

- a) **DOV/22/00817 - Reserved Matters application pursuant to outline permission DOV/17/01345 for 48 dwellings, up to 64-bedroom care home, associated infrastructure, landscaping, layout, scale and appearance (including discharge of condition 9 – landscaping of DOV/17/01345) - Land at Church Field Farm, The Street, Sholden**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Approve Reserved Matters application

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP6, CP7, DM1, DM11, DM13, DM16, DM17

Local Plan (2002) Saved policies: CO8

Draft Dover District Local Plan to 2040

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Draft policies SP1, SP2, SP4, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, TI1, TI2, TI3, TI5, NE1, NE3, NE5, HE1 and HE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 92, 100, 104, 110, 111, 112, 113, 119, 124, 130, 131, 157, 174, 180, 197

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

17/01345 - Outline application for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), up to 64 bedroom care home (C2 use), publicly accessible open space (including children's play area), attenuation pond, and creation of vehicular access (two dwellings to be demolished) (appearance, landscaping, layout and scale of development to be reserved). – Refused - Allowed at appeal

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

Representations can be found in the online planning file. A summary has been provided below:

Sholden Parish Council – Objects to the application for the following reasons:

- Breaches planning law in respect of not complying with statutory time limits.
- There exists an unsigned, draft “Statement of Common Ground” in relation to the appeal of the outline application
- In order for development to commence land needs to be sold.
- The site has re-wilded and various eco-systems may have formed.

- The lack of development, over three years, has blighted the area.
- The Inspector's Decision was based on one tract of land with one development. The applicant wants to create two parcels of land with two different developments – residential and healthcare.
- Lack of adequate parking for care home.
- The principle of development on Land at Churchfield Farm is no longer established.
- Access via Vicarage Lane is no longer achievable.
- Traffic Regulation Order consultation should take place prior to RM being approved.
- The S106 Unilateral Undertaking is no longer valid
- Proposals do not address designing out crime
- Lack of emergency access
- Breaches NPPF Paragraph 109: Impacts on the local highway network

National Highways- No objection

Natural England– No comments

Environment Agency- No comments

Southern Water – No objection

KCC Minerals and waste- No objection

KCC PROW– No comments

KCC LLFA- No objection

KCC Highways – *First response*: Further details are required in relation to the extent of the adoptable highway, swept path drawings for a refuse freighter and visitor parking. Details of the location of the bin stores are required as they are to be between the operative and resident drag distances.

Second response: Swept path drawings have been illustrated. This requires a degree of residential and operative drag distance in the eastern parameter of the site as there is no turning available at Plot 24. Details of the location of the bin stores are required as they are to be between the operative and resident drag distances.

The access road represents a straight road which does not meet the criteria for the required vehicle speeds of 20mph. Some road narrowings are indicated, although should there be no opposing traffic these will do little to slow vehicles. A tabletop feature appears to be indicated at the junction of Plots 41 / 34 and 12 / 13, whereby further details are requested.

The applicant suggests that the 6 car parking spaces at the access are proposed for visitor use and will offset the proposed tandem parking along the main access route. It is noted that there are landscaped build outs along the highway. However, the concern remains that due to the proximity of the spaces, the build outs may result in vehicle parking in a manner to the detriment to highway safety.

Kent Police- Made a number of comments, including in relation to defensible space, external lighting and cycle storage.

DDC Environmental Health Object to the application as the reserved matters application does not include a Phase II contaminated land assessment. Raise concerns raised relating to lighting, odour, and noise and have asked for conditions to be attached relating to these.

DDC Housing- The Affordable Housing requirement at this site was secured under a Section 106 agreement. The affordable housing must be provided in line with that document. Discussions with the applicant in relation to the location of the properties and identification of a Registered Provider to acquire the properties, would be welcome.

DDC Ecology – As this is a reserved matters application, condition 7 of 17/01345 securing ecological mitigation should be informed by up-to-date surveys, satisfied that no further information is necessary in this respect at this time. Advise that, if the ecological mitigation requires amendments to the landscaping as a result of the updated ecological surveys, the applicant will have to ensure that the approved plans are amended. It will not be acceptable to 'fit' the ecological mitigation to the submitted landscaping.

