

- a) **DOV/23/00401 - Outline application for the erection of up to 16 dwellings (with all matters reserved except access) - Land South of Cauldham Lane, Capel-le-Ferne**

Reason for report – Number of contrary views (17)

- b) **Summary of Recommendation**

Grant planning permission

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP4, CP6, CP7, DM1, DM5, DM11, DM13, DM15, DM16

Draft Dover District Local Plan (March 2023) –

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF.

Draft policies SP1, SP2, SP4, SP5, SP11, SP13, SP14, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, PM3, PM4, H1, TI1, TI2, TI3, NE1, NE2, HE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 60, 63, 64, 65, 86, 92, 98, 100, 104, 105, 110, 111, 112, 113, 119, 120, 124, 126, 130, 131, 132, 133, 134, 152, 154, 157, 174, 176, 180, 183, 185, 194, 195

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

None.

Adjacent site (Longships Cauldham Lane Capel Le Ferne CT18 7HG):

20/01569 - The erection of two storey building incorporating 15 apartments (independent living accommodation), communal social areas and associated parking and landscaping - Under consideration

13/00302 - Outline application (with all matters reserved) for the erection of eight dwellings (existing dwelling to be demolished) - Refused

Consultee and Third-Party Representations

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

Capel-le-Ferne Parish Council- object to this application for the following reasons:

- Outside the settlement confines.
- Identified in the emerging Dover District Council Local Plan with an estimated capacity of 5 no. dwellings.
- Prominent position overlooking the Kent Downs Area of National Beauty

- Would need significant screening to mitigate impact on AONB and Bridleway
- Inappropriate scale
- Not in keeping with the street scene or the rural characteristics of the village.
- Impact on residential amenity of existing properties on Cauldham Lane.
- The drains and water supply suffer low outage in this area.
- Cauldham Lane is a single-track lane, with no pavement or passing places, and is regularly blocked for deliveries and heavy vehicles accessing local farm and Industrial units.
- The lane is regularly used by pedestrians and horses, increase in traffic will have health, safety & social impacts.
- Previous road traffic accidents at junction of Cauldham Lane / Capel Street / New Dover Road. Issues which have been previously raised by Dover District Council. There is a blind entrance / exit to the B2011(New Dover Road).
- This junction is the main access route to the Primary School, so will add pressure at certain times of the day.
- Junction of Capel Street and New Dover Road should be repositioned, to prevent vehicles joining Capel Street from New Dover Road at speed and better visibility for vehicles exiting Cauldham Lane and pedestrians crossing Capel Street from Cauldham Lane.

Environment Agency- Have requested conditions related to contamination, surface water and foul drainage.

Southern Water – No objection. Have requested informatives are added if permission is granted.

KCC Economic Development- Have requested development contributions including the following:

- **Secondary Education** - Per house (x16) £4,540.00. Total = **£72,640.00**
Towards the expansion of secondary schools in the Dover non-selective and Dover District selective planning groups
- **Youth Service** - Per house (x16) £65.50. Total = **£1,048.00**
Towards additional resources and equipment for the Dover Youth Service to provide early intervention and outreach services local to the development
- **Library Service** - Per house (x16) **£55.45**. Total = **£887.20**
Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at local libraries serving the development including Dover Library and the mobile library serving Capel
- **Social Care** - Per house (x16) **£146.88**. Total = **£2,350.08**
Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within the District
- All Homes built as Wheelchair **Accessible & Adaptable Dwellings** in accordance with Building Regs Part M 4 (2)
- **Waste** - Per house (x16) **£54.47**. Total = **£871.52** Towards works at Dover HWRC to increase capacity

KCC PROW– No objection. Have requested informatives are added if permission is granted.

KCC LLFA- No objection. Have requested conditions are attached in relation to surface water drainage if permission is granted.

KCC Archaeology- No Objection. Requests a pre-commencement condition securing the implementation of a programme of archaeological work.

KCC Highways – No objection subject to the following conditions:

- Completion and maintenance of the access prior to the use of the site commencing.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and maintenance of the visibility splays
- Submission and approval of all off-site highway works
- Submission of a Construction Management Plan

Kent Police- Have requested a condition to address designing out crime.

DDC Environmental Health - No objections, request that a condition is attached which covers previously unidentified contamination.

DDC Housing- There is a need and demand for affordable housing across the district, including in our rural areas and smaller settlements, such as Capel-le-Fearne. This is an outline application for 16 units, which proposes 5 affordable units. This is a policy complaint level of affordable housing. I would encourage the developer to make contact with me to discuss the affordable housing mix, to ensure this meets the local need, and also to identify a Registered Provider partner.

DDC Ecology- The conclusions and recommendations for mitigation and compensation contained within the Ecological impact assessment appear reasonable. Site clearance and construction impacts should be controlled using a pre-commencement Biodiversity Method Statement condition. There is also a need for a bat-sensitive lighting condition. An Ecological Design Strategy and a Habitat Management and Monitoring Plan can be incorporated within the Biodiversity Gain Plan to secure the biodiversity net gain, which could be secured by condition.

DDC Tree officer- Made comments in relation to the loss of a section of hedgerow to create access and to the height of trees to the east of the site (outside of site boundary), and that some of the homes could be considerably shaded by these trees. With the exception of these considerations, no objections were raised provided that the recommendations set out in the Arboricultural Report are taken into account.

DDC Planning Policy Team-

Open Space to meet the needs of the development should be provided on-site as per the quantum set out in PM3 of the Reg19 Local Plan:

- Accessible Greenspace: 1.91ha per 1,000 population
- Allotment: 0.21ha per 1,000 population
- Provision for Children and Young People: 0.06ha per 1,000 population

Minimum recommended sizes for new Open Space to be provided on site are also included within PM3. If on-site provision is not achievable and Part d of PM3 is engaged, then the following contributions to off-site provision will be required. If this off-site provision is progressed, reference to projects identified in the local area/settlement set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule should be referred to.

