

- a) **DOV/22/00737 – Reserved Matters application pursuant to outline permission DOV/16/01328 (APP/X2220/W/17/3191402) for the details of landscaping, layout, scale and appearance for 28 dwellings, together with details of conditions 6 and 13 - Land rear of Archers Court Road, Whitfield**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Approve reserved matters

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP3, CP4, CP6, CP7, DM1, DM5, DM11, DM12, DM13, DM15, DM16, DM17

Land Allocations Local Plan (2015) LA26, DM27

Draft Dover District Local Plan to 2040

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. The relevant policies are: SP1, SP2, SP4, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, TI1, TI2, TI3, TI5, NE1, NE3 and NE5.

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

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/21/00102 - Outline application for the erection of up to 63no. dwellings (with all matters reserved except access) (includes demolition of 14 Archers Court Road) – Refused – Appeal in Progress

DOV/16/01328 - Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (including demolition of 14 Archers Court Road) – Refused – Appeal Allowed with Conditions

DOV/12/00360 - Outline application for the erection of 28 dwellings (30% affordable housing) and construction of vehicular access – Refused – Appeal Dismissed

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

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Environmental Health – Given the presence of a 4m acoustic fence across the front of the site as shown in drawing B1431_12 Rev P19 and a 3.5m acoustic barrier to the side of unit 28 in the drawing MHS250.21.001 Rev G Environmental Health have no further concerns on this application.

DDC Natural Environment Officer – This application seeks approval for reserved matters and discharge of conditions for 16/01328. Condition 6 relates to biodiversity.

The *Letter from Hone Ecology dated 17th November 2022* provides an update to the previous ecological survey work, to ensure that the reserved matters decision can be taken with regard to up-to-date ecological information. It is confirmed that:

- A. The previous reptile survey (undertaken in 2016), during which no reptiles were recorded, remains valid as the site's suitability for reptiles has reduced further.
- B. There are eight trees with bat roosting potential on the site, three of which will be impacted by the planned works (as proposed in October 2022). It is not known how these relate to trees T24 and T29 that are referred to in the condition 6 wording. The November 2022 *Letter* provides recommended approaches to felling of the three trees with bat roosting potential, in addition to any other trees that have ivy cover.
- C. The update survey confirms the presence of an on-site badger sett, considered to be an 'outlier' (i.e. not a main sett). The retention of the badger sett is recommended in the November 2022 *Letter*, with the implementation of measures to avoid impacts to the sett and any badgers present.

The *Letter from Hone Ecology* provides additional detail of the assessments for bat roosting potential for the onsite trees. This doesn't include a clear map that identifies each of the trees with a reference ID – this may need to be verified when it comes to lighting. Note that condition 6 is the only place in the decision in which '*details of all lighting for the site*' is secured.

I am satisfied that DDC has enough information regarding the potential for ecological impacts to arise as a result of the proposed development and that the proposed approaches to mitigation / avoidance of impacts are appropriate and achievable. What is less certain though is whether DDC can secure the implementation of the necessary mitigation and avoidance measures.

Condition 6 in theory provides for "...*any protected species that have been identified in the surveys and include a timetable for implementation...*". But, as the condition only requires that "*No development shall commence above ground...*", it does not to my mind wholly prevent the clearance of vegetation before the submission for condition 6 is required, so the site could have been cleared of all potential habitats without DDC having any oversight of the proposed mitigation measures.

For the trees with bat roosting potential, and for nesting birds, the expectation is that the applicant will fulfil their legal obligations, regardless of when the condition is discharged. However, granting the reserved matters planning permission without any additional conditions could mean that the precautionary measures for avoiding impacts to badgers are not implemented. I would also want the scheme to which condition 6 relates to ensure that measures to avoid impacts to hedgehogs (priority rather than protected species) are implemented.

The submission includes the application for the partial discharge of condition 6, restricted to the 'biodiversity scheme' that includes points i-iv in the condition wording. The proposed landscape planting scheme has been amended from that initially submitted, to ensure the incorporation of native species within the open spaces. There are still non-native / cultivars proposed, but these are restricted to the immediate site frontages for the proposed dwellings.

The only outstanding matter that I previously raised is in respect of the bat and bird boxes, which are only proposed to be installed on retained trees within the woodland. My preference is at least some of these are integrated to the building walls.

In summary, although I am comfortable that there is enough ecological information submitted to understand the potential ecological impacts and the need for avoidance / mitigation measures, I am concerned that condition 6 of the outline planning permission does not give enough security that the measures will / can be secured and implemented as the timing for the condition discharge is not sufficiently 'pre-commencement', i.e. before vegetation removal.