DDC Tree officer– Comments in relation to replacement of proposed trees.

Third party Representations: 6 objections have been received as below:

- The development would cause traffic congestion,
- Result in a strain on local resources and facilities,
- Lead to a reduction in quality of life to local residents,
- Importance of retaining separation between Sholden and Deal, with the undeveloped site having the function of a "Green Wedge".
- The site is not allocated.

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

1.1 The application site of approximately 5.58ha, consists of disused overgrown farmland and is located at the rear of properties along the Street and Vicarage Lane, which are to the North and West of the site respectively. The topography of the site is such that the land gently slopes down from the highest point in the south west portion to the lower point in the north east of the site. A public right of way runs along the southern edge of the site. The grade II listed Church of St. Nicholas faces onto London Road. The church's graveyard to the rear adjoins the site's south-western corner. The eastern edge of the site abuts arable farmland.

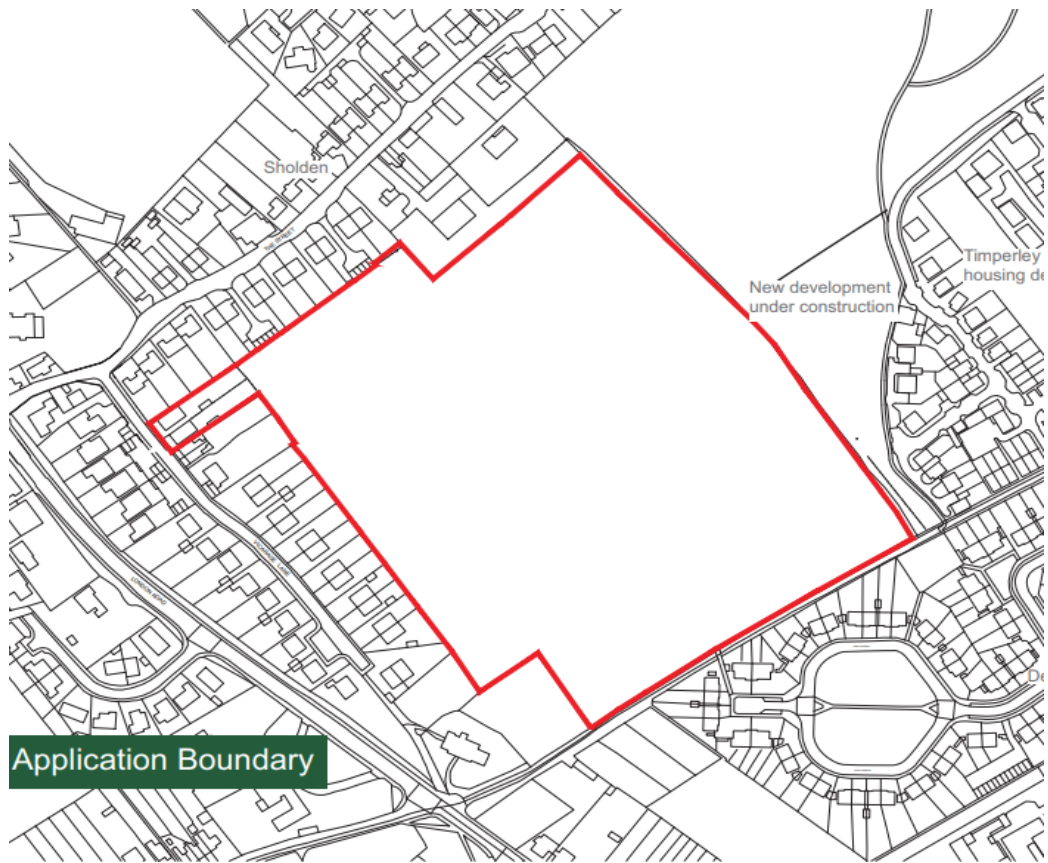


Figure 1: Site location Plan, not to scale



Figure 2: Aerial Photograph

- 1.2 This application seeks reserved matters approval for the erection of 48 no. dwellings and a 64 bed. care home and associated infrastructure, pursuant to outline permission DOV/17/01345. The reserved matters for which approval is sought are appearance, landscaping, layout and scale.

