

- a) **DOV/21/00075 - Outline application for the erection of up to 38 dwellings and formation of access road (with all matters reserved except access) (existing dwelling to be demolished) - 74 and Land rear of Archers Court Road, Whitfield**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Addendum to Committee Report of 14 September 2023**

Introduction

- 1.1 This application was presented to Planning Committee on 14th September 2023 when it was recommended that planning permission be granted. A copy of the committee report included within the published agenda is included at Appendix 1 and a copy of the Minutes of the meeting are included at Appendix 2.

- 1.2 At the meeting, members resolved to Refuse the application, on the grounds that:

“the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Masterplan Supplementary Planning Document 2011 and point (i) of SAP of the emerging Local Plan”.

Powers were delegated to the Head of Planning and Development to finalise the wording of the grounds of refusal, in consultation with the Chairman of the Planning Committee and Ward Members.

- 1.3 Following the Planning Committee meeting, a comment was received from the applicant (set out below) which, amongst other things, questioned the ability to gain an alternative access through the neighbouring site, albeit in a subsequent letter from the neighbouring developer rebuts this (also set out below).
- 1.4 The resolution to refuse planning permission was contrary to the officer’s advice and was not supported by the highway authorities. As such, prior to finalising the reason for refusal and issuing a formal decision, officers approached a consultant who specialises in transport related matters for an independent review of the resolution to understand the defensibility of the resolution.
- 1.5 This addendum will provide an update regarding additional information submitted and the officer response to this information.

Additional Comments Submitted

- 1.6 Following the Planning Committee meeting, the following representations were received (summarised, full copies of these representations are available on the planning file)
- 1.7 The applicant’s agent wrote to the case officer on 11th October 2023. He advised that, contrary to comments made during the committee meeting, that neither he nor his client had been approached by the neighbouring developers to provide an alternative means of access to the application site. The agent also

commented that the application for the adjoining land was submitted some six months before the application for his parcel of land and made no provision for any future access point. The neighbouring site is now at an advancing stage of development and as a result the only viable access now is onto Archers Court Road.

- 1.8 On 6th December 2023 a representative of Halsbury Homes (who secured outline planning permission and several Reserved Matters approvals for Phase 1 of the Whitfield Urban Expansion) also wrote to the case officer. In the e-mail, the representative questions why the formal decision had not been issued. The representative also rebuts the applicant's contention that Halsbury would not provide access via Richmond Way and direct access off Archers Court Road was the only way for the site to come forward. Halsbury Homes advises that this is not true. They also state that "*The Light Hill Masterplan makes provision for access to the site and Halsbury has never said that it would not allow access and indeed having incurred the cost of the road it would make no sense not to allow its use, subject to usual commercial terms being agreed*". They advise that they would be happy to speak to the applicant and end by stating that they consider that Planning Committee made the correct resolution.
- 1.9 Whilst these comments are provided for completeness and to ensure that members are aware of the different views of the applicants for this site and the neighbouring site, it is not considered that the ability or otherwise of the applicant to access neighbouring land is determinative. This application should be assessed on its planning merits, i.e. whether the development proposed is acceptable in planning terms.

Additional Information

- 1.10 The resolution of the Planning Committee was to refuse the application. Whilst the precise wording was to be deferred to the Head of Planning and Development, the minutes note cites the reason for refusal as being:
- "the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Masterplan Supplementary Planning Document 2011 and point (i) of SAP of the emerging Local Plan".
- 1.11 Where an application is refused, the applicant has a right of appeal. Should such an appeal be submitted, the Local Planning Authority (LPA) would be required to present evidence to demonstrate that it was correct to refuse the application. Given that the officer recommendation was to grant planning permission and the highways authorities had raised no objections to the application, officers approached a consultant to understand the likelihood of the LPA being able to defend the reason for refusal. Additionally, as officers had stated that, in their professional opinion, planning permission should be granted, it would be necessary to attain the services of an alternative officer who could defend the refusal.
- 1.12 A consultant at DHA, a well-respected multi-disciplinary consultancy based in Kent, were approached to provide an independent review of highway matters related to the case. A technical note (Appendix 3) was subsequently provided on 24th October 2023 for the consideration of officers.

- 1.13 There is no question that the proposed access onto Archers Court Road runs contrary to the access arrangements envisaged. Whilst the existing Core Strategy Policy, CP11, is silent on access from Archers Court Road, it does require applications to be preceded by, and consistent with, a masterplan for the whole site, whilst also seeking construction access arrangements which do not disrupt existing residents. The adopted SPD (referenced in CP11) seeks to restrict the 1,400 dwellings which comprise Light Hill (or Phase 1) access to Archers Court Road to only allow buses, cyclists and pedestrians. Policy SAP1 states that “there shall be no direct vehicle access from the development to Archers Court Road (other than for buses)”. Since the Local Plan is yet to be adopted and is the subject of outstanding objections, the policy carries limited weight.
- 1.14 The planning application was supported by a ‘Highways Statement’ which considered the existing site context (including local crash records), accessibility to local services and facilities, connectivity by non-car modes, the proposed site access and layout, and vehicular trip generation and off-site highway impacts. Following this, and in response to concerns raised by officers and the highway authorities, three Transport Technical Notes were provided by the applicant which provided additional information, survey data and commentary.
- 1.15 The Highways Statement used the national TRICS trip rate database to forecast trip generation from the development, amounting to 21 two-way AM peak movements and 19 two-way PM peak movements. The council’s consultant, in agreement with KCC, consider that these estimates are robust.
- 1.16 Evidence was submitted to demonstrate how these vehicles would be distributed onto the network and how this distribution would impact upon junctions, in particular at the Sandwich Road / Archers Court Road and Whitfield Roundabout junctions. These assessments indicated that both junctions would operate within their design capacity in the horizon year of 2028 (originally 2027 in earlier evidence) with the proposed development and background traffic growth in place. Whilst National Highways noted that there were “a number of deficiencies in the junction capacity assessment methodology presented”, given the additional number of trips generated by the development on any one arm of the Whitfield Roundabout “there would not be a significant impact on the operation or safety of the Strategic Road Network”. National Highways withdrew their objection. Likewise, KCC advised that the development would not cause a severe impact on Whitfield Roundabout but recommended that the development should contribute to the Local Plan Whitfield Roundabout mitigation scheme. The council’s consultant has commented that he does not accept the results of the Whitfield Roundabout assessment, as it is well-established that this junction already operates over its design capacity during the network peak periods” (as confirmed by National Highways in their consultation response of 30th June 2022). Concern is raised that the growth within Whitfield Phase 1 was not included, albeit this is mitigated against to a degree by alternative planning assumptions to avoid double counting of committed development.
- 1.17 A revised site access design and accompanying swept path analysis drawings, were provided to demonstrate that the access to the site would operate effectively and be safe.
- 1.18 As noted within the officer’s report to Planning Committee, Paragraph 115 (paragraph 111 at the time of the previous report) of the National Planning Policy Framework (NPPF) states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 1.19 The council’s consultant has noted that, in relation to highway safety, the Local Highway Authority is satisfied that safe and suitable access to the site can be achieved by all users and the access would meet Kent Design Guide requirements, albeit it would have been preferable for a Stage 1 safety audit to be carried out at the planning application stage (in addition to a Stage 1 and Stage 2 audit which would separately be required under highway legislation). Archers Court Road has a relatively good safety record, although Whitfield Roundabout has seen 34 Personal Injury Collisions between the beginning of 2015 and the end of 2019, the vast majority of which were rear-end shunt or side impact collisions. National Highways will be delivering a safety led scheme to improve lane discipline and roundabout legibility. On the basis of the evidence available, the council’s consultant agrees with National Highways and KCC that impact on highway safety should not be a reason for refusal.

- 1.20 Regarding whether the development would cause a ‘severe’ highway impact, the council’s consultant has confirmed that:

“there is currently no nationally accepted definition of the term ‘severe’ in highway capacity terms; however, appeal decisions and case law have confirmed that it should be considered a high bar for the refusal of planning applications and that mere congestion and inconvenience are not sufficient to trigger it”.

The consultant has cited three appeal decisions which grapple with how ‘severe’ should be applied (see paragraphs 1.3.8 to 1.3.10 of Appendix 3).

- 1.21 Notwithstanding that deficiencies have been identified; the council’s consultant considers that the impact of the proposed development would be significantly lower than that found to be acceptable by the Inspectors in the cases identified. Of note, the consultant states that the development would add:

“just one additional vehicle movement to Whitfield Roundabout every three-to-four minutes during the weekday AM and PM peak hours, which is well within daily traffic flow variation at the junction”.

