to include appropriate avoidance or mitigation measures; or otherwise the landscape impacts of development can be sufficiently avoided or reduced.
- 2.34 Draft Local Plan Policy NE2 (Landscape Character and the Kent Downs AONB) requires proposals to have particular regard to the wider landscape character of its site as identified by the Council's Landscape Character Assessment 2020.
- 2.35 Under draft Local Plan Policy SP4, for residential windfall development adjoining the settlement boundaries of higher tier settlements (including Deal/Sholden), regard should be had (amongst other matters) to (i) the extent it would affect the surrounding landscape character, as to whether development would present an unacceptable intrusion into the open countryside; and/or (ii) the extent to which development would affect the existing character of the settlement. Regard should also be had to the effectiveness of any landscape buffer.
- 2.36 These current and draft policies are considered consistent with the Framework, which requires development to contribute to and enhance the natural environment by recognising the intrinsic character of the countryside (paragraph 174), and to be sympathetic to local character and landscape setting (paragraph 130).

- 2.37 The applicant has submitted a LVIA that considers the landscape and visual impacts of the proposed development, on which the Council has sought advice from a landscape consultant.

*Landscape effects*

- 2.38 The applicant's LVIA in landscape terms considers development would result in loss of nothing more than a typical landscape resource, with opportunity to offer enhancements, such that following completion of development (at year 15) there would be an overall a minor impact upon the Northbourne landscape character area.
- 2.39 Advice from the Council's landscape consultant is that the applicant underestimates the magnitude of change and subsequent level of effect to the landscape. The built form of development would encroach over the brow of the hill, beyond the line of the Phase 1 Scheme housing, and would affect to a greater extent the open character of the site and wider landscape. The curved western site boundary does not fit the pattern of the landscape and the northern parcel of housing does not fit the existing settlement pattern.
- 2.40 Whilst the proposed landscaping planting (which can be secured through s.106 obligations as was achieved for the Phase 1 Scheme) would moderate the impacts of development, the residual effects would still adversely affect the open and expansive character of the site, altering the pattern of the landscape and adjacent settlement to their detriment.

*Visual effects*

- 2.41 The LVIA identifies viewpoints from which it considers the effects of development. These include from the public footpaths that pass through the site and wider landscape; from Great Mongeham (including St Martin's Church) and Ripple to the south; from Northbourne to the west; and from public spaces surrounding nearby residential properties.
- 2.42 Following completion of development at year 15, the LVIA identifies the greatest visual effect of 'moderate' as would be experienced by users of public footpath EE390/ED39 through the site. From other public footpaths, the LVIA considers the visual effects would be no more than minor; and from existing nearby residential properties no more than moderate/minor. From viewpoints further from the site (including from Great Mongeham and Northbourne), the LVIA considers visual effects to be minor or negligible.
- 2.43 Advice from the Council's landscape consultant is that the visual effect on some public footpaths has been underestimated; and that impacts of development, as would be seen as a new and incongruous feature, from the footpath within the valley to the west has not been taken into account.

*Overall*

- 2.44 Overall, landscape advice is that the development proposals do not respond as positively to the sensitivity of the site as it could, being contrary to the landform and existing and committed settlement pattern. Development would cause harm to the open and extensive character of the landscape and adversely affect views from the rural area surrounding the site including for users of the public footpaths.

- 2.45 The proposed development is contrary to Core Strategy Policy DM16, the aims of Policy DM15 in protecting the character / quality of the countryside, and draft Local Plan Policies SP4 and NE2.

#### Residential Amenity

- 2.46 For the proposed new homes, consideration of future levels of amenity, including privacy, outlook, levels of daylight and sunlight, garden / private amenity space and size of each dwelling, should be considered at reserved matters stage, rather than part of this outline application.
- 2.47 The illustrative masterplan shows generally how rear gardens would back onto existing neighbouring residential properties (that bound the site on two sides), to maintain sufficient distance/separation and amenity. In a number of instances, the illustrative masterplan shows a relationship that could be considered too close, with potential impacts upon privacy or outlook. But as the status of the masterplan is illustrative, and noting development is *up to* 155 dwellings, it does not prejudice the ability to secure an acceptable final layout (at reserved matters stage) should outline planning permission be granted.