- 1.3 The conditions of the outline permission require that full regard should be had to the principles set out in the Design and Access Statement and that RM should be in accordance with the approved plans: application boundary 17-23-PL-220A and site access plan 16228/SK/04F. In addition, any application for approval of reserved matters shall be accompanied by an up-dated design and access statement and phasing programme. An indicative masterplan was submitted as part of the outline planning permission. Whilst this is indicative, regard should be had to whether the principles are adhered to in this submission.



Figure 3: Proposed site plan (not to scale) Affordable homes shown as red/green dots



Figure 4: Proposed site axonometric, not to scale



Figure 5: Public open space planting plan (not to scale)

1. 4 Access was approved as a detailed matter, shown below in figure 8, as part of the outline planning permission and includes amendments to the highway on The Street.

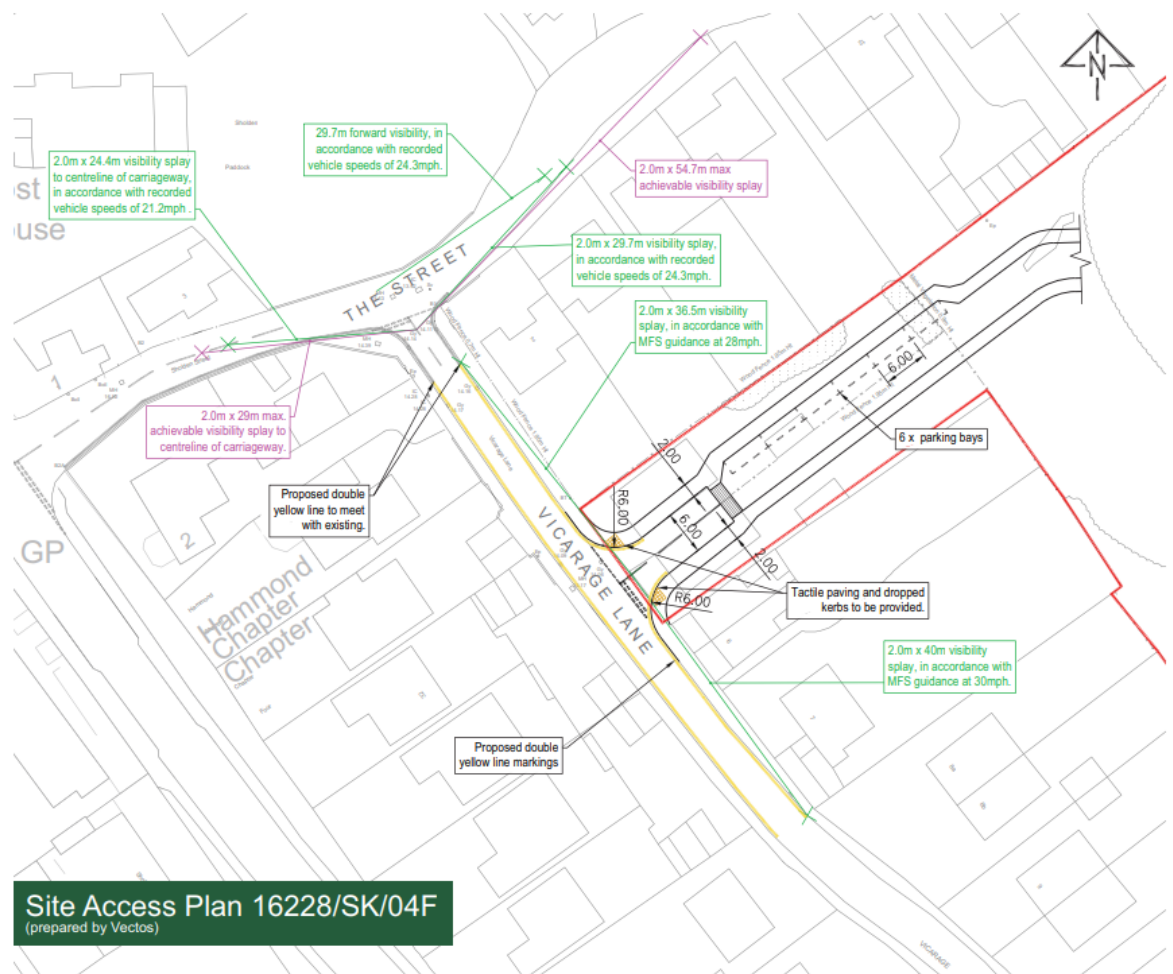


Figure 8: Site access plan (approved under outline permission), not to scale

2. Main Issues

2.1 The main issues for consideration are:

- Appearance, scale, layout, landscaping and compliance with outline.
- Impact on living conditions relating to appearance, scale, layout, and landscaping.
- Highway issues relating to the layout and parking provision.
- Other Matters:
 - Housing mix
 - Ecology
 - Flood risk and drainage
 - Archaeology
 - Contamination
 - Compliance with outline permission in other respects

Assessment

Principle of Development

- 2.1 The principle of residential development has already been accepted under the outline planning consent (reference DOV/17/01345). This reserved matters application is to consider the detailed issues of appearance, landscaping, layout, scale and internal access only.

Impact on Character and Appearance

- 2.2 Policy SP1 states development should contribute to climate change mitigation through use of low carbon design to reduce energy consumption in buildings, sustainable construction techniques, water, energy and resource efficiency, renewable and low carbon technologies, maximisation of green infrastructure, reduction of the need to travel and provision of sustainable transport options.