There is an important distinction to be made here. The SPD and emerging plan necessarily have to consider the entirety of the development being proposed (i.e. the entire Whitfield allocation of at least 5,750 dwellings for the purposes of the adopted Core Strategy or in the region of 6,350 homes for the purpose of the emerging plan, or the entirety of Phase 1, 1,400 dwellings). The impacts of this scale of development would, of course, cause a severe impact on Archers Court Road if not managed and, as such, these documents contain safeguards to prevent such impacts (namely limiting access onto Archers court Road). What is before members is a discrete application for the only parcel of land within Phase 1 which was excluded from the Phase 1 planning permission (DOV/10/01010) and which fronts Archers Court Road. This application is for up to 38 dwellings. The magnitude of impact from this application is wholly different from the scale of development which the development plan is seeking to mitigate the impacts of. Moreover, there are no other parcels similar to this which would also seek access directly onto Archers Court Road. Each application must be assessed on its merits and the measurable impacts of this

development have been assessed (by KCC Highways, National Highways and now an independent highway professional) to be of a scale which would not warrant refusal of the application. The council's consultant confirms that the views of KCC and National Highways must be attributed considerable weight.

1.22 Whilst the highway authorities and the council's consultant have all concluded that the individual impacts of the development would not cause such harm that refusal on highway ground would be warranted, it is considered that the 'in-combination' impacts of the development with the rest of the development associated with the Whitfield Urban Expansion would impact on Whitfield Roundabout. To mitigate these 'in-combination' effects, the emerging plan and its evidence base advocate a mitigation scheme for the Whitfield Roundabout which will increase its capacity. As part of the local plan process, developers have been contacted to establish a likely housing trajectory (i.e. when development will take place). Based on this trajectory, the roundabout mitigation would be provided around 2028. This would increase the capacity of the roundabout to meet the needs of the entire Whitfield Urban Expansion allocation. There are currently three applications to be determined by the council which would contribute to the roundabout mitigation (this application, and two applications within the next phase of the allocation, DOV/23/00830 for between 225 and 300 dwellings and DOV/23/01458 for 445 dwellings). As this is an outline application, a further detailed reserved matters application would need to be prepared, submitted and approved before development could take place. The council's consultant is of the view that, in practice therefore, the development would not be occupied for the foreseeable future, by which time the roundabout mitigation scheme may be imminent.

1.23 The final comment from the council's consultant is that, in light of Department for Transport Circular 01/2022, a Travel Plan should be secured which seeks to achieve a meaningful uptake of non-car modes, in particular public transport and cycles, through free or heavily discounted travelcards or vouchers and information packs. Whilst this had not previously been recommended, it is considered that this would be reasonable and would meet the tests for conditions, whilst being consistent with what has been required on other approved development within the Whitfield Urban Expansion.

2. Conclusion

2.1 Planning Committee previously resolved to Refuse the application. However, given the advice the LPA has subsequently received in advance of issuing the decision, it was considered that it would be appropriate for the application to be brought back before Planning Committee.

2.2 Notwithstanding the conclusions reached in the original committee report, the independent advice received is that there are no other reasonable grounds for the LPA to pursue a highway safety or capacity reason for refusal of the planning application. Consequently, it is the view of officers that the resolution to refuse planning permission would be unlikely to succeed at appeal. Moreover, the LPA may be unable to identify a planning or highways consultant who could act on behalf of the council should the applicant appeal a refusal. Whilst the recommendation of officers is therefore that planning permission should be granted, should members maintain that planning permission should be refused, it is recommended that members identify what harm would result from the development accessing Archers Court Road and why this harm outweighs the benefits of the development. In doing so, members are advised to have regard

for how Inspectors have approached the threshold for refusing applications on highway grounds which is set out at paragraphs 1.3.8 to 1.3.10 of Appendix 3.

- 2.3 It is not considered that there have been any other material changes since the scheme was previously considered by planning committee which would alter the planning conclusions reached in any other respect, albeit it is noted that a revised NPPF has been published which alters the housing land supply requirement (paragraphs 77 and 226 require a demonstrable 4 year housing land supply, as opposed to five year supply given the councils position regarding our emerging plan).

d) **Recommendation**

- I PERMISSION BE GRANTED subject to a S106 to secure the required contributions and conditions to include: -
- (1) Reserved matters details
 - (2) Outline time limits
 - (3) Approved plans
 - (4) Existing the proposed site levels and building heights
 - (6) Biodiversity Method Statement, including biodiversity mitigation and enhancement
 - (7) Construction Management Plan
 - (8) Highway conditions (provision of the access, vehicle parking, bicycle parking, visibility splays, turning facilities and details of the construction of roads)
 - (9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the S106)
 - (10) Landscaping details and maintenance of green spaces
 - (11) Protection of Trees and Hedges
 - (12) Hard landscaping works and boundary details/enclosures
 - (13) Full details of surface water drainage, with no other infiltration on site other than that approved
 - (14) Programme of archaeological works
 - (15) Broadband connection
 - (16) Samples of materials
 - (17) Full details of windows and doors, including the depth of reveals
 - (18) Details of refuse and recycling facilities
 - (19) No flues, vents, grilles or meter boxes
 - (20) Noise Impact Assessment
 - (21) Travel Plan
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

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).

Appendix 1 – Committee Report of 14 September 2023

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Reason for report: Due to the number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1, CP3, CP4, CP6, CP11, DM1, DM5, DM11, DM13, DM15 and DM16.

Land Allocations Local Plan

- DM27

Whitfield SPD Masterplan

Draft Dover District Local Plan to 2040

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

- SP1; SP2; SP3; SP4; SP5; SP11; SP13; SP14; SAP1; CC1; CC2; CC4; CC5; CC6; CC8; PM1; PM2; PM3; PM4; PM6; H1; TI1; TI2; TI3; NE1; NE2; NE3; NE4; and HE3

National Planning Policy Framework (NPPF)

- Paragraphs 8, 11 and 12, and Chapters 5, 8, 9, 11, 12, 14 and 15

The Kent Design Guide and National Design Guide

- These guides provide criteria and advice on providing well designed development.

- d) **Relevant Planning History**

None

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

National Highways – No objection, subject to a condition requiring the submission and approval of the construction management plan. Whilst I holding objection was initially provided, this was removed following the submission of further information regarding the capacity of junctions on the strategic road network.

KCC Highways – No objection, subject to a contribution towards the improvement of Whitfield Roundabout and conditions relating to the provision of the access and visibility splays and a Construction Management Plan. The applicant has considered the cumulative impacts of the development on the capacity of junctions. Whitfield roundabout experiences long standing issues that has led to Dover District Council and National Highways plans for signalisation of the roundabout as part of the highways infrastructure improvements for the Whitfield Urban Extension (WUE). The proposal forms part of the Dover Local Plan allocations, whereby it is considered that the development should be considered cumulatively with the LP growth as outlined in the Infrastructure Delivery Plan. This outlines that applications for all new schemes in the locality should make a proportionate contribution to the works. It is reasonable to assume that while not having a 'severe' impact, the proposed development will impact on the Whitfield roundabout. The IDP suggests a contribution per dwelling for the Whitfield and Duke of York roundabout local plan mitigation schemes. Therefore, I suggest a contribution, secured by way of a S106 Agreement, of £1,500 per dwelling towards the Whitfield and Duke of York roundabout mitigation schemes.

KCC PROW – No comments.

KCC Economic Development – contributions are requested for primary education, secondary education, community learning, youth services, library book stock, social care and waste.

KCC Archaeology – No response received

DDC Housing Development Manager – There is a need and demand for all types of affordable housing across the district, including Whitfield. In relation to shared ownership, the preference is for 2 bedroom houses as these have the greatest demand and are most affordable for first time buyers. For affordable rented, all property sizes are required, but a mix of unit sizes is preferable, to better meet the needs of a range of households. 30% (11 units) affordable housing should be secured.

DDC Environmental Health – No objections raised, but recommend that a condition be attached to any grant of permission requiring that a noise impact assessment be provided prior to the commencement of the development.

DDC Planning Policy – Contributions will be required for accessible greenspace (£3,871.48), children's equipped play space (£16,205.56), allotments/community gardens (£75.66), natural grass pitches (£13,763), artificial grass pitches (£2,438), sports halls (£8,075) and swimming pools (£8,879)

Kent Police – Make a series of recommendations which would allow the development to meet Secure by design.

KCC LLFA – Raise no objections. The development would utilise infiltration devices through a combination of permeable pavement systems and a basin. The report does state that infiltration testing has not been undertaken at this and the design has been based upon a preliminary rate of infiltration of 2.5×10^{-5} . The underlying Upper Chalk geology is favourable for infiltration and a number of developments within this locale manage surface water through this way. Despite the underlying geology being favourable, it is our expectation that ground investigations including infiltration testing to be carried out prior to the Reserved Matters stage. Conditions are recommended relating to the provision of surface water drainage details at the reserved matters stage, the provision of surface water drainage infrastructure and a verification reports to demonstrate that such infrastructure has been installed.

Southern Water – Southern Water can provide foul sewerage disposal to the site. Surface water will be dealt with using SUDs. Should a sewer be found during development, works should cease to allow for an investigation (no sewer is shown on Southern Waters map).

Environment Agency – No comments.