DDC Tree Officer – Raise no objections to the proposals/ details set out in the comprehensive tree report LV377TR1 and associated plans. The removal of the dead/poor quality/dominant species and the retention of the better quality trees (followed by suitable replanting) to retain the 'woodland' setting of the development is considered important. A full Arboricultural Method Statement to demonstrate how the trees will be protected and with details of works within the RPA's will be required as a condition of any consent.

Environment Agency – This application does not fall under the statutory consultations protocol. No comments are therefore provided.

KCC Highways – Confirm that provided the provision and permanent retention of EV charging facilities and cycle parking facilities prior to the use of the site commencing are secured by condition or planning obligation (additional to those highway conditions already imposed under the previous appeal decision), no objection is raised on behalf of the local highway authority.

KCC PROW – The proposed development directly affects Public Right of Way ER54. The revised plan has not resolved the obstruction of the property on the public right of way I therefore still object to this application. The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Right of Way, must not be started - until such time as the Order necessary for its 2 diversion has been confirmed, and the new route provided. The successful making and confirmation of an Order should not be assumed. If you are mindful to approve the application, I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

KCC Flood and Water Management – Kent County Council as Lead Local Flood Authority have reviewed the reserved matters submission for the details of landscaping, layout, scale and appearance for 28 dwellings, together with details of conditions 6 and 13 and have no further comment on these as these do not relate to flood risk. This agreement with the design however does not constitute our approval of any technical drainage detail, levels, depths or gradients other than general layout at this stage. Final details of these can be provided as part of condition 9.

Kent Police Designing Out Crime – We note that many of our points have been incorporated into the design, showing the applicant is committed to reducing crime via the build environment. We request a condition for this site to follow SBD Homes 2019 guidance.

Kent Fire and Rescue – It appears that the emergency access requirements for the Fire and Rescue Service under the 1981 Act have been met.

National Highways - We have no comments or objections with regards the house types and street elevations. We note that drawing MHS250.21-003 Rev C Landscape Sections now omits a bund in the vicinity of the site/National Highways boundary. On this basis we are content with and have no objections to the drawing or proposals therein. We note that drawings MHS250.21-001 Landscape Rev G Proposals 1 of 2 and MHS250.21-002 Rev G Landscape Proposals 2 of 2 no longer indicate any planting in what appears to be National Highways land. On this basis and provided that any planting within the vicinity of the NH boundary must be in accordance with Design Manual for Roads and Bridges document LD 117 Landscape design; specifically clause 3.4.1; and any construction (in particular the 4m

high acoustic fence)/planting, maintenance and/or replacement of hard or soft landscaping must not result in any entry onto or oversailing of National Highways land we have no objections to the drawings or proposals therein. On this basis we have no objection to the discharge of Conditions 6 and 13 attached to DOV/16/01328 (APP/X2220/W/17/3191402).

Natural England – No comment.

Southern Water - Southern Water would have no objections to the reserved matters application for landscaping, layout, scale and appearance. Southern Water has no comments to make with respect to condition 06 and 13.

Third party Representations: 9 letters of objections have been received and are summarised below:

- Traffic is very busy along Archers Court Road during rush hour and the proposal will cause additional congestion to an already busy road.
- This has an additional impact on air quality with cars idling.
- There should not be additional residential development prior to infrastructure improvements in the local area.
- The proposal would result in the loss of the existing woodland which has environmental and biodiversity benefits.
- The proposal will negatively impact wildlife and biodiversity through the loss of habitat the existing woodland provides.
- The proposal will detrimentally affect rear outlook and noise through the loss of trees.

f) 1. The Site and Proposal

- 1.1 The application site is a triangular parcel of land which lies between the rear of residential properties fronting Archers Court Road to the north and the A2 to the south. The site contains overgrown vegetation and trees and is subject to Tree Preservation Orders No. 8 1981 and No. 4 2017. The site is currently accessible via a Public Right of Way (ER54) running along the southern part of the site connecting the underpass on Whitfield Roundabout with Archers Court Road and continuing through the field towards the A258. To the east of the site, outside of the red line boundary, is a TPO woodland which forms a local landscape feature and separates the application site from Newlands. The site sits below the level of the A2 and has an area of 1.6 hectares.
- 1.2 The site is immediately outside the Whitfield Urban Expansion (WUE) area but within the urban settlement boundary of Dover. It is not therefore subject to the SPD criteria for infrastructure provision in the WUE. The site is allocated as open space under Policy DM25 and part of the site remains under the A2 safeguarding designation (Saved Policy TR4). To the north west of the site are predominantly detached dwellings with large rear gardens on Archers Court Road, to the north semi-detached dwellings on Courtland Avenue and to the east is a residential development dating from 1980's and 90's of detached and semi-detached dwellings on Newlands.
- 1.3 This application follows the allowed appeal for outline consent under reference DOV/16/01328 (APP/X2220/W/17/3191402) for 28 dwellings (30% affordable) with all matters reserved except for access. The approved access involves the demolition of 14 Archers Court Road to facilitate the creation of a new vehicular access to the site. This application seeks permission for the reserved matters of landscaping, layout, scale and appearance and consideration of details of conditions 6 and 13 which relates to the protection and enhancement of biodiversity on site and the survey of the existing trees in relation to their retention and removal respectively.