Open Space:

- Accessible Greenspace = **£1,925.17**
- Children's Equipped Play Space = **£6,933.25**
- Allotments/Community Gardens = **£32.37**

As made clear in Policy PM4, the Sports Facilities calculations below are taken from the Sports England Calculators and are a starting point for the assessment of Sports Provision to meet the needs of the development, and include Playing pitches, indoor Bowls, Sports Halls and Swimming as recommended by the current evidence base.

Playing Pitches:

- Natural Grass Pitches = Capital Cost **£4,113** Lifecycle cost (per annum) **£857**
Changing rooms (capital cost) **£8,465**
- Artificial Grass Pitches = Capital Cost **£1,710** Lifecycle cost (per annum) **£56**
Changing rooms (capital cost) **£610**

Sports Facilities:

Indoor Bowls **£339**
Sports Halls **£7,863**
Swimming Pools **£8,646**

As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule the projects that are recommended that these contributions go towards would be:

- Capel le Ferne play area/open space, Lancaster Avenue for Open Space
- New provision of full size 3G pitch – district wide for Outdoor Sports
- District wide swimming need for indoor sports

AONB Unit: No objection but notes that the development has potential for increasing visual impacts in views from the AONB, in particular in views from the south. The illustrative site layout plan seeks to address this through setting the development along the southern part of the site back from the southern and western boundaries and incorporating a strongly vegetated boundary. In both respects, the boundary planting appears to be located outside of the curtilage of the proposed dwellings which is welcomed as this is likely to provide more control over future retention of planting along these boundaries.

Kent Fire and Rescue- I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear not to have been met. This is due to the excessive hose laying distance to both Plot 11 and Plot 12 Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service

Third party Representations:

17 letters of objection have been received as below:

- Loss of countryside

- Should not be developing green spaces.
- Identified in the emerging Dover District Council Local Plan with an estimated capacity of 5 no. dwellings.
- Limited services in the village, including no GP. In combination with other developments it will put pressure on local amenities.
- Overdevelopment
- Larger schemes, where services and employment are likely to follow, should be planned for, not extensions to villages
- Lack of community consultation
- Existing narrow road unsuitable for this scale of development
- Lack of residents and visitor parking spaces on site plan
- Out of character with the existing lane and area. Will not enhance or have a positive impact on the area
- This development is not in keeping with the AONB and will be harmful to the local environment.
- Detrimental visual impact
- Will increase traffic volume and congestion. Existing congestion.
- Will cause noise and air pollution
- Will increase surface water flowing down the lane significantly in an area already suffering with flooding
- Flood risk
- Inadequate existing foul sewer capacity
- Dangerous blind bend on the lane to north-west of site.
- Cauldham Lane is the only route for HGVs servicing the nearby Farm and adjoining small industrial site
- Insufficient sight lines shown for access.
- Insufficient street lighting
- Additional lighting will cause pollution
- Excess speeds at which many of these vehicles travel both on Cauldham Lane, Capel Street and New Dover Road
- additional pressure on the already dangerous junction with Capel Street/ Cauldham Lane and New Dover Road.
- No footways on lane.
- No space shown for parking for contractors
- Insufficient water supply and pressure within the area
- Utilities such as electricity supplies, water and drainage will be further overloaded
- Impact on wildlife including skylarks
- Transport statement assesses this scheme on it's own and not in combination with other planning applications for development in the village

4 letters of support have been received as below:

- It will enhance the area.

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

1.1 The application site (red line boundary) comprises a grass field of approximately 0.76 hectares in size. There are existing hedges around the perimeter of the site. There are some dilapidated timber former stables on the eastern part of the site. The site was previously used as a horse pasture and stables. It is not currently used for agriculture. The site is broadly flat, rising slightly to the western end of the site. The site lies directly adjacent to the Kent Downs Area of Outstanding Natural

Beauty (AONB). The site itself is not within the AONB. Within the site the land gently rises to the southwest into the abutting arable farmland. From here the land then falls away.

- 1.2 To the north of the site is Cauldham Lane, with a mixture of predominantly one, but some two storey detached properties facing the site. To the east is the site known as Longships, a large two storey property in a wooded garden. To the west of the site, adjacent to the boundary is the Kent Downs AONB and to the south is open countryside. A public right of way runs parallel and adjacent to the western boundary, outside of the site.
- 1.3 The site is located outside of the rural settlement confines of Capel, but adjacent to the settlement confines, as shown on the proposals map (Policies CP1 and DM1).
- 1.4 The site is located within a Coal Authority Development Low Risk Area and Groundwater Source Protection Zone 3.
- 1.5 The proposal is for the erection of up to 16 dwellings. All matters would be reserved apart from access. A new vehicle and pedestrian access is proposed onto the site from Cauldham Lane. A substantial landscape buffer is proposed to the south and west sides of the site.