Natural England – The LPA should consider whether the development would cause impacts on coastal SPA and Ramsar sites and undertake a appropriate assessment as necessary..

NHS – Request a contribution of approximately £33,552 (based on indicative occupancy) towards refurbishment, reconfiguration and extension of Buckland Medical Practice and/or High Street Surgery within Dover Town PCN.

Whitfield Parish Council – Object, citing the following concerns:

- Loss of amenity to existing properties (from the housing and the access).
- Additional development beyond the allocated housing should not be considered.
- The assessment of reserved matters is important and should be considered in public following public consultation.
- Trees and hedgerows should be protected.
- The proposed layout and design is not acceptable and two storey dwellings are out of character. Other developments in back land locations have been refused.
- There has not been an EIA for the development, meaning there is limited information with this application.
- There is insufficient infrastructure.
- Regard should be had for cumulative impacts with other developments.
- Access should be made from the Richmond Park development (Phase 1 of the WUE) and not from Archers Court Road.
- Increase traffic on Archers Court Road, the junction with Sandwich Road and Whitfield roundabout.
- There should be traffic calming measures on the road.
- The development will cause security concerns.
- Impacts on Ecology.
- Archaeology.

Public Representations – Twenty objections have been received to this application, raising the following summarised concerns (full comments are available on the public file):

- There is no need for housing
- There is too much housing in the area
- Loss of undeveloped land/space
- Impact on residential amenities of neighbours
- Impact on the local road network, including Whitfield roundabout
- The access won't be safe
- Lack of, and impact on, footpaths
- Development on the site has been refused previously (not included in site history due to age of applications (DO/84/00611))
- Inadequate sewerage/drainage
- Inadequate facilities and services

- Ecology
- Increased noise and pollution
- Loss of land for the grazing of horses
- The construction phase of this development (and cumulative impacts with other development in the area) will disrupt neighbours
- There aren't enough jobs to support extra people

In addition, one letter of support has been received, commenting on the proposed play area in the development.

f)

1. **The Site and the Proposal**

1.1 The site, which is around 1.1ha, is located to the east of the built-up area of Whitfield. The land falls from north west to south east, with a change in levels of around 6m in total. To the road frontage is 74 Archers Court Road, which has a reasonably long rear garden. The land then widens, extending behind the gardens of numbers 72, 74, 74a and 76. This area of land appears to have been last used for the keeping of horses and contains some outbuildings towards the north west of this land. The site is largely laid to grass, with some more substantial vegetation to its boundaries.

1.2 To its north west are existing properties on Archers Court Road (74 being demolished to facilitate the development). To its east is the area which has outline planning permission for the construction of up to 1,250 dwellings, with reserved matters having been approved for several sub-phases. Development is completed or underway on the areas which have received reserved matters approval. To the south west is the Newlands estate.

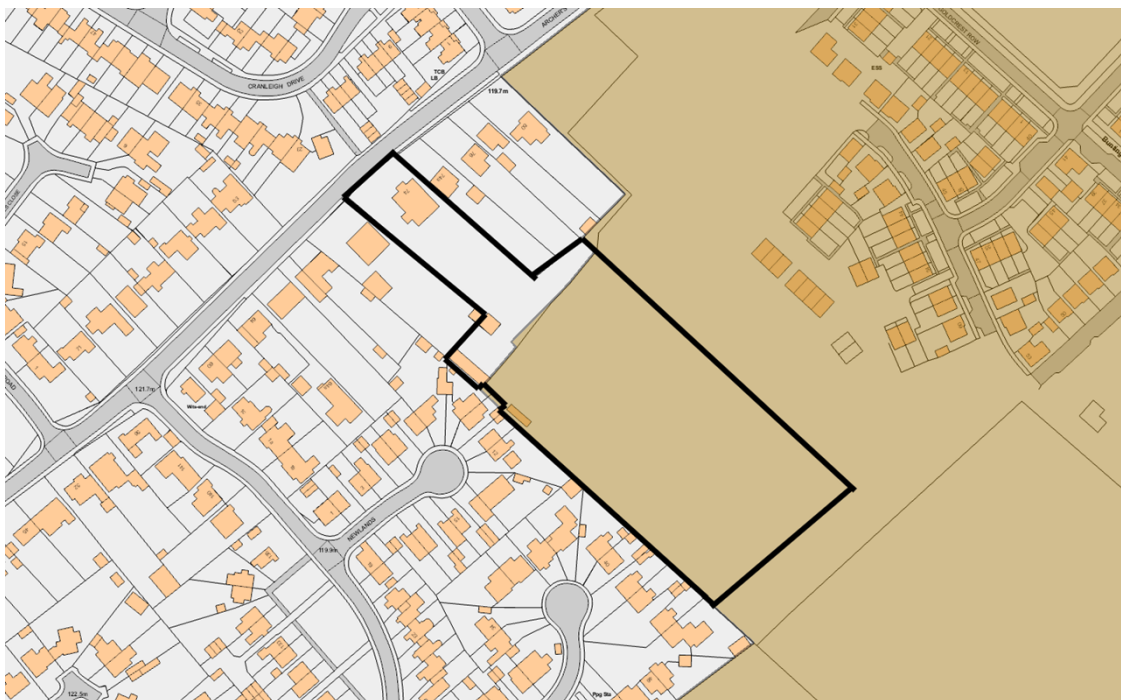


Figure 1: Location Plan, with extent of housing allocation indicated

1.3 This application seeks outline permission for the erection of up to 38 dwellings, following the demolition of the existing dwelling. All matters, other than access, are reserved. The proposed access would be taken from Archers Court Road, through the gap created by the demolition of 74. Indicative plans have been

submitted with the application which seeks to demonstrate how the quantum of development applied for could be achieved on site. An area of open space, to be used as a drainage feature is shown at the lowest point of the site, to the south east, with the remainder of the site providing areas for housing.



Figure 2: Extract from SPD Concept Masterplan

2. Main Issues

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on the landscape
- The impact on the highway network
- The impact on neighbouring properties
- Drainage and contamination
- Ecology

Assessment

Principle

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

Development Plan

- 2.3 The site is located within the settlement boundary of Whitfield and is within the existing site proposed for housing within the Core Strategy (Policy CP11). Within this allocated area, Policy CP11 supports the expansion of Whitfield for at least 5,750 dwellings, being the foremost housing allocation site within the district. The policy states that planning permission will be granted, subject to development meeting a series of nine criteria. The first of these is that the development should be preceded by a masterplan. Such a masterplan has been produced and has been formally adopted by the council. The second and third criteria require that the development is carried out in a way which does not prejudice the development of the whole allocation, which this application does not, and that the development is consistent with a phasing plan, with this application being within the first phase of the WUE which is already underway. The other criteria relate to specific considerations which will be addressed as appropriate within the body of this report, however, it is considered by officers that this application accords with policy CP1. It is considered that policy CP1 is broadly consistent with the NPPF, being a positively worded policy which seeks to facilitate the delivery of the housing needed in the district.
- 2.4 Policy DM1 is considered to be partially consistent with the aims of the Framework (including prioritising previously developed land, avoiding the loss of BMV agricultural land, making better use of under-utilised land and buildings, and recognising the intrinsic character and beauty of the countryside), however, it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy and is more restrictive than the NPPF which seeks to significantly boost the supply of homes.
- 2.5 The Core Strategy policies and the settlement confines referred to within those policies were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government's standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying Policy DM1 is considered out-of-date. As such, Policy DM1 should carry less than full weight.
- 2.6 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural

settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being within the settlement boundary, is also considered to accord with Policy DM11.

- 2.7 The aim of Policy DM11 to manage patterns of development to prioritise more sustainable modes of transport broadly reflects the aims of the NPPF. However, the blanket restriction within Policy DM11 against development outside of the settlement confines is again significantly more restrictive than the NPPF which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.8 Policy DM15 seeks to resist the loss of countryside, which is more stringent than the NPPF, and development that would adversely affect the character or appearance of the countryside, which is broadly consistent with the NPPF. The first strand of this policy (resisting the loss of countryside) is another example of the blanket restriction against development outside of the confines; however, the second strand is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than the more generic character and appearance. Whilst not considered to be out of date, Policy DM15 is considered to carry reduced weight. Given the location of this application site, adjacent to the existing settlement and within a extensive allocation, the proposal would not lead to the loss of countryside and it is not considered that it would adversely affect the character or appearance of the countryside.
- 2.9 Whilst Policy DM1, which is out-of-date, is of significance to all housing applications, and whilst there is some tension between policies DM11 and DM15 and the Framework, it is considered that policy CP11 is the most critical policy to the determination of this application. As such, it is concluded that the 'basket of policies' in the Core Strategy which are most important for determining applications are not out-of-date, albeit they do attract less than full weight (to differing degrees).