- 2.3 Draft policy SP2 seeks that new developments are designed to be safe and accessible, to minimise the threat of crime and promote social interaction and inclusion through the provision of high-quality people focussed spaces. All new development should achieve a high standard of design internally and externally, and should have accessible, high-quality greenspaces, and spaces for play and recreation.
- 2.4 Draft policy PM1 requires that development achieves a high quality of design, promotes sustainability, and fosters a positive sense of place. It also states development should respect and enhance character to create locally distinctive design or create character where none exists. The siting, layout and design of vehicle and cycle parking should be sensitively integrated into the development so as not to dominate the landscape. Appropriate provision for service areas, refuse storage (including waste and recycling bins), and collection areas should be made in accordance with the nature of the development. Further to this, PM1 requires new development to be designed to give priority to people over cars and prioritise sustainable transport choices.
- 2.5 The proposals include a developable area of 2.4 hectares containing 48 no. dwellings and a 64 bedroom care home, and in addition to this, 3.4 ha of public open space. The developable area is located at the north west side of the site and the open space is located to the southern and eastern sides. It is considered that the layout reflects the plans submitted at outline stage. This includes vehicle, cycle and pedestrian access via a new T junction onto Vicarage road (with demolition of two existing houses), leading to a principal street through the site which runs parallel to vicarage road, in turn this street leads to secondary and shared surfaced streets at the southern end of the site. A separate street leads off to the care home located at the north of the site, which has it's own dedicated turning head.
- 2.6 The net density of the residential area containing dwellinghouses is approximately 30 dph which combined with the care home, is considered to represent efficient use of land and accords with adopted local plan policies. Heights of two storeys are proposed, with the care home ridge at 8.7m above ground level and the dwellinghouses up to 8.5m in height above ground level. The density and scale are therefore considered appropriate to the surrounding context.