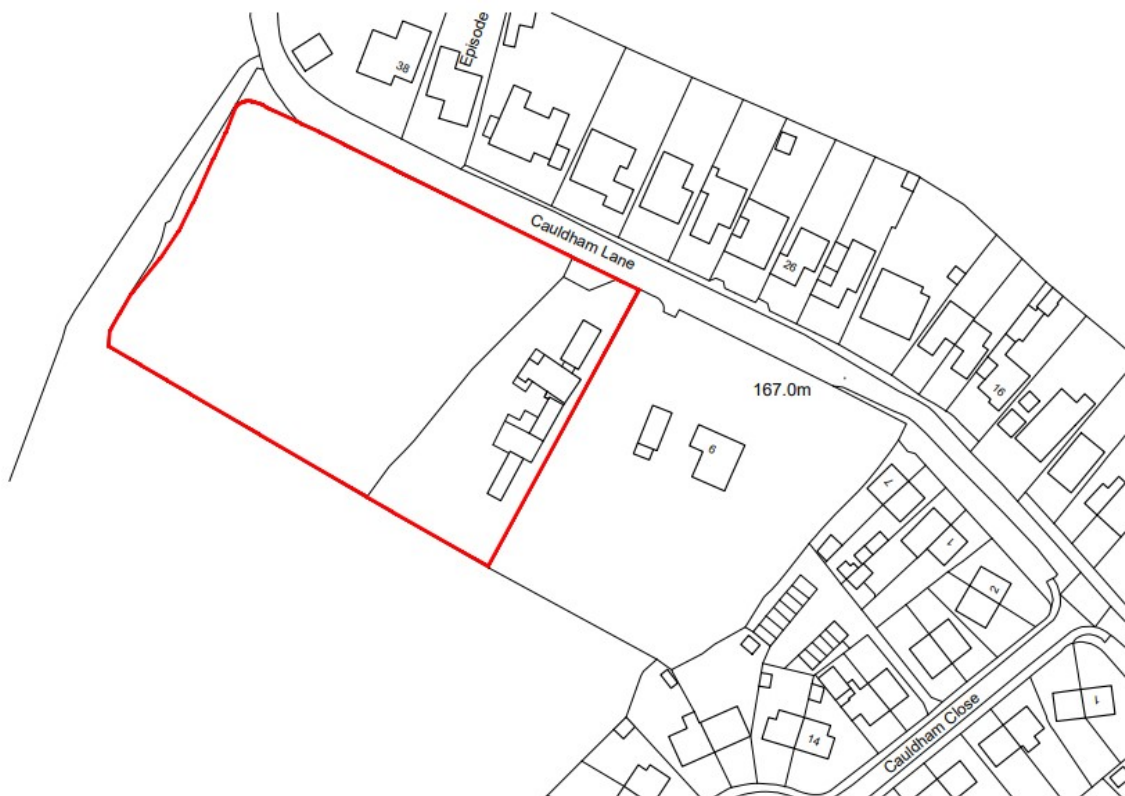


Figure 1: Site location Plan (not to scale)

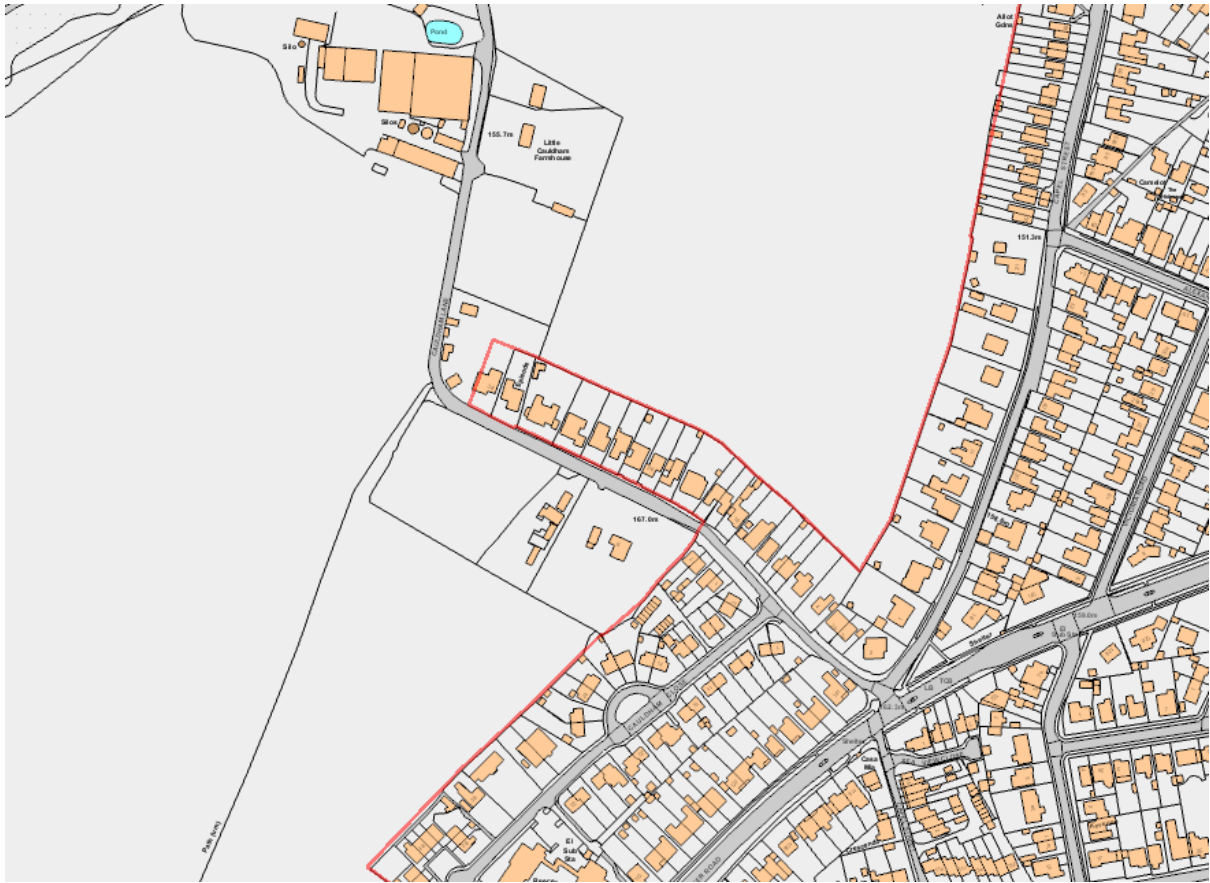


Figure 2: Plan showing settlement boundary in red (not to scale)