Tilted Balance

- 2.10 Notwithstanding the primacy of the development plan, Framework paragraph 11(d) states that where the policies which are most important for determining the application are out of date permission should be granted unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or (ii) specific policies in the Framework indicate that development should be restricted. As set out above, it is not considered that most important policies are out-of-date in this instance and so the tilted balance is not engaged for this reason.
- 2.11 Whilst the tilted balance is not engaged by reason of the most important policies for the site being out of date, it must also be considered whether the tilted balance is engaged by reason of the councils housing land supply or housing delivery positions. The council is able to demonstrate a housing land supply of 6.03 years and the council's Housing Delivery Test measurement is currently 88% and forecast to increase to 102% for the period 2019/20 – 2021/22. Consequently, the tilted balance is not engaged.

Draft Local Plan

- 2.12 Regard is had to the draft Local Plan, which sets out the Council's vision, strategic objectives and development strategy for the growth of the district over the period until 2040. The emerging plan is a material consideration to the assessment of this application, with its policies carrying weight depending on the extent to which there are unresolved objections to the policies and their degree of consistency to the Framework (NPPF para. 48). This includes planning for housing development based on a local housing need figure of 611 dwellings per annum (using the Government's standard method), with a distribution of those homes focussed on Dover town and Whitfield; at Deal and Sandwich, to an extent that reflects their environmental and highway constraints; and at Aylesham through a strategic size extension to that settlement.
- 2.13 Of particular note is draft policy SAP1 – Whitfield Urban Expansion. This policy seeks to roll forward the allocation for Whitfield, but slightly enlarges the allocation and increases the homes which could be provided to 6,350 (currently it's 5,750). The Policy does, however, include a significantly greater number of criteria which must be met, including the production of an updated masterplan.
- 2.14 The draft Local Plan currently carries some weight in decision making. However, in accordance with Framework paragraph 48, whilst it is considered that this policy accords with the NPPF, given there are objections to relevant spatial and housing allocation policies of the draft Local Plan that are unresolved ahead of examination, full weight cannot yet be afforded to its overall strategy of meeting the district's housing needs. However, it is concluded that the draft policy does carry some, albeit limited, weight at this stage. Notwithstanding this, the current application being considered is supported by the existing allocation in the Core Strategy and so is not reliant upon the emerging plan.

Character and Appearance

- 2.15 This application has been submitted in outline with all matters other than access reserved. As such detailed considerations such as the appearance, layout, landscaping and scale are not for consideration at this stage. That said, regard must be had for whether the site is capable of successfully accommodating 38 dwellings.

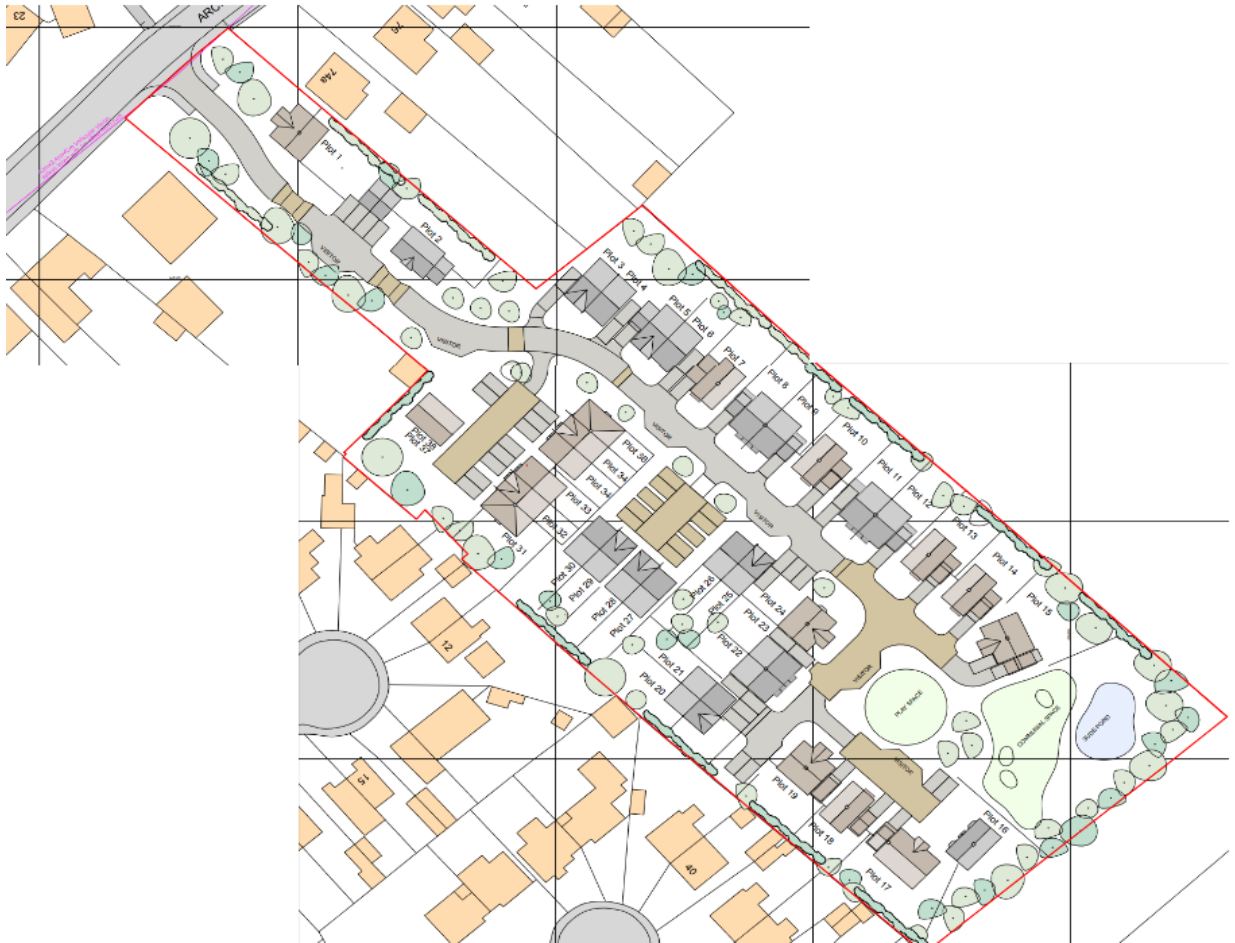


Figure 3: Indicative Layout

- 2.16 The existing area has a mixed character, with a mixture of single storey and two storey dwellings on Archers Court Road, typically of individual design, and a mixture of one, one and half and two storey dwellings of more consistent design in Newlands.
- 2.17 The proposed development would, at 38 dwellings, provide a density comparable to that of the adjacent Newlands development (both being around 27dph). That said, in agreement with the agent, the description of the development has been amended from referencing 38 dwellings to 'up to' 38 dwellings, allowing for a reduction in units at the reserved matters stage if an appropriate layout and design at a higher density cannot be successfully achieved. Policy CP4 advocates densities of 40 dph where possible, whilst advising that densities below 30dph will seldom be justified. Whilst the density of development falls short of the 30dph which is advocated by the Core Strategy, the net density would be closer to 30 dph given that part of the site is set aside from green space. Moreover, it is considered that the proposed density achieves a reasonable balance between the effective use of land and providing a character which responds to its context.
- 2.18 Public views of the site would be relatively limited. Principally, views would be taken from Archers Court Road where the existing dwelling is to be demolished. This dwelling would, indicatively, be replaced by a smaller dwelling and an access road. It has been demonstrated that a dwelling could be located such that it would align with other houses in the road and could be of a commensurate scale. The access road would alter the character of the site and its contribution

to the street scene; however, access roads serving spurs of development away from the road are not uncommon within Whitfield. Other views of the development would be between and over existing dwellings in Newlands, from where the dwellings would not appear overly prominent or obtrusive, being seen in the context of existing residential development. Finally, views would be gained from the land which was the subject of application DOV/10/01010. This land has outline planning permission for around 1,250 dwellings, with reserved matters having been approved for a significant proportion of this. These reserved matters approvals have included residential development up to the north eastern boundary of this site, where a landscape buffer with a drainage swale have been approved. It will be important that any detailed layout for this application site has regard for how it would relate to the approved development adjacent. At present, the dwellings are shown to be backing onto the boundary between the two sites. Whilst the vegetation along the boundary is shown to be retained, the retention of which would help to filter views, it is unclear whether this relationship would be successful. Any reserved matters application will need to be accompanied by detailed layout plans, elevation drawings and landscaping proposals to demonstrate how the layout has considered and successfully achieved an appropriate relationship with the adjoining development and how it would be experienced in views from the north, east and south.

- 2.19 Internally, the indicative layout is somewhat successful, particularly in relation to the dwellings along the access road and around the open space. The layout is more congested towards the centre of the site, with parking areas and rear boundaries being prominent in views. That said, it is considered that the indicative layout is of value in demonstrating how approximately 38 dwellings could be achieved, albeit it may be necessary to modestly reduce the number of units if the layout cannot be improved whilst delivering 38 units.