- 1.4 The 28 dwellings include 4 x 2 beds, 11 x 3 beds and 13 x 4 beds. Affordable housing would be provided at 30% (8 dwellings) in line with the outline permission and the mix of affordable housing proposed would be 4 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom. The affordable dwellings are proposed to comprise the eastern four dwellings to the east of the dwellings to the row adjacent to the northern boundary of the site and the southern four dwellings to the row adjacent to eastern boundary of the site.
- 1.5 The layout of the scheme reflects the illustrative layout proposed at outline stage. The dwellings will be laid out in an L shape, set back from the southern boundary of the site and fronting the access road. Provision of formal and informal public landscaped open space, LEAP and a SUDS pond will be provided to the south of the site which is framed and overlooked by the proposed L shaped residential development to the north and east. The layout of the proposed scheme is included at Figure 1 below.



Figure 1: Proposed Site Layout Plan

- 1.6 The application involves the removal of 119 category C and U trees predominantly to the centre of the site. The majority of trees to the boundaries of the site are proposed for retention, and additional tree planting, along with further soft landscaping is proposed throughout the site, predominantly within the informal and formal public open space proposed to the south of the site.
- 1.7 The proposal has been amended through the course of the application. The design of the dwellings has been revised and their height and roof body have been reduced. The dwellings comprise a traditional design approach comprising gable features, bay windows, canopy overhangs, of varied designs. Each dwelling will be provided with a moderate rear garden which will provide provision of cycle and refuse storage. 60No. parking spaces are proposed. This provides 2no. allocated parking spaces per dwelling, along with 4no. visitor parking spaces, which includes two visitor parking spaces adjacent to the LEAP.
- 1.8 The proposal is supported by a detailed Tree Report and associated Tree Survey and Tree Implications plans in respect of the removal and retention of the existing trees. A

Landscape Maintenance and Management Plan is included in relation to the proposed formal and informal public open space and LEAP. Swept path analysis is provided, alongside updated ecology information including an updated walkover survey and bat roost potential tree report in addition to the standard plans and information required.

2. Main Issues

2.1 The main issues for consideration are:

- Design, layout, scale and landscaping
- Impact on Trees
- Ecology
- Residential Amenity
- Highway issues

Assessment

Principle

2.2 The principle of residential development has already been accepted under the outline planning permission DOV/16/01328. This considered and addressed the open space designation through Policy DM25 and the A2 safeguarding designation through Saved Policy TR4. It is important to note that under the outline permission, the principle of 28 dwellings and the access, including the associated impacts on matters such as traffic and infrastructure have been accepted. Therefore, this application does not re-visit the principle of housing on the site, the access or impacts on the highway network, but can consider whether the detailed layout, scale, landscaping and design, and the details submitted in respect of conditions 6 and 13 are acceptable.

Design, Layout, Scale and Landscaping

2.3 The application site is a triangular parcel of land which contains trees and vegetation. The site is bounded by residential development to the north and east, with the A2 located to the south, with part of the eastern boundary adjoining an open field across which part of the Dover Fastrack route is being constructed. The site provides landscape/tree screening and buffer between existing built development and the A2 which is considered to form the main visual contribution the site provides to the locality in this urban edge location.

2.4 Paragraph 130 of the NPPF sets out that planning decisions should ensure that developments establish or maintain a strong sense of place and development should be visually attractive as a result of good architecture, layout and effective landscaping and be sympathetic to local character and history, including the surrounding built and landscape setting. Draft Policy PM1 sets out that development must achieve a high quality of design, that respects and enhances character and incorporates understanding of the context of the area.