#### Transport and Highways

##### *Accessibility*

- 2.48 Core Strategy Policy DM11, draft Local Plan Policy TI1 and the Framework seek (i) to locate travel generating development where there is opportunity for walking, cycling and use of public transport and (ii) for development to be designed to maximise such opportunities for sustainable travel.
- 2.49 The applicant's Transport Assessment identifies the pedestrian and cycling accessibility of the site to surrounding local facilities, including convenience shops, primary school, public house, village hall, church, and GP surgery. It also highlights the regular bus routes that pass the site along Sandwich Road, with regular services to locations including Sandwich, Deal and Dover.
- 2.50 As well as the principal vehicle access onto Sandwich Road, the development would benefit from pedestrian access via the public rights of way to London Road and Mongeham Road, as well as a cycle connection to the south east.
- 2.51 Sustainable modes of travel from the site would be encouraged through a Travel Plan, with final measures to be secured by condition, but noting comments of the LHA (against the context of traffic impacts) that development offers no alterations to the network to encourage a more meaningful shift to walking, cycling or public transport usage.
- 2.52 Despite the concerns of the LHA over traffic impacts, the location of the site is considered suitably accessible.

##### *Access Provision*

- 2.53 The proposed housing development would utilise road infrastructure across the Phase 1 Scheme and its principal access onto Sandwich Road. The LHA raises no objection to the intensification of this access/junction. Conditions would be imposed to ensure the Sandwich Road access, roadways through the Phase 1 Scheme and housing

development on the main site are delivered in an ordered and timely manner should planning permission be granted.

- 2.54 The LHA advises an emergency access is required given the combined size of the Phase 1 Scheme and proposed development. Such an access is proposed onto Mongeham Road, which in principle is accepted by the LHA providing changes to the Traffic Regulation Order (TRO) are implemented to restrict car parking at its entrance onto Mongeham Road. As the LHA advise that changes to the TRO would need to be subject to separate consultation and consideration, it is reasonable to impose a Grampian style condition should planning permission be granted that development could not commence until a satisfactory TRO was in place.

#### *Traffic Congestion and Safety*

- 2.55 The LHA maintains a holding position and objection, given doubt over the reliability of the applicant's traffic count data – that the impact of development at the London Road / Manor Road junction and London Road / Mongeham Road junction would create a severe impact on the conditions of the highway network to the detriment of highway safety. Development would be contrary to Framework paragraph 111 and draft Local Plan Policy TI2.
- 2.56 In its response dated 20/02/23, the LHA explains the issues the London Road faces (including on street parking, bus stops, side roads without right turn facilities, school crossing patrols, pedestrian crossing facilities, and private driveways) and that on street parking restricts highway width whereby a car and lorry / bus are unable to pass. This results in queuing and journey time delays.
- 2.57 The applicant's transport submissions present that due to a change in travel patterns post Covid 19 that the traffic impacts of development can reasonably be accommodated. The LHA does not accept this, seeking further validation / verification as to whether it should or should not rely on the applicant's data. This matter is ongoing, with the LHA advising that should sufficient new information / evidence be available to corroborate the applicant's position, it may no longer have an objection to the development.

#### *Parking*

- 2.58 Core Strategy Policy DM13 (Parking Provision) requires that development provide a level of car and cycle parking which balances the characteristics of the site and its locality, the nature of the proposed development and design objectives. Such matters should however be considered at the subsequent reserved matters stage, should planning permission be granted, once a detailed proposed layout would come forward.

#### Public Rights of Way

- 2.59 Public footpath EE389/ED48 and EE390/ED39 would be directly affected by the proposed development. No objection subject to a condition to provide a full public right of way (PROW) management scheme to agree enhancements and improvements to path status, alignment, surfacing, widths and signage. This would include details of PROW management during construction if any temporary closures or diversions are required.
- 2.60 This PROW management scheme should address matters including:
- the alignment of ED48 along the northern boundary of the site;

- provision of a controlled/appropriate crossing for EE389/ED48 of the main access road;
  - provision of EE389/ED48 in an open, wide landscaped corridor;
  - connections between EE389/ED48 and the pedestrian route on the western boundary of the site;
  - improvements to surfacing and clearance space of EE389/ED48;
  - improvements to to surfacing and clearance space of EE390/ED39;
  - full details of the diversion to EE390/ED39 across the site.
- 2.61 If PROW improvements are not to be undertaken by the applicant, contributions are requested in relation to such works to ensure links and access to and from the site are of suitable quality.