Figure 4: Indicative Street scene

- 2.20 Figure 4 above shows the indicative street scenes. At this stage, all matters other than access are reserved and so this image is included for information only. However it does suggest how up to 38 dwellings could be accommodated on the site, utilising two storey building heights and a mixture of detached and semi-detached house types. The indicative layout plan also shows the provision of some terraces of three dwellings, although these are not visible on the street scene chosen. The design of the dwellings, which again may vary from that indicatively shown, would response reasonably well to other housing within the Whitfield Urban Expansion and some of the dwellings along Archers Court Road

albeit, as set out earlier, there is no strong uniformity to the design of dwellings on the road.

- 2.30 To conclude, the development would be visible from Archers Court Road, along the proposed access road, but would otherwise be, to a greater or lesser extent, screened by existing development or vegetation. The proposed density would be comparable to that of housing in the surrounding area and the density of the approved development within the Whitfield Urban Expansion, whilst the indicative details demonstrate this density could be achieved within the site using a scale and form of development which would appropriately respond to the character of the area (save for potentially a minor reduction in the number of units). The indicative layout also establishes that the amount of development proposed could be proposed so as to retain existing vegetation to the peripheries of the site, which is necessary both to provide an appropriate level of softening to the site and for the intrinsic benefits of retaining vegetation. Overall, the visual impact of the development would cause some further urbanisation of the plot; however, this will have been considered at the time that the site was allocated for residential development and, in the view of officers, carries only very limited weight in the planning balance.
- 2.31 The site is a significant distance away from the closest Listed Building or Conservation Area such that no harm, whether substantial or less than substantial, would be caused.

Impact on Residential Amenity

- 2.32 To the north west of the site are houses along Archers Court Road. These dwellings typically have long rear gardens of around 60-70m. As such, the proposed dwellings would, for the most part be well separated from the dwellings in the proposed development. The exception would be any dwellings along the access road. The indicative details suggest that two dwellings would be located adjacent to the access, one in line with the neighbouring properties and one towards the rear of the existing residential garden. Whilst care would need to be taken when considering the detailed design of these dwellings to ensure that there would be no unreasonable overlooking, given the approximate locations of such dwellings, it is unlikely that a significant sense of enclosure, loss of light or overlooking would be caused, particularly as any dwelling towards the front of the site would replace an existing, larger dwelling.
- 2.33 To the south west of the site, are properties in Newlands. These properties have much shorter gardens of around 8m to 13m in depth, with some having gardens as little as around 3m from the boundary of the site (9 and 10 Newlands). Notwithstanding the close proximity of some dwellings to the site boundary, the indicative layout demonstrates that dwellings within the site could be set away from these boundaries, so as provide an appropriate separation between properties and avoid unacceptable levels of loss of light, sense of enclosure or overlooking.
- 2.34 To the north east and south east are areas which have permission (outline or outline and reserved matters approval). The proposed dwellings would, again, be set in from these boundaries to retain existing vegetation. Moreover, the approved development to the east of the site locates open space and drainage features close of the boundary of the site, with the approved dwellings being set well away from this boundary. As such, the reserved matters submission would be capable of avoid any unacceptable impacts on these dwellings.

- 2.35 Regard has been had for the potential noise impacts of the access road. The access would be set away from the boundaries of 72 and 74a, with vegetation either side of the road. A proposed dwelling is indicatively shown closer to the road. Whilst there is confidence that the road would be appropriately separated from existing and proposed dwellings to ensure that occupiers would not be subjected to unacceptable levels of noise, the Environmental Protection Team have recommended that a condition be attached to any grant of planning permission to require the submission of a noise impact assessment prior to the commencement of the development. Whilst the need for this is agreed, from a practical point of view, it is considered that the trigger point for the submission of these details should be brought forward to the submission of the reserved matters application, such that the impacts of noise (including the impact on any proposed dwelling(s) adjacent to the road) can be properly considered. This would allow for a more comprehensive assessment of noise, in combination with the potential impacts on hard and soft landscaping and ensure the provision of an optimum scheme overall.

Impact on the Local Highway Network and Movement

- 2.36 Whilst this application has been submitted in outline, access has not been reserved and so is to be considered as part of this application. Core Strategy Policy DM11, draft Local Plan Policy T11 and the NPPF seek (i) to locate travel generating development where there is opportunity for walking, cycling and use of public transport and (ii) for development to be designed to maximise such opportunities for sustainable travel. Specifically, the NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.37 Policy CP11 of the Core Strategy advises that an access and transport strategy for the Whitfield Urban expansion is developed which maximises walking, cycling and the use of public transport. The subsequently adopted Whitfield Urban Expansion SPD identifies the need for an improved bus route or Bus Rapid Transit system. Such a system is currently being constructed having received planning permission and funding. The SPD also identifies some of the limitations to the existing network, in particular the Whitfield and Duke of York roundabouts.
- 2.38 Policy SAP1 of the submission draft Local Plan requires that the development should provide suitable access to the A256 and A2, provide adoptable highways up to the boundaries of the site so as to not prejudice future phases and avoid direct access from Archers Court Road. Contributions towards the strategic road infrastructure should also be provided. It should be noted that, whilst carrying weight, this policy is yet to be adopted.
- 2.39 The development would produce around 20.7 two-way vehicle movements in the AM peak and around 18.7 in the PM peak. The vast majority of this traffic would travel to and from the junction with Sandwich Road. These trip rates have been reviewed and accepted by both KCC Highways and Highways England. The Infrastructure Delivery Plan, which identifies the infrastructure required to support the development within the Local Plan (which includes the current application site), sets out that development across much of the district will have an impact upon the Whitfield and Duke of York roundabouts. Strategic highway improvements are required at these locations as a result of the cumulative impacts of growth and consequently, developments which will contribute to the

need for improvements will need to pay proportionate contributions for the upgrades. The total cost for these improvements is £12m. The proportionate cost towards infrastructure works has been calculated by extrapolating trip data from the transport modelling carried out to inform the emerging plan. For developments in Whitfield the contribution per dwelling is indicatively £1500. The Infrastructure Delivery Schedule (IDS) confirms that all sites within certain zones (which includes Whitfield) will be expected to contribute towards the Local Plan mitigation. Subject to a proportionate contribution being secured, the development would not have an unacceptable impact on the wider road network. In reaching this conclusion, regard has been had for the cumulative impacts of this development with other committed development in the locality.

- 2.40 Plans have been submitted which demonstrate that the proposed access, which is for consideration at this stage and is shown to be approximately 5.5m in width with an 8m radii bell-mouth at the junction with Archers Court Road, would be of sufficient width to allow for a fire tender or refuse vehicle to access and exit the site. The geometry of the junction was amended during the course of the application following initial concerns raised by KCC Highways. The plans also demonstrate that visibility splays of 43m by 2.4m by 43m can be achieved, which is the standard visibility required for a 30mph road. Even with cars parked opposite the proposed access road, Archers Court Road would remain of sufficient width to allow cars to pass in each direction.
- 2.41 The development would link directly onto the footpaths on Archers Court Road, which would in turn link to the connections in the wider area. It is regrettable that pedestrian and cycle links have not been proposed between the site and the wider Whitfield Urban Expansion to the east and south. This is due to the land being in a separate ownership. However, whilst disappointing, the development would be provided with reasonable links into the site along public rights of way to the north. KCC PROW have made no comments on the application.
- 2.42 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be designed. The application would create a suburban development. In such locations, Table 1.1 of the Core Strategy advises that one and two bedroom dwellings should be provided with one parking space per unit; three bedroom dwellings should be provided with 1.5 car parking spaces; and dwellings with four or more bedrooms should be provided with two car parking spaces (although these figures are described as being minimums). In addition, 0.2 visitor spaces should be provided for each dwelling. At this outline stage, details of car parking provision are not resolved; however, the indicative layout suggests that each dwelling could be provided with two car parking spaces whilst 6 visitor spaces have been shown. These details are not for approval at this stage and, whilst two or three additional visitor spaces would need to be provided for the number of dwellings proposed, the layout does provide some confidence that an appropriate amount of car parking could be provided at the reserved matters stage, should this application be granted.
- 2.43 The NPPF advises that permission should only be refused on highway grounds where the development would cause an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons outlined, it is concluded that the development would not cause significant harm to the road network and would not cause any unacceptable impacts on highway safety and is therefore acceptable.