- 2.7 A hierarchy of streets has been proposed, containing different house types, different building to street distances, surfacing materials and parking types to better distinguish between streets and help create legibility and identity. The principal street through the development has a verge and is tree-lined on one side. The scheme has been designed to allow good walking and cycling connectivity, with convenient and accessible routes which are overlooked. A range of vehicle parking arrangements have been proposed, including on plot, in front and to the side of dwellings and as such it is considered that parking would not visually dominate the development.
- 2.8 Active frontages and natural surveillance opportunities have been provided, including to streets, parking areas and open space. Houses on junctions are generally provided as corner turners or with windows to the flank elevations. Dwellings on the southern and eastern sides of the development would face out onto the open space.
- 2.9 In relation to refuse and recycling storage a free-standing store is provided for the care home to the west of the building, and it is considered details of this can be secured through condition. For the dwellinghouses, it is considered that there is adequate space for refuse and recycling bins on the driveways at the side of the dwellings.
- 2.10 In terms of appearance, the dwellings have been designed with a contemporary aesthetic, with pitched roofs, generously sized windows and areas of brickwork detailing, using a palette of materials consisting of red brickwork and dark grey roof tiles, with powder coated aluminium window frames, rainwater goods and canopies above front doors. Garages would be in brickwork and dark grey roof tiles to pitched roofs. In most instances where boundaries between dwellings would be visible, 1.8m brick walls are proposed, with the closed boarded fences proposed to the rear gardens of dwellings. These details ensure that from public vantage points, the development maintains a high-quality character.
- 2.11 Affordable homes are provided at 29% and are considered to be well-distributed across the development and do not appear different in design to market homes in relation to form, scale or appearance.
- 2.12 The care home makes use of the same contemporary aesthetic with a pitched roof, brickwork to the elevations, with large areas of brick banding and powder coated windows and rainwater goods. The floorplan is H in shape, representing an efficient building form for this type of building. The care home has a generous and well landscaped south facing garden. With the imposition of a condition requiring samples and/or details of the external materials to be submitted for approval, it is considered the proposal is acceptable in this respect.
- 2.13 The proposed development would exceed current building regulations in terms of energy and water efficiency. This would include the use of photovoltaic and/or solar thermal roof mounted panels and/or air source heat pumps. These features have not been indicated on the plans, however, it is considered that a condition can be added requiring details.
- 2.14 Along the western boundary is an existing belt of trees, this tree belt would be retained and included in a 10m wide landscape buffer between the rear gardens of Vicarage Road and proposed dwellings on the site would also back onto this buffer.

- 2.15 The public open space totals 3.4 ha and includes a locally equipped play area (LEAP), existing woodland, new tree and structure planting, grassed amenity areas, including an informal “kick about” area, and planted areas including native hedgerows, wildflower and wetlands meadows and pond-edge planting. The LEAP would be a minimum of 400m² in size, in accordance with Fields In Trust’s (FIT) national standards. A network of footpaths runs through the open space, with connections provided in three places to the public right of way running along the southern boundary of the site.
- 2.16 Two surface water attenuation basins would be provided within the open space as part of the Sustainable urban drainage (SUDS) strategy. The basins would have 1:5 sloped embankments. One of the basins would include a pond, which would be a permanently filled water body.
- 2.17 A landscape scheme has been submitted with the Reserved matters to address the requirements of condition 9 of the outline permission. An additional condition will be added to the reserved matters approval requiring management and maintenance details for the hard landscaped areas. Details relating to the provision and management of the LEAP have not been provided and a condition will be imposed to secure this. Comments have been raised by the DDC tree officer relating to securing replacement trees if trees on the site die. This is already covered by condition 14 of the outline permission. It is considered an additional condition should be added to the reserved matters in relation to new trees planted as part of the proposals.
- 2.18 The layout in general reflects the illustrative masterplan submitted under the outline application. The proposals are considered to be in accordance with the application boundary and site access plan (including the provision of six publicly available parking spaces within the site), as required by condition 4 of the outline permission. The reserved matters proposals are considered to have full regard to the principles set out in the Design and Access Statement and are up-dated accordingly. and phasing programme, as required by condition 6 of the outline permission. Overall, it is considered that the layout, landscape, scale and appearance of the development overall is acceptable and complies with adopted and draft local policy and the aims of the NPPF.