#### Built Heritage and Archaeology

- 2.62 The Heritage Statement that accompanies the application identifies nearby designated heritage assets, including the Grade II listed Sholden Hall some 90m east of the site; the Grade II\* listed Church of St Nicholas (and listed tomb chests and headstones) some 185m east of the site; Grade II listed 110 and 112 Mongeham Road; the Grade II listed Hull Place some 300m to the north east of the site; the Grade II\* listed St Martin's Church to the south west within Great Mongeham; the Grade II\* Registered Park and Garden at Northbourne Court; and Grade I Listed Church of St Augustine at Northbourne.
- 2.63 The Heritage Statement also identifies a number of conservation areas in the wider area: Mongeham Road Conservation Area; Church Great Mongeham Conservation Area; Northbourne Court Conservation Area; and Upper Deal Conservation Area.
- 2.64 In respect of these designated assets, the Heritage Statement concludes that the proposed development would not result in harm to their setting, with particular consideration including:
- Sholden Hall – there is no historical functional association between the site and the asset, with any views not considered to be key views. The site is considered to not make a contribution to the heritage significance of Sholden Hall through setting;
  - 110 and 112 Mongeham Road – there is no clear intervisibility between the site and 110 and 112 Mongeham Road. Views are limited due to the nature of the boundary vegetation. The site is considered to not contribute to the heritage significance of 110 or 112 Mongeham Road; and land between the listed buildings and the site would be retained in agricultural use;
  - St Martin's Church – the church principally derives its significance from its built form, which has architectural, artistic and historic interest, with a setting primarily associated with its churchyard and the settlement at Great Mongeham. Whilst there are views from within the site towards the church tower, these do not provide any specific understanding as to the asset, or experience and appreciation of its architectural and historic interest. There is

no historical or functional association between the site and the church; and the site is considered to not contribute to the church's heritage significance;

- Northbourne Court – development is considered to not impact on the sense of isolation to the east and south of Northbourne Court Park and Garden. The intervisibility between the site and Northbourne Court are not considered to be key views and are distant towards existing modern residential development beyond the site. There is no historical functional association between Northbourne Court and the site and the land within the site is not considered to make a contribution to the heritage significance of the asset.

2.65 In relation to archaeology, the applicant's Heritage Statement considers the potential for archaeological remains within the site is high. Therefore, similar to the approach taken with the Phase 1 Scheme, intrusive field investigation work to better understand what may or may not be beneath the site is required to be submitted and approved, and then its findings reported to the Council, before the submission of reserved matters. This would allow the development to be rearranged to take account of any significant archaeology should that be found. The risk that archaeology is found that necessitates significant changes to the development proposals remains with the applicant. This can be addressed by the imposition of a condition in the event that outline planning permission is granted.

#### Noise and Air Quality

2.66 The applicant's Noise Appraisal identifies the site to be buffered by existing residential development from significant sources of traffic noise along A258 London Road and Mongeham Road to the extent that noise is not a constraint to development. Likewise, noise generated from the development through additional traffic does not raise any concerns of amenity impact.

2.67 Consultation comments from DDC's Environmental Protection agree with the applicant's appraisal.

2.68 The site is not located within or in the vicinity of an Air Quality Management Area.

2.69 In respect of air quality, the applicant's Air Quality Assessment demonstrates that the proposed development would not result in exceedances of levels of nitrogen dioxide or particulate matter above objective levels at local receptor locations. The development would therefore have a negligible impact. DDC's Environmental Protection agrees.

2.70 In respect of construction impact on air quality, the potential for generation of dust can be appropriately mitigated through a 'dust management plan' to be secured by condition.

#### Ground Conditions

2.71 Generally the geo-environmental conditions of the site are considered suitable for residential development with a low risk to human health and controlled water receptors, as informed by the submitted Phase 1 Geo-Environmental Assessment. In order to confirm ground conditions, assess the ground gas regime and inform foundation design, as well as to better confirm the absence of any contamination, the Phase 1 Geo-Environmental Assessment recommends further ground investigation. DDC Environmental Protection recommends this be secured by condition, along with any necessary remediation and verification.