Figure 3: Aerial view of the site, taken from Rightmove/ submitted Design and access statemen



Figure 4: Photograph looking north towards the site from Public right of way ER253



Figure 5: Photograph looking north with the boundary of the site to the right, from Public right of way ER253



Figure 6: Photograph looking southwest into the site from Cauldham Lane



Figure 7: Photograph looking west, with site access on left and Cauldham lane



Figure 8: Photograph looking north across site



Figure 9: Photograph looking north across site

2. Main Issues

2.1 The main issues for consideration are:

- The principle of development
- Design
- Landscape Impact
- Impact on living conditions
- Housing mix and affordable housing
- Highway issues
- Ecology and trees
- Flood risk and drainage
- Archaeology
- Contamination
- Infrastructure and Developer contributions

Assessment

Principle of Development

- 2.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 2.3 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that "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:
- "i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 2.4 The Council are currently able to demonstrate a five-year housing land supply (as identified in the most recent Housing Technical Paper 2021) and have not failed the housing delivery test.
- 2.5 Were a planning application to be submitted, the policies most important in its determination are considered to be CP1, DM1, DM11, DM15 and DM16.
- 2.6 Policy CP1 of the Core Strategy seeks that the location and scale of development in the district complies with the Settlement Hierarchy. Capel is identified as a local centre, suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- 2.7 Policy DM1 sets out that 'Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses'. Policy DM1 accords with the strategic aim of the NPPF to promote sustainable development. However, it is considered that Policy DM1 is in tension with the NPPF as it is more restrictive, and that limited weight should therefore be

afforded to this policy. Given the degree of conflict between this policy and the NPPF, it is considered that this policy is out-of-date.

- 2.8 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date, however the weight is reduced.
- 2.9 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside. The 'blanket' protection of the countryside advocated by the first sentence of DM15 is more stringent than the NPPF. However, this policy is considered broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside (Paragraph 174 of the NPPF). It is not therefore out-of-date and continue to attract significant weight.
- 2.10 Given the location of the proposed development outside of the village confines and within the countryside, the proposal would be contrary to Policies DM1, DM11 and DM15, with no Local Plan Policies indicating that permission should be granted.
- 2.11 Consideration must be had for whether the "tilted balance" would be engaged were an application submitted, having regard for Paragraph 11 of the NPPF. Some of the adopted policies relevant for determining the application are considered to be out of date to varying degrees, with Policy DM1, which is particularly crucial in assessing the principle of the development, being particularly so. Giving weight to policy DM1, it is therefore concluded that the 'basket' of local policies is somewhat out of date.
- 2.12 Consequently, it is considered that the 'tilted balance' would be engaged, and that paragraph 11 the NPPF would be relevant in the assessment of any forthcoming application. Sub-paragraph (ii) would be relevant, and in order to grant planning permission, it should be demonstrated at planning stage that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.13 The Submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies SP1, SP2, SP4, SAP45 and TI1 are considered most relevant to the principle of development.
- 2.14 Draft policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and draft policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.15 Draft Policy SAP45 allocates the site for an estimated number of 5 homes. The draft policy includes the following criteria:

- Pedestrian connection required along Cauldham Lane to link to Capel Street.
 - The site is adjacent to the Kent Downs AONB and any scheme coming forward on this site should be designed to be appropriate to the site's sensitive location in respect of scale, form, materials and colour palette.
 - Existing trees and hedgerows along the boundary of the site should be retained and enhanced to provide an appropriate landscape buffer to mitigate the impact of development on the AONB.
 - Archaeological Assessment is required.
 - The site is within Groundwater Source Protection Zone 3.
- 2.16 The policy is considered to be in line with the sustainable development objectives of the NPPF. As per Paragraph 48 of the NPPF it is considered that the policy can attract weight in the planning balance. It is considered that the proposal would not accord with the estimated number of homes for development on the site listed under SAP45, however it would accord with all other criteria listed under the policy.
- 2.17 Draft policy SP4 seeks to ensure windfall development is in a sustainable location and relates to an existing settlement. The policy is based on evidence of the sustainability of settlements within the district and is evidenced in the Settlement Hierarchy and confines topic paper, August 2022. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. Using this information and current housing requirements, the policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed.
- 2.18 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining the settlement confines. Capel falls into this category of settlement. Policy SP4 also applies other criteria to assess the appropriateness of development in these locations.
- 2.19 The proposal is located directly adjacent to settlement confines as identified within the draft plan. The proposal is considered to be of an appropriate scale, compatible with the layout, density, fabric and appearance of the settlement, would not result in an unacceptable intrusion into the open countryside, and would not generate a level of traffic that would result in severe impacts to the highway network that cannot be mitigated. The proposal is considered to accord with draft policy SP4.
- 2.20 As the policy and confines to which it relates have been devised in line with up-to-date housing figures and the objectives of the current NPPF, the Policy is considered to hold moderate weight in the planning balance.

Design

- 2.21 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.

- 2.22 Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. This is echoed in draft policy CC2 which provides details of Sustainable Design and Construction including life cycle and adaption of buildings and minimisation of waste.
- 2.23 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.
- 2.24 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. 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.