Layout

2.5 The proposal reflects the layout of the illustrative site plan approved at outline stage. The proposed L shaped arrangement and layout of built development set back from the southern boundary and adjacent A2 with informal and formal public open space provision to the south is considered to respond well to the shape and characteristics of

the site and surrounding area. The location of the dwellings provides sufficient separation and allows for the predominant retention of the existing mature trees at and adjacent to the sites boundaries. The proposal provides a focal point and landscape feature through the provision of formal and informal public open space and landscaping to the south, to which the dwellings are proposed to overlook and frame.

- 2.6 The set back of built development from the southern boundary and A2 and provision of this focal point and landscape feature allows for the retention of existing trees and provision of a large degree of soft landscaping and tree planting to the south of the site. This will limit the visibility and prominence of the development from the A2 and maintains a tree and landscape screening and buffer which will soften the developments relationship with the A2 and reflect the existing tree buffer to a degree, alongside forming a positive feature of the proposed development.
- 2.7 The development will provide a comprehensive cul-de-sac arrangement and layout which will reflect similar cul-de-sacs in the vicinity and is therefore in keeping with the local area. The dwellings are set within regular, moderate plots with frontage parking which are considered to comfortably accommodate the proposed dwellings and suitably reflect the surrounding pattern of development, particularly that of Courtland Avenue and Newlands to the east. A continuous footpath will be provided to the north of the proposed access road which will provide suitable pedestrian connectivity within the site and to the surrounding area.
- 2.8 The affordable housing will be provided to the latter four units to each row of dwellings. This will disperse the affordable housing throughout the site to a degree which is considered to form an acceptable arrangement which is commensurate with the number of dwellings proposed.
- 2.9 Overall, the layout is considered to be of a suitably high standard and appropriate for the sites setting and context, whilst broadly conforming with the illustrative plan approved at outline stage.

Trees and Landscaping

- 2.10 The site contains a large degree of trees and overgrown vegetation cover and the immediate area is subject to Tree Preservation Order (No. 8 1981 and No. 4 2017, with the 2017 order forming a reproduced TPO of the 1981 order to take account of the current situation). This relates to the group of trees adjacent to the northern boundary of the site within adjacent neighbours rear gardens, including 2no. trees within the application site, and the woodland to the east of the site, which predominantly falls outside the boundary of the application site and forms an established woodland bank between the site and Newlands to the east.
- 2.11 The application involves the removal of 119 trees to facilitate the development and for tree management purposes and proposes a range of hard and soft landscaping measures and planting. The proposal also seeks consideration of condition 13 which relates to the existing trees on site and requires a survey of the existing trees, hedges and other areas of significant vegetation and details of those to be removed, retained and works proposed, among other considerations.
- 2.12 In respect of the existing trees, the application is supported by a detailed tree report, an existing tree and hedge survey and tree and hedge implication plans. The tree report breaks down the existing trees on site into areas of similar composition and characteristics. This provides a total of 18 areas classified as areas A-U. The report provides a summary of the characteristics of each classified area. This sets out that the

trees to the centre of the site are predominantly poor-quality young/early mature trees of lower density than those at/adjacent to the sites boundaries. The trees of the greatest quality are the TPO trees located in area C, within the rear gardens of properties fronting Archers Court Road, adjacent to the northern western boundary of the site. The TPO woodland to the east, which predominantly falls outside the boundary of the site is stated to be subject to limited management and crowding, but is recognised to be an important landscape feature in the locality. The 18 areas of trees of similar characteristics are included in Figure 2 below:

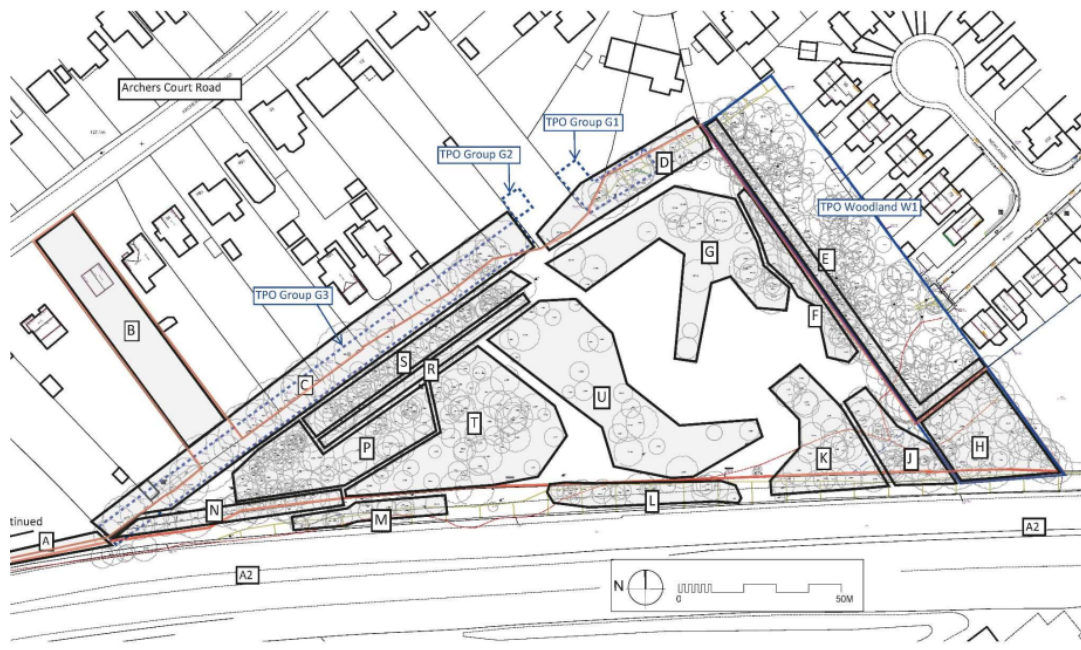


Figure 2: Areas of similar tree characteristics detailed within the submitted tree report

- 2.13 The majority of trees proposed to be removed are located within the centre of the site which are largely poor quality, young/early mature trees. The application proposes the retention of all category A and B trees which are located towards the sites boundaries and offsite. Of the trees proposed for removal, 35% are category C trees to accommodate the proposed development. All category U trees on site are proposed to be removed. This includes 36no. category U trees from the edge of the TPO'd woodland. The tree report sets out that this removal at the edge of the woodland should improve this element of the woodland by providing relief from crowding to retained trees and tree works to enhance retained category B and C trees. In terms of hedges, all category C hedges are proposed to be retained and the category U hedge is proposed for removal.
- 2.14 The submitted tree information, survey and implication plan and landscaping proposals are considered to provide comprehensive detail to inform the application and support the proposal which addresses condition 13 of the outline consent. The approach to tree removal and retention, which will predominantly involve the removal of category U trees and some category C trees, predominantly to the centre of the site, where they are lesser quality, and less visible from the surrounding public realm, is considered to be appropriate. The scheme proposes the retention of the best quality trees and those of the greatest public amenity value, including the retention of trees of sufficient quality within the central formal and informal public open space and at the boundaries of the site. These retained trees are considered to be located in suitable locations and provided with sufficient separation distance to the proposed built development to avoid conflicting pressures and aid their retention and longevity. The tree officer has reviewed the proposal and has raised no objection to the proposed approach and tree works, provided

a full arboricultural method statement is conditioned to demonstrate how the retained trees will be protected and details of works within the root protection area, which will be secured by condition.

2.15 In respect of proposed hard and soft landscaping, the application is supported landscaping plans which details the location and type of hard and soft landscaping and tree and planting. The scheme proposes a high degree of soft landscaping, particularly to the south of the site where the informal and formal public open space shall be located and at the sites boundaries. This includes a large degree of tree and vegetation planting of varied types and species, together with existing retained trees. The hardsurfacing comprises a variety of hard surfaced materials including different types of block paving, sett and slab paving, resin bound gravel and asphalt to sections of the access road. The frontage parking is proposed to be broken up with a degree of soft landscaping. The proposed hard and soft landscaping plans are included within Figures 3 and 4 below.



Figure 3: Landscaping Proposal 1 of 2

remaining boundary treatments are considered to form appropriate and typical treatments.

2.18 The development is supported by a landscaping maintenance and management plan with respect to the landscaping and formal and informal public open space in accordance with the provision of maintenance and management secured through the s106 agreement through the outline consent. This provides detail of the areas of informal and formal public open space to be maintained by the management company and the associated maintenance schedule. This is considered to provide sufficient detail and maintenance and management provision and shall be secured by condition.

2.19 Overall, the proposed approach to the removal, retention and works to the existing trees and proposed hard and soft landscaping is considered to be suitable and appropriate for the sites characteristics and location.

Appearance and Scale

2.20 The scheme has been amended through the course of the application and the design revised and height of the units reduced. The revised proposal proposes the erection of two storey semi-detached and detached dwellings of varied designs, with regular features and material finishes. The dwellings will all be set under a fully hipped roof or part hipped, part crown roof, and will incorporate design features such as bay windows, gable projections and porches. The proposed material palette includes white render, black painted timber weatherboarding, brick, Kent peg style hanging tiles and Kent peg style roof tiles. The proposed street scene plans are provided at Figure 5 and 6 below.