## Ecology

- 2.72 In relation to existing ecology on the site and wider area, the application is accompanied by an Ecological Assessment and Biodiversity Net Gain Assessment. Key findings of this report are that:
- no roosting bat habitat was found;
  - low levels of bat activity were recorded within the site;
  - no badger setts were found within the site, although part of a sett was found 400m from the site's southern boundary and an outlier sett adjacent to the eastern boundary;
  - a small population of slow worm were found in the field margin along the northern side boundary; and
  - wintering bird surveys identified no species associated with the nearby Thanet Coast & Sandwich Bay SPA and Ramsar site.
- 2.73 In this context, the Ecological Assessment and Biodiversity Net Gain Assessment offers measures of mitigation or enhancement including: sensitive vegetation removal; a pre-works badger survey and measures to be included in a 'construction environmental management plan'; a bat sensitive lighting scheme; sensitive clearance methods for reptiles; bird & bat boxes / bricks; habitat creation for reptiles and invertebrates; and securing a 'construction environmental management plan' and 'landscape environmental management plan'.
- 2.74 Whilst ecology work has been carried out, the Council's Natural Environment Officer advises that it is too dated to (undertaken between 2018 and 2021) to be relied upon.
- 2.75 Therefore an updated site appraisal is required, to confirm baseline conditions and the impacts of development. In the absence of this information and further consideration of the proposal, the development is contrary to paragraphs 174 and 180 of the Framework and draft Local Plan Policies SP4, SP14 and NE1.
- 2.76 The Ecological Assessment and Biodiversity Net Gain Assessment demonstrates how a biodiversity net gain is proposed to be achieved across the site, but that is based on DEFRA's Metric 2.0 which is outdated and has been replaced by Metric 3.1 in April 2022. In the absence an updated biodiversity net gain assessment against the latest metric, development is contrary to the Framework and draft Local Plan Policies SP14 and NE1.
- The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment*
- 2.77 It necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA (as a designated European Site).
- 2.78 It is not possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA.
- 2.79 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 site and the integrity of the site itself.



- 2.80 A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been prepared and adopted by the Council in order to monitor potential impacts on the qualifying bird species for the SPA arising from development in the district and to provide appropriate mitigation through a range of management and engagement methods.
- 2.81 This mitigation comprises several elements, including the monitoring of residential visitor numbers and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.82 Having had regard to the proposed mitigation measures (to manage recreational activities from existing and new residents), it is considered that the proposed development would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA where it would make a contribution (of 1-bed £112; 2-bed £224; 3-bed £337; 4-bed £449) towards implementation of the SAMM.

#### Drainage and Flood Risk

- 2.83 The site is located within Flood Zone 1, the area the Environment Agency considers as the lowest risk of flooding.
- 2.84 In accordance with the Framework paragraph 169, major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 2.85 In relation to the proposed development, a Flood Risk Assessment and Sustainable Drainage Statement has been provided by the applicant confirming infiltration drainage to be viable with the provision of a number of surface water drainage attenuation basins. This is the same approach for the Phase 1 Scheme.
- 2.86 KCC Flood and Water Management (as the Lead Local Flood Authority) agrees and raises no objection subject to conditions in respect of the accommodating the layout, final design and verification of the scheme to be approved.
- 2.87 With regard to foul water drainage, matters raised by the Parish Council that there are issues with foul waste are noted. The consultation comments of Southern Water, as responsible for foul drainage, are therefore crucial. Southern Water confirms that foul sewerage disposal to service the proposed development can be facilitated. A formal application for a connection to the public foul sewer must be made by the applicant.
- 2.88 Given the importance of foul drainage, a planning condition requiring final details of such measures to be submitted and approved would be imposed should planning permission be granted.

#### S.106 Contributions

- 2.89 Policy CP6 of the Core Strategy emphasises that development that generates demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district.
- 2.90 In light of the consultation responses received and planning assessment above, the following obligations would be required to be secured through a s.106 agreement if

planning permission was to be granted:

**Table 3 s.106 Contributions**

| <b>Matter</b>  | <b>Contribution</b>  |
|--|--|
| Secondary education  | £4,540 per dwelling (excluding 1-bed units less than 56sqm)  |
| Community learning   | £16.42 per dwelling  |
| Youth service  | £65.50 per dwelling  |
| Library book stock   | £55.45 per dwelling  |
| Social care  | £146.88 per dwelling   |
| Waste  | £54.47 per dwelling  |
| Thanet Coast and Sandwich Bay Special Protection Area SAMM | Per dwelling:<br><ul style="list-style-type: none"> <li>- 1-bed £112</li> <li>- 2-bed £224</li> <li>- 3-Bed £337</li> <li>- 4-bed £449</li> </ul>  |
| Outdoor sports facilities                                  | Per dwelling:<br><ul style="list-style-type: none"> <li>- 1-bed £208.43</li> <li>- 2-bed £353.01</li> <li>- 3-Bed £438.08</li> <li>- 4-bed £542.38</li> </ul>  |
| Affordable housing   | 30% affordable housing; split 55/25/20 affordable rent / first homes / shared ownership<br><br>Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage |
| Public rights of way improvements                          | A scheme of public rights of way improvements to be agreed or contribution to be secured   |
| NHS Kent & Medway Group contribution                       | £360 per dwelling  |

### Planning Balance

- 2.91 In light that policies that are most important for determining this application are considered out of date in respect of the delivery of housing and associated settlement boundaries, this planning application for the proposed development should be considered in respect of the 'presumption in favour of sustainable development' as set out at paragraph 11d of the Framework.
- 2.92 This requires that planning permission be granted unless (i) the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the application or (ii) the adverse impacts of doing so (in granting planning permission) would 'significantly and demonstrably' outweigh the benefits.
- 2.93 In respect of (i) this planning assessment demonstrates that no assets of particular importance (including sites of national or international importance for wildlife / ecology, the AONB or any designated heritage asset) would be adversely affected by the proposed development.

- 2.94 For (ii), the proposed development would deliver a range of benefits. Positive weight is attached to new market and affordable housing, but that weight is reduced in light of the Council's current housing land supply position of 6.03 years; and in light of the Council's Housing Delivery Test measurement being forecast to increase to 102% for the period 2019/20 – 2021/22<sup>2</sup>.
- 2.95 New public open space for the benefit of existing and new residents alike; improvements to the public rights of way network; and a range of positive economic measures through the construction phase and occupation of the houses are also identified.
- 2.96 However, against these benefits, the LHA's position based on the information it has available is that the impact of development would result in a severe impact on the road network and/or that highway safety issues would be unacceptable. This is harm is significant.
- 2.97 Adverse impacts are identified from the development upon the landscape character and visual amenities of the surrounding area, which adds to the overall level of harm. Likewise do other adverse impacts of the loss of best and most versatile agricultural land, and doubt in relation to ecology and biodiversity net gain ahead of updated information from the applicant. These impacts (identified in this paragraph), although weighing against the proposal, would not by themselves or cumulatively justify the refusal of planning permission in the context of the tilted balance.
- 2.98 However, when the severe highways impact and other adverse effects are considered together, the identified harm is to an extent that it significantly and demonstrably outweighs the benefits of the development such that planning permission should be refused.

**g) Recommendation**

That had the local planning authority been able to determine the application planning permission would be refused for the following reasons:

1. The proposed development will result in the increased use of the existing junction of London Road/Manor Road and London Road/Mongeham Road, which will create a severe impact on the local highway network to the detriment of highway safety. This impact has not been addressed by satisfactory mitigation measures as part of the proposals. As such, development is contrary to paragraph 111 of the National Planning Policy Framework and Policies SP4 and NE2 of the Dover District Local Plan (Regulation 19 submission).
2. In the absence of evidence to the contrary, the development has failed to demonstrate a full assessment of the implications of the development on the ecology and wildlife within and around the site; and has failed to demonstrate that a net gain in biodiversity will be achieved. In the absence of this information the proposal would be harmful to matters of ecological importance and would be contrary to draft policies SP4, SP14 and NE1 of the Dover District Local Plan (Regulation 19 submission) and paragraphs 174 and 180 of the National Planning Policy Framework.
3. In the absence of securing necessary planning obligations in respect of affordable housing; Strategic Access Mitigation and Monitoring Strategy; NHS;

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<sup>2</sup> Five Year Housing Land Supply 2022 – 2027 (September 2022)

outdoor sports facilities; public rights of way improvements; secondary education; community learning; youth service; library book stock; social care; and waste; the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated (along with the reasonable costs of monitoring the performance of the necessary obligations). The proposal is contrary to Core Strategy policy CP6, policies SP5 and SP11 of the Dover District Local Plan (Regulation 19 submission), and the National Planning Policy Framework.