Figure 10: Illustrative site plan (not to scale)



Figure 11: Land use and landscaping parameter Plan (not to scale)

- 2.25 An illustrative site plan (Figure 8) has been submitted which shows how 16 dwellings, including four apartments in the northeast corner of the site, could be accommodated within the development. A parameter plan has also been submitted which indicates a landscape buffer to all sides of the site, being 10m deep to the southern and western sides. Access is shown from Cauldham Lane, with vehicle access in the location of the existing gate into the field.
- 2.26 The prevailing character of the immediate area is of linear development with houses fronting on to the lane and the countryside beyond. The illustrative site plan shows frontage onto Cauldham Road, which would be in keeping with the existing pattern of development, and frontage facing the AONB to the south. Development to the east would back onto Longships.
- 2.27 The layout also shows development set back behind the street frontage. It is considered that although this would be somewhat out of character overall with the area, this would not cause any visual harm either to the streetscene, the character of the area or the wider landscape. It is therefore considered that 16 dwellings would sit comfortably within the site, allowing for adequate landscape buffers.
- 2.28 The buildings are shown as two storeys which is considered acceptable in this location. The submitted Design and Access Statement (DAS) indicates that the dwellings will be designed in a traditional architectural style using materials including brickwork, clay roof tiles, clay tile hanging and timber weatherboarding.

However, both scale and appearance would be considered at reserved matters stage.



Figure 12 and 13: Indicative images of the proposed development

- 2.29 A 10m landscape buffer is indicated to the west and south boundaries, this would include native species tree and hedge planting which will effectively screen the development to mitigate visual impact on views from the AONB. Details of landscaping including native plant species would be secured at reserved matters stage.
- 2.30 Information has been submitted within the DAS regarding how the proposals seek to represent sustainable and energy efficient design and construction. The proposed net density is approximately 32 dph which is considered to represent efficient use of land and appropriate for the surrounding context. The DAS sets out how choice of materials, water and energy efficiency and on-site energy generation would contribute towards reducing carbon emissions. The DAS states that the applicant aims for the dwellings to achieve a 50% reduction in carbon

emissions beyond current building regulations. A fabric first approach would be taken. Air source heat pumps are proposed for on-site energy generation, with electric only used within the dwellings. The illustrative layout indicates that there are opportunities to use landscaping and orientation to provide shading from trees and the design of the buildings including external features such as shading to windows.

- 2.31 The illustrative site plan indicates that some of the principles of crime prevention, such as active frontages and natural surveillance opportunities could be provided. Kent Police have requested a condition for the development to be designed in accordance with the principles of designing out crime. Opportunities for designing out crime would be secured at reserved matters stage.
- 2.32 The illustrative site plan includes on site areas of open space including informal timber play features and benches. Details of these would also be secured at reserved matters stage.
- 2.33 To conclude, it is considered that the development proposed would form a compatible and suitable expansion of the village, provided the detailed design and landscaping is sensitively considered. Officers are of the view that the design overall is acceptable and complies with adopted and draft local policy and the aims of the NPPF.

Landscape Impact

- 2.34 Paragraph 174 of the NPPF states that development should contribute to and enhance natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 2.35 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 2.36 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020 and the Kent Downs AONB Landscape Character Assessment Review, in which they are located. All proposals within, or affecting the setting of, the AONB will be supported where:
- Development is sensitively located and designed to avoid or minimise adverse impacts on the AONB and its setting;
 - The location, form, scale, materials and design would conserve and where appropriate enhance or restore the special character of the landscape;
 - The development would enhance the special qualities, distinctive character and tranquillity of the AONB and the Heritage Coasts;
 - The development has had regard to the AONB Management Plan and any associated guidance.

- 2.37 The site is relatively level, the land gently rises beyond the southwest of the site to a high point within the abutting AONB, which contains arable farmland. The site and existing development along Cauldham Lane are visible from public rights of way in open countryside to the south-west of the site.
- 2.38 Given the height of the site in relation to the surrounding landscape, the site is considered visually prominent. The development would extend the built confines of Capel further towards the AONB, and as such would have potential to increase the visual prominence of built form when viewed from within the AONB.
- 2.39 The following landscape and visual impact mitigation is proposed:
- *Retaining and enhancing the existing vegetation along the western and northern edge of the Site, including minimising the extent of vegetation removal required for access;*
 - *Offsetting the proposed massing from the western and southern edges of the Site via a landscape buffer so as physically separate the massing from the AONB and reduce its perception from the wider study area;*
 - *Offsetting the proposed massing from the eastern edge of the Site so as to retain the vegetation structure between the Site and CAP009;*
 - *Implementing a landscape buffer along the southern edge of the Site and new tree planting, so as to physically and visually enclose the Site from the wider landscape and AONB to the south of the Site;*
 - *Implementing a high quality architectural design with reference to the AONB design guidance, including muted colour tones on the facades of massing along the western and southern parts of the Site, so as to reduce its perception from the wider landscape;*
 - *No street lighting to minimise changes to the character of the night sky; and*
 - *Implementing new planting across the layout*
- 2.40 A Landscape and Visual Impact Assessment (LVIA) has been undertaken and submitted, which seeks to assess the landscape and visual impacts of the development at one year and 15 years after completion of the development.
- 2.41 Thirteen visual receptors were identified. The LVIA states that at year 15 there would be a low visual impact on residents of Cauldham Lane and that this would result in a minor adverse effect.
- 2.42 For users of Public Right of Way (PRoW) ER253, which runs directly adjacent to the west of the site and runs in a south-westerly direction away from the site, The LVIA identifies that by year 15 there would be a low visual impact, resulting in a minor adverse effect.
- 2.43 In terms of visual impact on the wider PROW network, for users of PROWs HE213 and HE126 after 15 years there would be negligible impact, resulting in a negligible adverse effect being identified. For users of PROWs ER236, ER252, ER294, ER250, ER169, HE213, ER231 and HE203 after 15 years there would be no visual impact, resulting in a neutral effect.
- 2.44 The LVIA sets out landscape receptors including the site itself, the North Downs National character area, Kent landscape character area Alkham East Kent Downs in which the site is located, Kent landscape character area Folkestone Outskirts: Postling Vale, AONB Kent landscape character area 1C: East Kent Downs, in which the site is located, and AONB sub-area Alkham which also covers the site.