Figure 5: Proposed South Street Scene



Figure 6: Proposed West Street Scene

2.21 The surrounding area is characterised by two storey detached and semi detached properties, of varied, largely traditional designs. Dwellings fronting Archers Court Road are larger in scale and footprint and dwellings to Newlands to the east comprise a more moderate footprint and scale. The proposed dwellings fall in between the size and

footprint of these dwellings types, and will be more akin to dwellings to Newlands to the east. The dwellings have been reduced in height and will not exceed two storeys, with no fenestration provided within the roofslope to the front elevation, which will correspond and accord with the maximum two storey height of surrounding dwellings. Through this the development is considered to be compatible with the scale, height and footprint of the local built environment.

- 2.22 The development is considered to be comfortably accommodated in the street scene, with the hipped formation of the roofs providing separation between units at roof level. Whilst the proposal includes an element of crown roofs, these are not considered to be disproportional and will have limited prominence and apparency from the public realm. The dwellings will comprise a range of similar forms and designs which incorporate bay window, gable and porch features. These similar, varied forms and features, together with the use of materials within a cohesive material palette across the scheme will provide a varied but coherent design approach with sufficient visual interest and detailing. Through this the development is considered to form a good quality design and appearance which complements the surrounding built environment. In order to safeguard this, it is considered appropriate to remove some permitted development rights, particularly in relation to roof development.

Residential Amenity

- 2.23 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. 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.
- 2.24 The dwellings will be provided with considerable separation distance to their surrounding adjacent neighbours. The nearest adjacent properties to the northern row of dwellings proposed are the backland dwellings to the rear of development fronting Archers Court Road, which will be provided with approximately 30m separation distance to the proposed dwellings, with approximately 70m separation distance to the dwellings fronting Archers Court Road. An approximately 53m separation distance will be provided to the dwellings fronting Newlands and 28m to the nearest dwelling on Courtland Avenue from the eastern row of dwellings. The retained trees along these boundaries will also provide screening between the development and the adjacent neighbours. Given these separation distances and the relationship with the adjacent neighbours, the proposed development is not considered to result in harm to the residential amenity of adjacent neighbours.
- 2.25 The access road will be positioned between 12 and 14A Archers Court Road. A 2m high acoustic fence will be provided to each side of this access. Given the provision of this acoustic fencing, the proposal is not considered to result in undue harm to the residential amenities of these adjacent neighbours with regards to the noise, disturbance and activity associated with the vehicular movements of the access serving this moderate development. Environmental Health have raised no concerns in this regard.
- 2.26 In terms of the living conditions of the future occupiers, the proposed layout is considered to provide sufficient privacy, outlook and daylight to the proposed dwellings. The proposed units comprise a comfortable internal layout which, whilst not formally adopted, would meet or exceed the applicable Nationally Described Space Standards, whilst the dwellings would be provided with suitably positioned windows to provide sufficient light, daylight and ventilation to primary habitable rooms. Each unit will be provided with a moderate private rear garden which will accommodate sufficient refuse

storage and secure cycle storage for each unit. The rear gardens of each dwelling are independently accessible via a shared access to the street with gated access to each garden which will allow refuse bins to be transported to their collection point for refuse vehicles.

- 2.27 A 4m high acoustic fence will be provided along the southern boundary of the site, adjacent to the A2 as secured within condition 23 of the outline consent, together with the provision of 3.5 acoustic fencing to the side boundaries of Units 1 and 28. The provision of the acoustic fencing shall mitigate the noise and disturbance generated by the adjacent A2 in order to provide an acceptable standard of amenity for the future occupiers of the proposed development in this regard.
- 2.28 Overall, the proposed development is considered to provide a good standard of amenity for existing adjacent neighbours and the future occupants, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.29 Policy DM13 relates to parking provision and sets out that provision for residential development should be informed by the applicable guidance within the table of residential parking. Draft Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3.
- 2.30 The main access for the scheme onto Archers Court Road was approved under the outline and conditioned accordingly. This reserved matters application is consistent with this approved access and the relevant condition relating to the provision of the access and its visibility splays remains applicable. The impact of the proposal on associated and additional vehicular movements and parking demand in the locality was fully considered and found to be acceptable under the outline, which remains applicable for this scheme.
- 2.31 The proposed internal road is designed to adoptable standard and will be provided with a T junction/turning head at the end of the road, with adjacent parking provision. A continuous footpath will be provided along the northern side of the internal road. Vehicular tracking has been provided for a refuse freight vehicle, pumping appliance vehicle and estate cars. These tracking plans demonstrate that the internal road can suitably accommodate these applicable vehicle manoeuvres. KCC Highways have reviewed the proposal and have raised no objections or concerns in relation to the configuration of the internal road, footway and parking arrangement.
- 2.32 In terms of parking provision, each individual unit shall be provided with 2 allocated spaces to the front or in close proximity to the relevant dwelling. This parking provision exceeds typical parking standards for a suburban location. 4no. visitor parking spaces are proposed. This falls slightly below the 5.6 spaces required by the applicable parking standards detailed in Policy DM13. However, given the scheme proposes an overprovision of allocated parking, this slight reduction in visitor parking provision is considered, on balance, to be acceptable in this instance.
- 2.33 Each dwelling is proposed to be provided with a secure cycle store to the end of the rear garden which will provide sufficient cycle storage provision for each dwelling, which is independently accessible via a gated shared access to each rear garden.
- 2.34 KCC Highways have reviewed the proposal and raised no objections, subject to provision and retention of electric vehicle charging facilities and cycle parking facilities prior to the first use of the site being conditioned, which will be secured. Overall, the