Impact on Residential Amenity

- 2.19 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation. Whilst the Nationally Described Space Standards are yet to be formally adopted, they are referenced in the emerging plan in respect of internal accommodation. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.
- 2.20 In terms of future residents, the proposed layout would ensure sufficient privacy outlook and daylight. The proposed dwellings would be of a good size, with private rear gardens. It is not considered that any dwelling would be unacceptably impacted by noise or disturbance. The dwellings are considered to

be provide an acceptable standard of accommodation and would meet the nationally described space standards, having good floor to ceiling heights and have generously sized windows to allow internal daylighting. The proposals indicate that 30% of the scheme will be built to a minimum M4(2) standard. The care home provides bedrooms of 15m² and associated facilities for residents. The proposals appear to show good sized windows and well-designed external amenity space.

- 2.21 The nearest existing properties are to the west and north of the site. The distances retained would be in excess of 23 m to the north and 34 m to the west, as such it considered that there would be no harmful impact upon these properties in terms of privacy, light and outlook.
- 2.22 The DDC Environmental Health have asked that conditions are attached which require details of external lighting to be submitted. They have also asked for a condition in relation to hours for deliveries for the care home, and details of noise and odours to protect residential amenity of existing and future residents.
- 2.23 Overall, it is considered that the proposals would be acceptable in relation to living conditions of future residents and impacts on neighbouring residential amenity.

Impact on Highways and Parking Provision

- 2.24 Highways England have raised no objections to the application. Strategic highways matters were dealt with at the outline application stage. KCC Highways requested further details to be submitted in relation to the extent of the adoptable highway, swept path drawings for a refuse freighter, the location of visitor parking and details of the bin stores/collection points to be provided. It is considered that this can be secured by condition, albeit the planning permission could not require the roads themselves to be offered for adoption by KCC.
- 2.25 KCC Highways also made comments regarding the design of the primary access road through the development. Specifically, that the straightness of the road in some places means that the design criteria for the required vehicle speeds of 20mph are not met in some places. They required details of the proposed tabletop features at junctions and it is considered these details can be secured by condition.
- 2.26 In addition, KCC Highways made further comments regarding the location of visitor parking, and that the landscape/ verge build outs along the primary access road may result in vehicle parking in a manner to the detriment to highway safety, due to the distance of visitor parking from some plots in this part of the development.
- 2.27 An adequate number of visitor parking spaces is proposed, however these are spread somewhat unevenly throughout the development. There were no visitor spaces proposed in the locality of plots 3-11 and 42-48 which are located along the primary access road through the development. Plot 46 would have been in the worse situation, where the nearest visitor space was approximately 70m distance. Although this is not ideal and wouldn't be convenient, it is not considered that this would be likely to cause a severe impact on the highway network or prejudice safety and, as such it is not considered that this would justify a reason for refusal.

2.28 However, to address this the applicant has proposed that one additional visitor space is proposed nearby to plots 4 and 5. This is indicated in figure 9 below.