- 2.45 After 15 years the landscape effects would be that of moderate adverse on the site itself, it is considered that there would be a neutral effect on all other landscape receptors identified above, including the AONB areas.
- 2.46 The LVIA also identifies local landscape characters areas including Cauldham Capel-le-Ferne Residential South and Capel-le-Ferne Agricultural, which covers the site. After 15 years the LVIA identifies that there would be Neutral impact on Capel-le-Ferne Residential South, Negligible Adverse on Cauldham Lane and Minor Adverse on Capel-le-Ferne Agricultural.
- 2.47 To conclude, it is considered that the proposed development would have a visual impact on views from the AONB and surrounding area, and some landscape impacts on the landscape receptors identified in the LVIA, however it is considered that this can be adequately mitigated by a generous landscape buffer surrounding the site. The provision of the buffer can be secured through a condition requiring accordance with the land use parameter plan indicating a 10m buffer to south and west, and through details of landscaping required at reserved matters stage.
- 2.48 Further to this it is considered the outline illustrative site plan and parameter plan indicate that layout, landscape and design would be able to minimise adverse impacts on the AONB and its setting, and that appropriate scale, form and materials could be secured which would conserve the special character of the landscape.
- 2.49 Kent Downs AONB unit have raised no objection to the proposals.

Impact on Residential Amenity

- 2.50 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. It also states that all new build development is to be built in compliance with building regulation part M4(2).
- 2.51 KCC have requested that all homes are designed to meet Building Regulations M4(2) (Adaptable and accessible dwellings standard) and this can be secured through the s106 agreement or a condition.
- 2.52 It is considered that the proposed layout would ensure sufficient privacy, outlook and daylight for future residents.
- 2.53 The illustrative site plan indicates that the dwellings would be a minimum of approximately 23m from existing properties along Cauldham Lane. By virtue of the distance retained and scale proposed, it is not considered that there would

be any unacceptable impact on the residential amenity of existing neighbouring residents.

- 2.54 Overall at outline stage, it is considered that the proposals would be acceptable in relation to living conditions of future residents and impacts on neighbouring residential amenity.

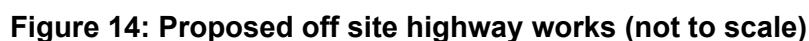
Impact on Highways, Public Rights of Way and Parking Provision

- 2.55 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.56 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.
- 2.57 A Transport Statement has been submitted as part of the application.
- 2.58 The site is adjacent to PROW ER253, a bridleway, which is located directly to the west of the site. KCC PROW raise no objection to the proposals.
- 2.59 The site is located to the south of Cauldham Lane, which is a single lane highway, it currently has no footways or passing places. The lane turns at right angles to the northwest of the site and continues northwards towards Great Cauldham Farm. The speed limit changes from the national speed limit to 20 mph to the northwest of the existing access. There is some limited existing street lighting to the Lane. There is an existing vehicle gate to the site from Cauldham Lane.
- 2.60 The scheme proposes vehicle and pedestrian access onto the development to the northwest of the existing gated access, in the form of a new priority junction onto Cauldham Lane. The access would also include a 1.8m wide footway. Vehicle visibility splays of 2.4m x 25m would be provided, which are appropriate for a target speed of 20 mph.
- 2.61 The existing speed change from national speed limit to 20 mph would be moved approximately 25m to the northwest of where the existing signs are located.
- 2.62 Figure 12 below shows proposed highways improvements. This includes the formation of a 1.8m wide footway to the southwest side of Cauldham Lane, which would run from the new site access to beyond Cauldham Close. The footpath would then be provide to the northeast side of Cauldham Lane and continue to Capel Street.
- 2.63 A new uncontrolled pedestrian crossing would be provided at Cauldham Close, Capel street and where the footpath swaps sides on Cauldham Lane. 1m x 25m

pedestrian visibility splays would be provided to the proposed pedestrian crossing at Capel Street and on Cauldham Lane.

- 2.64 The highways improvements also include widening Cauldham Lane to 4.8m to the southwest of no. 26 Cauldham Lane. and a passing bay would be provided near to 2a Cauldham Lane. Kerbs would be provided, with dropped kerbs to existing vehicle crossovers. The detailed of the off-site highways works would be secured through a condition.
- 2.65 Assessment of potential vehicle trip generation from the development has been carried out. The development is estimated to generate approximately 6 vehicle movements in the weekday AM peak hour and 7 vehicle movements in the PM peak hour. Across the 12 hour weekday daytime period, 61 vehicle trips are forecast for each day, which equates to approximately 5 movements per hour on average. The transport statements concludes that this level of trip generation is considered to be negligible and would no materially affect the operation or amenity of the local highway network.
- 2.66 Within the site itself, the illustrative site plan indicates the access road would continue for an extent into the site with an adjacent footway. Areas of shared surface access would then be provided beyond this. Detailed design of layout and internal access would be secured at reserved matters stge.
- 2.67 Swept path analysis of refuse, delivery and fire vehicles has been indicated showing that turning and manoeuvring of these vehicles can be accommodated within the site.
- 2.68 Kent Fire and Rescue have commented that the illustrative site plan indicates that some of the homes, plots 11 and 12, would entail an excessive hose laying distance. However, the site plan at this stage is indicative and layout would be determined at reserved stage. Furthermore, the proposals would need to meet building regulations requirements separately to the planning permission being obtained.
- 2.69 Cycle parking would be secured at reserved matters stage and/or by condition.
- 2.70 A minimum of two vehicle spaces have been provided for each dwellinghouse and one space for each apartment. This is considered appropriate for the size of the homes and location of the development.
- 2.71 The illustrative site plan indicates 5 no. visitor parking spaces. 0.2 parking spaces per dwelling should be provided, increased if tandem parking is provided. This would be secured at reserved matters stage. It is considered that the illustrative site plan indicates that the required number of residents and visitor parking spaces can be comfortably accommodated within the development.
- 2.72 KCC Highways have no objections, subject to the following being secured by conditions: completion and maintenance of the access shown on the submitted plans, provision of measures to prevent the discharge of surface water onto the highway, cycle parking facilities, visibility splays, approval of all off-site highway works and submission of a Construction Management Plan.
- 2.73 The construction management plan would include parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries,

2.74 Given all of the above, it is considered that the proposals meet the requirements of policy DM13 and draft policies TI1 and TI3.