Ecology

- 2.44 Regard must be had for the potential impacts of the development on ecology, protected species and habitats which could be affected by the development both on and off site. In assessing the ecology of the site, Natural England's Standing Advice has been considered. Much of the site is of low ecological value, predominantly comprising former grazing land and species poor improved grassland. However, some areas of the site do have potential to support protected species, namely the vegetation around the peripheries of part of the site.
- 2.45 The application has been supported by a Preliminary Ecological Appraisal. This report has assessed the sites potential to support priority habitats, birds or protected species. The report did recommend that surveys be carried out in respect of bats and reptiles on a precautionary basis; however, having visited the site and having had regard for Natural England's Standing Advice, it was queried whether the site does provide likely habitat for these species. During this time, much had altered outside of the site (with development on other areas of the Whitfield Urban Expansion having taken place), which the site itself had been in regular use and had been regularly maintained. Given the age of the report and the changes to the site and the surrounding area since the application was submitted, and following on site observations, the applicant was invited to submit an update note by an ecologist. The Ecologist has advised that, having visited the site, the land has been used for the grazing of horses and due to its condition, does not provide suitable habitat for reptiles. I am advised that, up until only a few weeks ago, there were 4 horses but these have been temporarily moved as the field had become over grazed. Likewise, the ecologist has confirmed that the buildings are not suitable for bats. For these reasons, it is considered that, whilst it would be appropriate to secure ecological enhancements, ecology is not a constraint to the development of the site.
- 2.46 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. The emerging plan, at Policy NE1, will seek to achieve the nationally prescribed minimum of 10% Biodiversity Net Gain, which should be secured for 30 years. Given the existing policy position, it is not considered that a prescribed level of biodiversity net gain can be required; however, it would be reasonable to secure ecological enhancements. The applicants submitted ecological statement suggests features such as bird and bat boxes, log piles, hedgehog gates and native planting. Such features can be secured by condition.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.47 It necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA (as a designated European Site).
- 2.48 It is not possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA.

- 2.49 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the site and the integrity of the site itself.
- 2.50 A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been prepared and adopted by the Council in order to monitor potential impacts on the qualifying bird species for the SPA arising from development in the district and to provide appropriate mitigation through a range of management and engagement methods.
- 2.51 This mitigation comprises several elements, including the monitoring of residential visitor numbers and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.52 Emerging Policy NE3, and the evidence base behind the policy, requires that developments within a 9km zone of influence around Thanet Coast and Sandwich Bay are required to provide contributions towards mitigating impacts on the SPA, in accordance with table 11.2. This site is outside of the zone of influence and so would not have a likely significant effect on the SAMM. Consequently, a contribution towards mitigation is not required.

Flood Risk, Drainage and Contamination

- 2.53 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or from the sea. Consequently, it is not necessary to undertake the Sequential or Exceptions tests for flooding. However, it is still necessary to consider the potential for localised flooding. None of the site is identified as being at risk of localised surface water flooding. However, due to the size of the site, the Lead Local Flood Authority requested a Flood Risk Assessment and Drainage Strategy. The site has not been identified as being at risk of contamination, with the EA assessing the application has having a low environmental risk.
- 2.54 Southern Water have advised that there is sufficient capacity in the network to meet the needs of the development, whilst their mapping identifies that the closest point of connection would be the main in Archers Court Road. The Water Industries Act provides a mechanism to secure connection to this sewer.
- 2.55 Turning to surface water disposal, the applicant has, within a submitted Flood Risk Assessment and Drainage Strategy, provided details for the strategy to address run-off from the site. At present, surface water drainage from the site is unmanaged. The proposed drainage strategy collects water from roofs, driveways and the roads and conveys it to an infiltration basin in the south east of the site. Permeable paving is proposed for private driveways. This will then feed into an infiltration basin with sufficient capacity to drain the predicted surface water run-off in a managed way. The drainage strategy has been designed to accommodate sufficient attenuation for a 1 in 100 year rainfall event, inclusive of a 40% uplift to account for climate change. The Lead Local Flood Authority have confirmed that, whilst site specific infiltration testing has not taken place, the underlying Upper Chalk geology is favourable for infiltration and a number of developments within this locale manage surface water through this way. They agree that the applicant's approach is appropriate and demonstrates that surface water can be accommodated within the site, whilst advising that infiltration testing should take place in advance of the reserved matters application. Should permission be granted, it is recommended that

detailed drainage designs, which include the results of infiltration testing, be submitted with the reserved matters application. A condition requiring a verification report is also recommended to demonstrate that the approved drainage scheme has been implemented.

Housing Mix and Affordable Housing

- 2.56 In accordance with Core Strategy Policy DM5 and draft Local Plan Policy SP5, the proposed development would need to provide 30% affordable housing. The applicant has confirmed that they intend to provide a policy compliant provision of affordable housing and would be happy to discuss the appropriate housing mix and tenure with the council. The council's Housing Development Manager has confirmed that 30% affordable housing provision should be secured. Accordingly, it is recommended that a condition or S106 clause be included to secure this affordable housing and the submission, for approval, of scheme for the provision of affordable housing which confirms the size, location and tenure of the units to be provided. It would be expected that these dwellings are designed to the appropriate standard for disability access and adaptability, which would be feasible given the form of the development proposed. It is considered that the benefit of providing these affordable dwellings should carry significant weight in the planning balance.
- 2.57 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council's latest evidence of housing need and market demand. This latest evidence is the Council's Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 ("the SHMA"). The applicant has provided a suggested housing mix on the application form; however they have also confirmed that "justification of the housing mix will be given at the reserved matters stage should planning permission be granted", whilst noting that scale is not a matter for consideration at this stage. Again, the precise mix of dwellings would need to be established at the reserved matters stage, when the layout and scale of the development would be submitted; however, the proposed density of development would not prejudice the delivery of a mix which meets the districts identified needs.

Infrastructure

- 2.58 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. KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver education, community learning, 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.
- 2.59 LALP Policy DM27, and Draft Policy PM4, require that sports facilities are provided. The applicant has confirmed that they will meet the cost of such infrastructure, as necessary. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The projects identified for this contribution amount to £53,307.70 in total based on 38

dwellings being delivered. A small area of open space is also proposed within the site.

- 2.60 As set out above, the development would deliver policy compliant provision of affordable housing.
- 2.61 The NHS have advised that there is limited capacity within the local general practice services to accommodate the development. The development will generate additional patients and it will be necessary to increase the capacity of premises in the vicinity of the site to accommodate this additional demand. The proportionate contribution has been assessed as being approximately £33,552 (based on indicative occupancy). The NHS does not have a specific project identified at this stage, but has advised that the contribution would be used towards refurbishment, reconfiguration and extension of Buckland Medical Practice and/or High Street Surgery within Dover Town Primary Care Network. It is considered that it would be appropriate to secure a contribution of a 'per dwelling' basis should permission be approved, as the mix of unit sizes may vary.
- 2.62 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
Primary education	£6,800 per house and £1,700 per flat (excluding 1-bed units less than 56sqm)
Secondary education	£4,540 per house and £1,135 per flat (excluding 1-bed units less than 56sqm)
Community learning	£16.42 per dwelling
Youth service	£65.50 per dwelling
Library book stock	£55.45 per dwelling
Social care	£146.88 per dwelling
Waste	£54.47 per dwelling
Sport and recreation facilities	£53,307.70 in total (accessible greenspace (£3,871.48), children's equipped play space (£16,205.56), allotments/community gardens (£75.66), natural grass pitches (£13,763), artificial grass pitches (£2,438), sports halls (£8,075) and swimming pools ((£8,879))
Affordable housing	30% affordable housing (11 units) should be provided. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage agreed at this outline stage.

NHS Kent & Medway Group contribution	£504 per one-bedroom dwelling £720 per two-bedroom dwelling £1,008 per three-bedroom dwelling £1,260 per four-bedroom dwelling £1728 per five-bedroom dwelling
Whitfield and Duke of York Roundabouts mitigation schemes	£1,500 per dwelling

Archaeology

- 2.63 The application has been supported by an archaeological impact appraisal. The report identifies that “the Whitfield area is of generally high archaeological potential, particularly in regard to Bronze Age and Iron Age remains” and has noted that there are cropmarks in the vicinity of the site which may indicate ring ditch or enclosure features, whilst test pits in relation to other developments in the area have recorded archaeological features and finds relating to Late Bronze Age to Iron Age activity. Reference is also made of the site’s proximity to Church Whitfield, the Roman Road and Archers Court.
- 2.64 KCC Archaeology were consulted on the application but have not provided comments. However, based on the applicant’s own assessment of the archaeological potential of the site and a review of the heritage record for the site and the surrounding area, and having regard for paragraph 205 of the NPPF, it is considered that it would be proportionate to require that a programme of archaeological works takes place. This should be secured by condition, should permission be granted.

Other Matters

- 2.65 Third parties have raised a number of additional concerns.
- 2.66 Some have questioned the need for more housing. The council have targets for the delivery of housing. At present the council can demonstrate a five-year housing land supply, but has delivered 88% against the Housing Delivery Test (albeit this is not sufficient to trigger the tilted balance). Notwithstanding this, the NPPF makes clear that housing targets should not be viewed as a ‘ceiling’ but a minimum. Paragraph 60 of the NPPF confirms the government objective is to “significantly boost the supply of homes”.
- 2.67 Third parties have also raised concerns regarding safety and security. The reserved matters submission will need to consider how crime and the fear of crime can be reduced through the sensitive layout of the development and detailing. However, in broad terms, the development of the site would enable enhanced natural observation of areas which are currently concealed from public views.

Conclusions

- 2.68 This site is allocated in the development plan for the managed expansion of Whitfield. The principle of the development is therefore in accordance with the development plan. Moreover, this allocation is proposed to be carried forward into the emerging Local Plan.