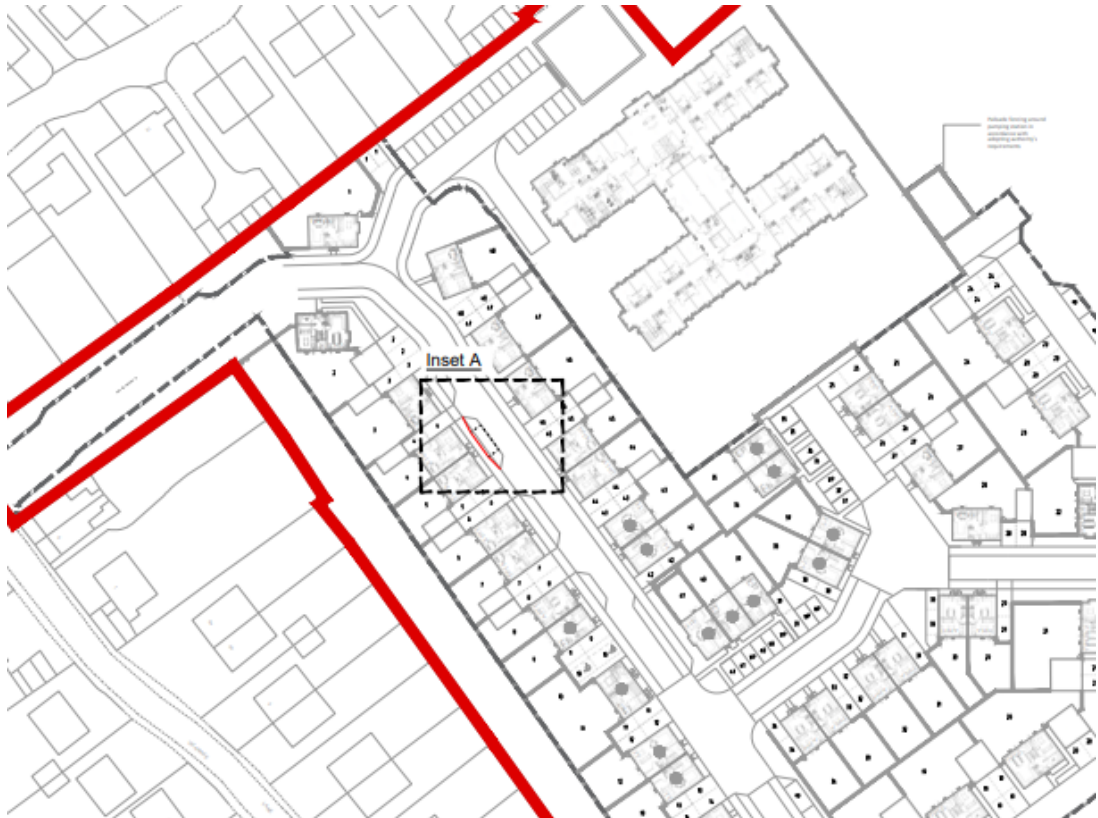


Figure 9: Site plan showing additional parking space, not to scale

2.29 Sholden Parish Council has commented that the proposed access is no longer as agreed. The vehicle access is proposed in the same place on the reserved matters plans, as the outline permission and the proposals accord with the outline permission. They have also commented that the proposals include double yellow lines on Vicarage Lane, these were shown on the plan approved at outline stage for site access. This reserved matters application does not relate to access and as such this considerations are beyond the scope for considerations under this reserved matters application.

2.30 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3. In relation to the residential development 108 parking spaces are proposed and 21 visitor spaces are proposed. This is considered an adequate number for the proposed number of dwellings and the location of the development, with each dwelling provided with at least two spaces and meeting the requirements of Kent Design Guide. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces. For the care home 20 vehicle spaces are proposed, this number falls below the maximum set out in SPG4.

2.31 It is considered there is suitable provision of visitor spaces located in proximity to counter the use of tandem spaces, and that generally this strikes the right balance between on-plot parking provision, 'designed-in' on-street parking, and a development that is not dominated by parking.

- 2.32 Sholden Parish Council has raised concerns over bicycle security. It is considered that details of secure and covered cycle storage for each unit and the care home should be required by planning condition. As such it is considered that the proposals meet the requirements of policy DM13 and draft policy TI3 in relation to parking.

Other Material Considerations

Housing Mix

- 2.33 14 affordable homes and 34 market homes are proposed. Of the affordable homes, 71% would be for affordable rent and 29% would be intermediate homes. 2 x 1 bedroom flats, 5 x 2 bedroom and 6 x 3 bedroom dwellings and 1 x 3 bedroom units are proposed as affordable. Of this mix, 4 would be shared ownership and 10 affordable rent. It is considered that this adequately reflects the affordable housing mix set out in the s106 unilateral undertaking.
- 2.34 In relation to market housing, 9 x 2 bedroom homes (26.5%), 16 x 3 bedroom homes (47%) and 9 x 4 bedroom homes (26.5%) are proposed. With the exception that no one bedroom properties are proposed, it is considered this roughly reflects the requirements of the district as set out in the SHMA 2019. Whilst the lack of one bedroom dwellings counts against the scheme, it is considered that this carries limited weight given the scale of the development and given that the scheme otherwise accords with the districts needs.