2.75 Core Strategy Policy DM5 and draft Local Plan Policy SP5 require 30% affordable housing for schemes of this size. Draft policy SP5 states that affordable housing shall be provided with a tenure split of 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products.

2.77 The scheme proposed the following mix for the market homes, 0 no. 1 bedroom, 0 no. 2 bedroom, 7 no. 3 bedroom and 4 no. 4+ bedroom homes.

- 2.78 To better reflect the need and market demand identified in the SHMA, it is considered some two bedroom homes should ideally be provided. However, the proposed market housing mix is considered to generally reflect the need for more 3 and 4 bedroom owner occupied homes needed across the district.
- 2.79 Five affordable homes are proposed. This is proposed as 2 no. 1 bed maisonette, 2 no. 2 bedroom maisonette and 1 no. two bedroom house.
- 2.80 One of the affordable homes would be a “first home”. The exact tenure and mix of the affordable homes would be sought through the provision of an affordable home scheme through the s106 agreement.

Ecology and Trees

- 2.81 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.82 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats. Draft local plan policies SP14 and NE1 work together to ensure that the green infrastructure and biodiversity of the district are conserved and enhanced and seek biodiversity net gain of 10%.
- 2.83 The Environment Act 2021 set out a mandatory requirement for new development to provide a minimum of 10% biodiversity net gains; however, this requirement does not come into force until November 2023. The NPPF does, currently, seek developments to secure measurable net gains for biodiversity where possible, but does not set minimum requirements.
- 2.84 The emerging plan, at policy NE1, will seek to achieve the nationally prescribed minimum of 10% Biodiversity Net Gain (BNG), which should be secured for 30 years. However full weight cannot be given at this stage to draft policy NE1, as such although the applicant seeks to make biodiversity gains through the scheme, 10% BNG is not sought through this application.
- 2.85 Submitted information states that the site consists primarily of neutral grassland with some ruderal growth. The perimeter of the site is bordered by native hedgerow including hawthorn, blackthorn and bramble, with some ash trees in northwest corner. There are arable field margins outside the field boundary.
- 2.86 A preliminary ecological assessment has been submitted which identified the need for further species surveys to be undertaken including bat, reptile and botanical surveys. No reptiles were found during a presence/ likely absence survey. No bats were found during the bat emergence survey. No notable plants were recorded during the floral (botanical) survey.
- 2.87 An Ecological impact assessment (EclA) was subsequently submitted. The EclA sets out avoidance, mitigation, compensation and enhancement measures. It is considered that the conclusions and recommendations for mitigation and

compensation are reasonable. It is considered that a biodiversity method statement should be requested via condition, with the aim of controlling site clearance and construction impacts on protected species and habitats. It is also considered a condition should be added to secure lighting design which is sensitive to bats.

- 2.88 The proposal seeks to achieve biodiversity net gains on the site. Information has been submitted and it is considered that it would be appropriate to secure a detailed biodiversity gains plan through a condition. The condition would also include a requirement for an Ecological Design Strategy and a Habitat Management and Monitoring Plan.

Hedgerows and Trees

- 2.89 The proposals will involve the loss of 1 no. 8m high ash tree and approximately 30m of hedgerow along the boundary with Cauldham Lane, to allow creation of the new vehicle access. The submitted arboricultural report identifies both this tree and the hedgerow at category c. The EclA sets out mitigation and compensation measures, including the protection of remaining hedge/ trees during construction. A tree and hedge protection condition will be added.
- 2.90 The proposals set out that the scheme will deliver approximately 60m of native hedgerow planting, including field maple, common dogwood, hazel, hawthorn, holly, crab apple and honeysuckle. The illustrative site plan indicates street tree planting within the development, and tree belt planting forming part of the landscape buffers. The use of native species and locations will be secured at reserved matters stage.

Flood Risk and Drainage

- 2.91 Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site-specific flood risk assessment that the development would not result in an unacceptable risk on flooding on the site or elsewhere.
- 2.92 NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 2.93 The site is located within flood zone 1. The site is less than one hectare in size and being in flood zone 1, a Flood Risk Assessment is not required to support a planning application.
- 2.94 The site lies within groundwater protection zone 3.
- 2.95 A drainage statement has been submitted which outlines the surface water drainage for the site. The statement sets out that Sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water generated by the development. Two options have been put forward. Option 1 is based on infiltration at a shallow depth. It is proposed that roofs and the access road are to drain to three cellular soakaways to suit the site topography and layout. Parking areas are to be designed as porous paving.

- 2.96 Option 2 would be implemented if following a site investigation drainage at a shallow depth is not considered acceptable. This would be due to either poor infiltration rates or the structural stability of the chalk. This option assumes the whole site would drain to a network of surface water sewers which discharge to an underground cellular tank located on the northern site boundary. The tank will outfall to a deep bored soakaway for which a conservative discharge rate of 2l/s has been assumed.
- 2.97 The scheme proposes to connect to the public sewer for foul drainage. Details of both surface and foul drainage will be secured by condition.
- 2.98 A condition would also be imposed to ensure that no surface water drains onto the highway (Cauldham Lane) from the site.
- 2.99 KCC LLFA and EA have both requested conditions relating to protection of groundwater and these have been included in the recommendation.