- 2.69 The development is considered to be acceptable in all material respects, subject to conditions and a legal agreement. The development would cause some impact to the character of the character, although this impact would be limited, particular when regard is had for the extant permission for residential development to the east and south of the site which is currently being built out. The development would deliver around 38 dwellings, of which 30% would be affordable units, whilst the development would contribute towards the infrastructure it would rely upon, including improvements to the strategic road network.
- 2.70 It is therefore concluded that the development accords with the development plan, whilst the benefits arising from the development significantly outweigh any disbenefits. As such, it is recommended that planning permission be granted.

g)

Recommendation

- I PERMISSION BE GRANTED subject to a S106 to secure the required contributions and conditions to include: -
- (1) Reserved matters details
 - (2) Outline time limits
 - (3) Approved plans
 - (4) Existing the proposed site levels and building heights
 - (6) Biodiversity Method Statement, including biodiversity mitigation and enhancement
 - (7) Construction Management Plan
 - (8) Highway conditions (provision of the access, vehicle parking, bicycle parking, visibility splays, turning facilities and details of the construction of roads)
 - (9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the S106)
 - (10) Landscaping details and maintenance of green spaces
 - (11) Protection of Trees and Hedges
 - (12) Hard landscaping works and boundary details/enclosures
 - (13) Full details of surface water drainage, with no other infiltration on site other than that approved
 - (14) Programme of archaeological works
 - (15) Broadband connection
 - (16) Samples of materials
 - (17) Full details of windows and doors, including the depth of reveals
 - (18) Details of refuse and recycling facilities
 - (19) No flues, vents, grilles or meter boxes
 - (20) Noise Impact Assessment
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

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).

Appendix 2 – Minutes of Planning Committee Meeting 14th September 2023

Minutes:

Members viewed plans and photographs of the application site which was located within the settlement boundary of Whitfield and within an existing site allocated for housing within Core Strategy Policy CP11 and known as the Whitfield Urban Expansion (WUE). The Team Leader Development Management (TLDM) advised that outline planning permission was sought for the erection of up to 38 dwellings and the formation of an access road, with the existing dwelling at 74 Archers Court Road to be demolished. As an update to the report, he advised that a further 19 representations had been received, these being 18 objections and one neutral. These raised no new material considerations, but some questioned the access onto Archers Court Road and the scheme's conformity with the Local Plan.

The TLDM went on to explain that, whilst Policy CP11 did not restrict access onto Archers Court Road per se, it required developments to be carried out in accordance with the Whitfield Masterplan Supplementary Planning Document (SPD). The SPD did have a restriction on vehicles (other than buses and cyclists) using Archers Court Road as a direct access. The emerging Local Plan had a similar restriction, with only buses being allowed to use the road. KCC Highways had assessed the application and, in the absence of significant and demonstrable harm to the highway network, had deemed it acceptable. Furthermore, the development would provide contributions towards the Whitfield and Duke of York's roundabout mitigation schemes and, as such, approval was recommended.

Councillor Back referred to the Whitfield SPD which stated that the site was a village extension within Phase 1 of the WUE and that access should accordingly be through Light Hill. The SPD precluded direct access onto Archers Court Road for vehicles, other than buses and cyclists. He questioned why residents living in Phase 2 of the WUE were required to travel via Richmond Park when future occupants of this scheme, most of which was situated in Phase 1, would not. Policy CP11 sought to ensure that delivery was managed and coordinated, with the SPD setting out a framework for how the expansion should be undertaken, including master planning, infrastructure, highways, etc, underpinned by the aim of protecting the existing settlement. In his view it was not acceptable to pick and choose when these policies were applied. KCC Highways had originally objected to the scheme but had subsequently withdrawn its objection when the applicant had agreed to contribute towards the upgrading of the Whitfield and Duke of York's roundabouts. He commented that the developer had refused an offer of access through Richmond Park due to the cost. He could not support the application due to the proposed access and proposed that it should be refused on the grounds that it was contrary to page 66 of the Whitfield Urban Expansion SPD and Policy CP11, and because the upgrading of Whitfield roundabout would not take place until 2026 at the earliest.

The TLDM acknowledged that the proposed scheme did not accord with the SPD in that the proposed access would be via Archers Court Road. However, Officers could not support a refusal because no harm would arise as a result of the additional vehicular movements generated by the scheme. The threshold for a refusal on highways grounds was that there would be a severe cumulative impact on the local highway network which would not be the case here. KCC Highways had acknowledged that the scheme would have an impact on junctions and Whitfield roundabout, albeit not so severe as to reach the threshold for refusal. He clarified that the contributions towards the roundabout mitigation scheme were to meet a requirement of the Local Plan to provide the necessary infrastructure for new developments. Moreover, they were not above and beyond anything that other schemes would be asked to provide.

In terms of KCC Highways' consultation, its two initial responses had raised concerns about the lack of transport evidence. The applicant had then provided two technical notes that furnished

the requisite information. A third consultation response had withdrawn KCC Highways' objections to the scheme. Following an approach from Officers regarding the need to request contributions for the roundabout mitigation scheme, KCC Highways had agreed to seek these, as it would with other developments affecting the roundabouts.

Councillor Vinson stated that, whilst the scale of the proposed development was modest and the proposed mitigation reasonable - and if situated elsewhere he would probably support it - the point of contention was that the Council had a longstanding policy governing its delivery of 5,000 dwellings which the Committee was being asked to overlook. Not only did the law require decisions to be made in accordance with the Development Plan, in this instance there was an SPD that set out how schemes in Whitfield should come forward. Given that the Development Plan had been the subject of considerable scrutiny and examination, in his view it was the proposal's failure to comply with this and the SPD that were paramount to the Committee's considerations rather than the issue of harm.

Councillor Biggs accepted that there were a number of challenges in relation to the expansion of Whitfield, not least the effect of development on Whitfield roundabout. Officers had put in a lot of work behind the scenes to address highways issues which would take time to progress. Numerous discussions had taken place with statutory consultees such as KCC Highways and National Highways and Officers were obliged to follow their advice. In his view it was disingenuous to question the payment of contributions towards upgrading the Whitfield and Duke of York's roundabouts as they were entirely legitimate.

The TLDM stressed that, whilst there was a technical breach of the SPD, the harm caused by that breach needed to be identified, and evidenced if the application were to be refused. It was the opinion of Officers that local junctions would not be unacceptably impacted by the development as it was a smaller and more bespoke scheme. Whilst Officers were struggling to identify the harm, the benefits of the scheme were clear in that it would provide affordable housing and financial contributions towards the wider infrastructure of the district.

Councillor Loffman rued the fact that the Committee was bound by KCC Highways' advice. Its definition of severe was questionable and the transport models it used were not based on reality. The impact of this development would undoubtedly be felt by local residents. However, in the light of KCC Highways' advice, and mindful that an appeal could be upheld with costs awarded against the Council, he considered that refusing the application was not an option. Councillor Cronk suggested that it would have been helpful to have had KCC Highways present at the meeting to aid Members in their decision making and to answer questions about the mitigation scheme.

Councillor R M Knight advised that over the years he had been involved in plans to expand Whitfield, including challenging some of the proposals put forward by the Council, with a view to protecting the village. He accepted that it was a relatively small development, but approving the application would set a precedent and encourage similar developments to come forward which cumulatively would have a severe impact on the roundabout. The policies were there to protect the community and access for this development should be provided via Richmond Park. In respect of the latter, he understood that an opportunity to do so had been turned down.

The Principal Planning Solicitor reminded the Committee that the law required decisions to be made in accordance with the Development Plan unless material considerations indicated otherwise. The SPD was only one element of the Development Plan and Members should consider the relevant provisions of the Development Plan as a whole when assessing the application. Addressing comments made by some Members, he disagreed with the suggestion that the development was a speculative one and, aside from the access being a point of conflict with the SPD, it was considered by Officers to comply with the Development Plan. He reminded Members that advice received from statutory consultees was a material consideration of significant weight. In this regard, the National Planning Policy Framework (NPPF) had a test of

severe cumulative impact and KCC Highways had advised that this would not be the case. Although there was a conflict with the SPD, the harm resulting from that conflict had to be identified if the Council was to defend a refusal at appeal successfully. He advised that refusing the application would not be unlawful, but the consideration for the Committee was whether a refusal would be reasonable given that the evidence was not there to justify it.

Councillor Vinson argued that the SPD was well evidenced. Councillor Loffman agreed, raising concerns that approving the application could set a precedent and undermine the Council's policies. The Principal Planning Solicitor advised that it was an established principle that precedent could be a material consideration, particularly where planning permission was being granted contrary to policy. Whilst the application was contrary to an element of the policy, he understood from discussions with Officers that there were, in practice, very few developments that could come forward proposing to use Archers Court Road for access. In other words, approving the application was unlikely to result in a proliferation of other applications that it would then be difficult to refuse.