proposed reserved matters scheme is considered to provide sufficient highway and footway provision and configuration and allocated and visitor parking and cycle parking provision which is acceptable in terms of highway safety and highway amenity, in accordance with Policy DM13, Draft Policy TI3 and the NPPF.

Ecology

- 2.35 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The outline application was supported by reptile, bat and dormouse surveys undertaken in 2016 which were reviewed by the Council's Ecologist and found to be acceptable through the outline consent. The resubmitted outline application (reference DOV/22/00205, which has not yet been determined) was supported by an updated Preliminary Ecological Appraisal and surveys for roosting bats, foraging and commuting bats carried out in 2020/2021. Whilst this information has not been submitted with this reserved matters application, the Natural Environment Officer has had regard to it when reviewing this proposal. This application is supported by updated ecological information in the form of an updated walkover survey and bat roost potential survey to inform the application given the time that has passed since the initial surveys were carried out.
- 2.36 The 2016 reptile survey found no evidence of reptiles, and the updated walkover survey sets out that due to an increase in vegetation cover and shade, there is a decreased likelihood for reptiles to be present and does not recommend further reptile surveys. In terms of bat roosting potential, three trees with specific roost potential are impacted by the planned works and the survey recommends approaches to the felling of these trees, in addition to trees which have ivy cover. In relation to badgers the updated information confirms the presence of an outlier badger sett and provides recommended precautionary measures.
- 2.37 The Natural Environment Officer has confirmed that the proposal has been supported by sufficient information regarding the potential for ecological impacts to arise as a result of the proposed development. It is further confirmed that the proposed approaches to mitigation and avoidance of impacts are appropriate and achievable. Notwithstanding this, the Natural Environment Officer has raised concerns that whilst the content of condition 6 of the outline consent seeks to secure a scheme of biodiversity enhancement and protection, this is required prior to the commencement of above ground works, and as such, does not wholly prevent the clearance of habitats without oversight/approval of mitigation measures. For these reasons it is recommended that a pre-commencement biodiversity method statement condition is secured for the mitigation measures required during site clearance and construction. A condition to this effect is included. Details of external lighting have not been provided at this stage however it is considered that this can be adequately captured by a relevant condition requiring a lighting design strategy for biodiversity to be submitted and approved, which is recommended.
- 2.38 The application seeks the partial discharge of condition 6, in relation to the proposed biodiversity enhancement scheme. The condition required a biodiversity scheme to be submitted and approved which included provision of a wildlife pond, use of native planting, use of bat and bird boxes and other enhancement measures identified in the Phase 1 Habitats Survey and Species Surveys. The proposal incorporates a wildlife pond, native species planting within the formal and informal public open spaces and provision of bat and bird boxes and other enhancement measures which are largely considered to be suitable. The Natural Environment Officer, however, has raised concerns that the scheme proposes bat and bird boxes to be installed on retained trees within the woodland only and does not incorporate integrated bat and bird boxes into the proposed buildings which would enhance the development and are likely to be more

durable. To address this, it is recommended that provision of integrated bat and bird boxes/bricks are secured by condition. In addition, a further condition relating to the provision of hedgehog gaps within fencing is recommended.

- 2.39 It is therefore considered, that, subject to the recommended conditions, including the pre-commencement biodiversity method statement condition to secure mitigation measures required during site clearance/construction, the proposal is considered to have an acceptable impact upon ecology and biodiversity.