Archaeology

- 2.100 Draft policy HE3 relates to archaeology. The site lies within an area of archaeological potential. The application is accompanied by an Archaeological desk-based assessment. The assessment provides an account of the archaeological interest in the area of the proposed development and of the site's archaeological potential. It concludes that the site has a medium to high potential for Prehistoric, Romano-British, post-medieval and modern archaeology; a low-medium potential for Anglo-Saxon (early medieval) archaeology and a low potential for medieval remains.
- 2.101 It is possible therefore that the proposed development will impact buried archaeological remains. KCC Archaeology have recommended that provision be made in any forthcoming planning consent for a programme of archaeological works. It is considered that this can be secured by a pre-commencement condition.

Contamination

- 2.102 The NPPF states (Paragraph 93) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 2.103 A phase 1 desk top assessment has been submitted, which recommends ground investigation is carried out at the site.
- 2.104 The environment agency has been consulted and as requested a condition for a strategy to deal with the potential risks associated with any contamination of the site. DDC Environmental Protection have been consulted and raise no objection, subject a condition being imposed relating to previously unidentified contamination.

Infrastructure and Developer Contributions

- 2.105 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.

- 2.106 KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver secondary school places, youth service, library services, social care and waste services. They have demonstrated that there is currently insufficient capacity to meet the needs generated by the development and that the contributions requested would allow for the infrastructure upon which the development would rely to be provided.
- 2.107 Draft policy PM4 requires that sports facilities are provided. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The contribution would amount to £32,659 in total based on 16 dwellings being delivered. As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule the projects that are recommended that these contributions go towards would include district wide provision of a new full size 3G pitch and a district wide need for swimming facilities.
- 2.108 Draft policy PM3 requires that residential development of ten or more dwellings will be required to provide or contribute towards the provision of open space that meets the needs of that development, in addition to appropriate maintenance costs. Contributions are sought towards open space, including accessible green space, children's equipped play space and allotments/ community gardens. Contributions are sought towards improvements at Capel le Ferne play area/open space, on Lancaster Avenue.
- 2.109 As set out previously in the report, the development would deliver a policy compliant amount of affordable housing.
- 2.110 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement if planning permission was to be granted.

Matter	Contribution
Secondary Education	£72,640.00 Towards the expansion of secondary schools in the Dover non-selective and Dover District selective planning groups
Youth service	£1,048.00 Towards additional resources and equipment for the Dover Youth Service to provide early intervention and outreach services local to the development
Library Service	£887.20 Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at local libraries serving the development including Dover Library and the mobile library serving Capel

Social care	£2,350.08 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within the District
Waste	£871.52 Towards works at Dover HWRC to increase capacity
Sports facilities/ playing pitches	Natural Grass Pitches = £13,435 Artificial Grass Pitches = £2,376 Indoor Bowls £339 Sports Halls £7,863 Swimming Pools £8,646
Open space	Accessible Greenspace = £1,925.17 Children's Equipped Play Space = £6,933.25 Allotments/Community Gardens = £32.37
Affordable housing	Provision of 5 no. homes

Utilities

2.111 Concerns have been raised over water supply pressure. In order for building regulations consent to be gained, it would need to demonstrate that water pressure would allow for the sanitary fittings to work adequately. This is covered by separate legislation to the planning system.

3. Conclusion

- 3.1 Paragraph 11 of the NPPF sets out that when the local policies are considered out of date that any decision should rest on the tilted balance so that development should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." As the most important policies in determining this application are considered out of date, paragraph 11 of the NPPF is relevant.
- 3.2 The proposal would provide 16 homes a sustainable location, five of these would be affordable homes. The proposal accords with draft policy SP4 relating to the location of windfall housing, to which moderate weight can be given. There would be some economic benefits provided by the development at construction stage and when built, by providing new homes which in turn would provide support for village services. The scheme seeks to enhance biodiversity on the site, and ecological/ biodiversity enhancements would be secured by conditions.
- 3.3 There is some landscape and visual impacts that have been identified, however it is considered that these can be adequately mitigated as discussed earlier in the report.
- 3.4 Given the above, it is considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits.

- 3.5 Accordingly, the proposal would comprise sustainable development and in light of the above it is recommended that planning permission is granted subject to development contributions being secured through a S106 Agreement and the conditions set out below.

g) Recommendation

- I Subject to completion of S106 Agreement in relation to Development Contributions as set out in the report above, **PERMISSION BE GRANTED** subject to the following conditions:
- 1) Submission of reserved matters
 - 2) Time limits
 - 3) Approved plans
 - 4) Samples of materials
 - 5) Provision of refuse/recycling storage
 - 6) Provision of bicycle storage
 - 7) Provision of vehicle parking spaces
 - 8) Strategy for potential contamination risks
 - 9) Verification report for contamination remediation strategy
 - 10) Previously unidentified contamination
 - 11) No drainage systems infiltration into the ground without consent
 - 12) No Piling without consent of the LPA
 - 13) Completion and maintenance of the access
 - 14) Measures to prevent the discharge of surface water onto the highway
 - 15) Provision and maintenance of the visibility splays
 - 16) Submission and approval of all off-site highway works
 - 17) Construction management plan
 - 18) RM to demonstrate surface water drainage can be accommodated.
 - 19) Details of surface water management
 - 20) Verification report for surface water system
 - 21) No resultant unacceptable risk to controlled waters from infiltration
 - 22) Details of foul drainage
 - 23) Programme of archaeological works.
 - 24) Housing to meet Building Regulations M4(2) standard
 - 25) Designing out crime measures
 - 26) Tree and hedge protection measures
 - 27) Landscape management plan
 - 28) Biodiversity Method Statement.
 - 29) Provision of Bat-sensitive lighting
 - 30) Biodiversity Gain Plan, including Ecological Design Strategy and Habitat Management/ Monitoring Plan. (Ecological enhancements)
- 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

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of

those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).