Ecology

- 2.35 Concerns have been raised that since the outline permission was granted vegetation on the site has grown forming potential habitats for species and that the destruction of habitats would not be conducive to sustainable development, thus undermining the principle of development that has been established. Condition 7 of the outline permission requires an Ecological Mitigation and Management Plan to be submitted and approved prior to commencement of development. This includes the requirement for survey work to inform measures put forward.
- 2.36 The submitted landscaping and layout is considered to reflect the principles at outline. Ecological information is not required to be submitted for this reserved matters application. It is considered that the requirements of condition 7 provide adequate safeguarding for ecological mitigation by requiring up to date surveys to be carried out. If changes are required to the landscaping proposals for ecological mitigation and impact avoidance measures a revised reserved matters application would need to be submitted for consideration. DDC concur with this view and Natural England raise no comments.

Flood Risk and Drainage

- 2.37 A drainage strategy was submitted as part of the outline permission, which outlined the broad principles which were to be relied upon in order to achieve sustainable drainage. Condition 9 of the outline permission requires a surface water drainage scheme based on sustainable drainage principles to be submitted and approved prior to commencement of development. The proposals submitted identify two surface water attenuation basins within the open space serving two separate catchment areas. The southern-most basin would include a pond, which would be a permanently filled water body.

- 2.38 A foul drainage pumping station is indicated on the reserved matters proposals. Condition 10 of the outline permission requires a scheme for the proposed means of disposal of foul water discharge from the development and a timetable for its implementation to be submitted and approved prior to commencement of development.

Archaeology

- 2.39 Archaeology was considered at the outline stage and condition 12 was imposed which required a programme of archaeological field works to take place prior to development. If important remains are found or further archaeological works are required, safeguarding measures are to be put in place to preserve remains in situ. It is considered that the condition imposed on the outline permission would acceptably address any archaeology which may be uncovered during the construction phase of the development.

Contamination

- 2.40 This was considered at outline stage and condition 11 was imposed to secure ground investigation work and remediation or mitigation if necessary. DDC Environmental health have been consulted and have raised comments relating to the wording of this condition. However, this is beyond the scope of the reserved matters application and cannot be reconsidered as part of this application.

Compliance with Outline Permission and Timings

- 2.41 Sholden Parish Council have raised concerns relating to compliance with the outline permission and the phasing plan set out in the design and access statement. The reserved matters application has been made within 3 years of the decision date of the outline permission (4th July 2019) and as such is in accordance with this permission. The phasing programme within in the reserved matters design and access statement sets out that the sale of the land is planned after the reserved matters approval has been determined.
- 2.42 The Inspector's Decision was based on one site with one development (up to 48 dwellings plus 64 bed care home). The reserved matters application proposes the same and as such two new applications are not required. This also applies to comments made in relation to the validity of the S106 unilateral undertaking.

3. Conclusion

- 3.1 The details submitted with this application in respect of the appearance, landscaping, layout and scale of the development are considered acceptable, demonstrating that the development would cause no unacceptable impacts in respect of the character and appearance of the area, the living conditions of neighbours or future occupants or the local highway network. The proposals are acceptable in all other material respects, subject to the conditions attached to the outline planning application. The application is recommended for approval. The outline application includes most of the conditions required to ensure a high-quality development. Some additional conditions, listed below, have been added to this reserved matters application.

g)

Recommendation

- I Approve the Reserved Matters application, subject to the following conditions:
- 1) Approved plans.
 - 2) Samples of materials
 - 3) Details of measures required to provide on-site energy generation.
 - 4) Details of bicycle storage
 - 5) Provision of vehicle parking spaces
 - 6) Details of the raised table-top highway features
 - 7) Details of refuse/recycling storage and collection points
 - 8) Details of existing and proposed finished ground levels
 - 9) Details of children's play space
 - 10) Landscape management plan for hard landscape areas
 - 11) Planting, seeding or turfing be carried out in the first planting seasons
 - 12) Details of all external lighting in public realm areas
 - 13) Noise levels of Care Home fixed plant
 - 14) Ventilation and filtration equipment for Care Home
 - 15) Hours of deliveries for Care home
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Nicola Kingsford