Public Right of Way (PROW)

- 2.40 The Public Right of Way ER54 runs across the southern part of the site connecting to the underpass on Whitfield Roundabout with Archers Court Road and continuing through the field towards the A258. The location of the PROW on the submitted proposed layout plan does not accord with the definitive line of the PROW. The proposal intends to retain the PROW connection through the site and incorporate it into the proposed layout, albeit in a different location than the definitive line and the applicant has confirmed their intention to formally divert the PROW to resolve this matter. The outline consent included a condition which states that no development shall commence above ground until details of the existing and proposed route of the PROW are submitted and approved by the Local Planning Authority, and no development shall take place over the PROW until details of the confirmation of its diversion or extinguishment have been obtained and submitted to the LPA.
- 2.41 KCC PROW have objected to this reserved matters application on the basis that the development partially obstructs the definitive line of the footpath. It is further stated that if the LPA are minded to approve the application, a condition is requested that no development should take place over the PROW until the confirmation of its diversion or extinguishment. An appropriate condition to this effect has been included within the outline consent which is considered to sufficiently address this matter. The proposal will maintain the PROW footpath connection through the site in a slightly revised location, which will maintain the connectivity of the site and is supported.

Drainage

- 2.42 The application site lies within Flood Zone 1, where there is the lowest risk of flooding, upon a principal aquifer and within Groundwater Source Protection Zone 2 & 3. The outline consent was supported by a Flood Risk Assessment and Surface Water Drainage Strategy. This FRA demonstrated that the proposal would be safe in terms of flood risk and will not increase the flood risk elsewhere. The proposed Surface Water Drainage Strategy proposed infiltration drainage to deal with all surface water and run-off by infiltration into the subsoil through soakaways, porous paving, rainwater harvesting and an attenuation pond. This surface water strategy was considered to be acceptable in principle, and condition 9 of the outline consent requires the technical details of the drainage scheme to be submitted and approved prior to commencement.
- 2.43 The reserved matters scheme continues the approved surface water drainage design, incorporating an attenuation pond, SUDs wetland grassland, and the proposed block paving will be conditioned to be permeable to secure this. As such, the proposed reserved matters details are considered to be compatible with the surface water drainage strategy approved at outline and secured through condition 9. No further details of drainage have been provided with this reserved matters. KCC LLFA have raised no objection to the proposal and advise that the technical design details will be addressed through condition 9.

- 2.44 In respect of foul drainage, condition 10 of the outline consent restricts the occupation of the dwelling until the relevant phase of Southern Waters planned capital works for Whitfield for improvements to the foul sewerage network and its capacity have been completed. Southern Water have confirmed they have no objection to the proposed reserved matters scheme and have confirmed that Southern Water can facilitate foul sewerage disposal to service the proposed development. A formal application for a new connection to the public foul sewer is required to be made by the applicant or developer. On the basis of Southern Waters comment, and the relevant condition, the impact of the development in respect of foul drainage is considered to be acceptable.

Other Matters

- 2.45 In terms of housing mix, the proposed provision of 9 x 3 bed and 11 x 4 bed market units and 4 x 2 bed, 2 x 3 bed and 2 x 4 bed affordable units is considered to sufficiently accord with the requirements of the most up to date SHMA, as required through Draft Policy H1.
- 2.46 The applicable financial contributions towards infrastructure provision and the SPA contribution, together with the responsibilities for the management and maintenance of the public open space provided on site have been secured through the s106 agreement at outline stage. This application includes a Landscape Management and Maintenance Plan as required by the s106 agreement which is considered to be acceptable and shall be secured by condition accordingly.

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 and reflect the illustrative masterplan of the outline consent. These details demonstrate 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 therefore 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 RESERVED MATTERS BE GRANTED, subject to conditions:

1. Approved plans and details
2. Samples of materials
3. Fenestration within reveals
4. Removal of some PD rights
5. Biodiversity mitigation strategy prior to clearance works
6. Lighting design strategy for biodiversity
7. Provision of hedgehog gaps within fencing
8. Proposed biodiversity enhancement measures secured
9. Provision of integrated bat and bird features to dwellings
10. Arboricultural method statement and tree protection measures
11. Works to trees to accord with approved details
12. Soft landscaping provided and maintained in accordance with details
13. Hard surfacing provided and maintained in accordance with details

14. Formal and informal public open space and play area provided and maintained in accordance with landscape maintenance and management plan.
15. Acoustic fencing provided and maintained in accordance with details
16. EV charging facilities
17. Permeable paving

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

Jenny Suttle

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).