The TLDM explained that the SPD was a high-level document that looked at the broader framework for delivering 5,000 homes under the WUE. Its purpose was to avoid creating impacts and causing harm to the highway network. The application under consideration was solely for the delivery of 38 dwellings. Two highways authorities had found the proposed scheme acceptable, based on specific evidence submitted with the application that was more forensic than the evidence provided for the SPD which, while comprehensive, was looking at the wider allocation. He stressed that the application's evidence was substantially greater than that attached to the SPD, looking at vehicle movements that would be generated by this development. He advised that the next application on the agenda was for reserved matters for a development with fewer units that also proposed access onto Archers Court Road, thus raising similar concerns to this application. The outline application had been refused but then allowed at appeal, with the planning inspector concluding that there would be a negligible impact on the Archers Court Road/Sandwich Road junction and Whitfield roundabout. It was a matter of fact that KCC Highway's predictions in relation to that scheme had been upheld by the planning inspector.

Councillor Knight pointed out that the site which was the subject of the next agenda item had no alternative but to use Archers Court Road for access. That was not the case with this site whose location meant that an alternative access was potentially available through Richmond Park. Councillor Porter commented that he used Archers Court Road on a regular basis and often found it congested with traffic which not only caused delays and frustration for drivers but also added to levels of air pollution caused by stationary vehicles. In contrast, he had never experienced delays at the Richmond Park roundabout. The Chairman declared that he, like some other Members, was sceptical of KCC Highways' acceptance of schemes and urged Members to look online and pay close attention to proposed developments in their ward. It was a balanced decision, but he believed that a refusal was difficult to justify.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00075 be REFUSED on the grounds that the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Masterplan Supplementary Planning Document 2011 and point (i) of SAP of the emerging Local Plan.

(b) That powers be delegated to the Head of Planning and Development to finalise the wording of the grounds of refusal, in consultation with the Chairman of the Planning Committee and ward Members.



TRANSPORT TECHNICAL NOTE

Site: 74 and Land Rear of Archers Court Road, Whitfield, Dover, Kent

Project: Independent Highways Review

Client: Dover District Council

Prepared by: Paul Lulham BA(Hons) MA(Oxon) CMILT, Director

Date: 24th October 2023

1.1 Introduction

1.1.1 This Transport Technical Note (TN) has been prepared by Paul Lulham BA(Hons) MA(Oxon) CMILT on behalf of Dover District Council (DDC). It provides an independent review of the Planning Committee resolution in respect to Planning Application Reference: 21/00075, which proposes the erection of 38 dwellings with associated parking and means of access at 74 and Land Rear of Archers Court Road, Whitfield, Dover, Kent.

1.1.2 At the Planning Committee meeting of 14th September 2023, Members resolved the following:-

“(a) That, notwithstanding the Officer’s recommendation, Application No DOV/21/00075 be REFUSED on the grounds that the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Masterplan Supplementary Planning Document 2011 and point (i) of the SAP of the emerging Local Plan.

(b) That powers be delegated to the Head of Planning and Development to finalise the wording of the grounds of refusal, in consultation with the Chairman of the Planning Committee and ward Members.”

1.2 Background

1.2.1 The planning application was supported by a ‘Highways Statement’ prepared by The ONE Architecture, which considered the existing site context (including local crash records), accessibility to local services and facilities, connectivity by non-car modes, the proposed site access and layout, and vehicular trip generation and off-site highway impacts.

1.2.2 It was forecast – with reference to the national TRICS trip rate database – that the development would generate approximately 21 two-way vehicle trips in the weekday AM peak hour (08:00-09:00) and 19 two-way vehicle trips in the PM

peak hour (17:00-18:00). The majority of these trips were anticipated to route to and from Sandwich Road. I concur with these forecasts, which are considered robust in that they were informed by pre-Covid datasets and were not adjusted to account for the sustainable transport infrastructure coming forward within the WUE.

1.2.3 In a representation to DDC dated 19th July 2021, Kent County Council Highways and Transportation (KCC H&T) made the following comments on the application:-

- The vehicular trip generation and distribution assessment presented in the Highways Statement was acceptable;
- The Sandwich Road / Archers Court Road and Whitfield Roundabout junctions already experience significant congestion during the network peak periods and therefore further assessment was required to demonstrate that the proposed development would not give rise to 'severe' residual impacts with reference to Paragraph 111 of the National Planning Policy Framework (NPPF);
- The proposed site access design appeared to take no account of the existing on-street parking on Archers Court Road, which would restrict the width available for a southbound vehicle to pass a vehicle waiting to turn right into the site, and compromise refuse and delivery vehicle access.

On this basis, the Local Highway Authority raised a holding objection to the application.

1.2.4 In a representation to DDC dated 4th August 2021, Highways England (now National Highways (NH)) made the following comments on the application:-

- The vehicular trip generation assessment presented in the Highways Statement was acceptable;
- A full trip distribution and assignment assessment was required in order to confirm the level of impact on the Strategic Road Network and thus the requirement for junction capacity assessments.

On this basis, the Strategic Highway Authority raised a holding objection to the application.

1.2.5 The applicant subsequently submitted a Technical Note by JNP Group (dated 2nd December 2021) to address these representations. This presented a trip distribution and assignment assessment, as well as junction capacity assessments, informed by Manual Classified Count traffic and queue length surveys undertaken at the Sandwich Road / Archers Court Road and Whitfield Roundabout junctions in October 2021. These assessments indicated that both junctions would operate within their design capacity in the horizon year of 2027 with the proposed development and background traffic growth in place.

1.2.6 The trip assignment methodology is unclear from the Technical Note, albeit I am content that the level of impact forecast at the assessed junctions is sound. I do

not however accept the results of the Whitfield Roundabout assessment, as it is well-established that this junction already operates over its design capacity during the network peak periods. This may be explained by the fact that the baseline traffic and queue length surveys were undertaken in October 2021, when the Covid-19 pandemic continued to have an influence on travel behaviour.

1.2.7 The JNP Technical Note also presented a revised site access design and accompanying swept path analysis drawings to address the issues raised by KCC H&T.

1.2.8 In a representation to DDC dated 1st June 2022, KCC H&T made the following further comments:-

- It was unclear whether local committed developments had been taken into account in the junction capacity assessments presented, which would be necessary in the interests of a robust assessment;
- Further swept path analysis drawings were necessary in order to confirm the suitability of the revised site access design.

On this basis, the Local Highway Authority raised a further holding objection to the application pending the resolution of these issues.

1.2.9 In a representation to DDC dated 30th June 2022, NH made the following further comments:-

- It was agreed with KCC H&T that local committed developments should be accounted for in the junction capacity assessments presented;
- Whitfield Roundabout was already operating over capacity, as agreed between NH, KCC H&T and DDC on the basis of jointly produced evidence. Any impacts would cumulatively have an unacceptable impact on the safety, reliability and efficiency of the Strategic Road Network and should therefore be mitigated.

On this basis, the Strategic Highway Authority raised a further holding objection.

1.2.10 The applicant subsequently submitted a second Technical Note by JNP Group (dated 12th August 2022) to address these representations. This advised that since DDC was unable to supply a list of local committed developments, it had been elected to undertake a sensitivity test, which assumed the delivery of an additional 50 dwellings on the proposal site. The junction capacity assessments were re-run on this basis and it was again indicated that both junctions would operate within their design capacity in the horizon year of 2027.

1.2.11 For the reasons stated above, I do not accept the results of the Whitfield Roundabout assessment. Furthermore, I consider the sensitivity test methodology to be an insufficiently robust representation of the likely impact of local committed developments on the operation of the junction.

- 1.2.12 The Technical Note also presented a further revised site access design and accompanying swept path analysis drawings to address the issues raised by KCC H&T.
- 1.2.13 In a representation to DDC dated 18th November 2022, KCC H&T made the following further comments:-
- The committed development sensitivity test presented in the JNP Technical Note was insufficiently robust;
 - Further junction capacity assessments should be undertaken incorporating specified committed developments in Whitfield, Sholden and Betteshanger;
 - The revised site access design was considered acceptable.

On this basis, the Local Highway Authority raised a further holding objection.

- 1.2.14 The applicant subsequently submitted a third Technical Note by JNP Group (dated 24th February 2023) to address this representation. This presented revised capacity assessments incorporating three of the local committed developments requested by KCC H&T but not Whitfield Phase 1. It was again concluded that the Sandwich Road / Archers Court Road and Whitfield Roundabout junctions would operate within their design capacity in the horizon year of 2028 with the proposed development in place.
- 1.2.15 For the reasons stated above, I do not accept the results of the Whitfield Roundabout assessment. It is also unclear why KCC H&T's request to include the Whitfield Phase 1 development was not addressed, albeit this is mitigated against to some degree by the fact that 'alternative planning assumptions' were apparently not applied in TEMPro to avoid the double counting of the aforementioned committed developments.
- 1.2.16 In a final representation to DDC dated 3rd April 2023, NH made the following further comments:-
- There were a number of deficiencies in the junction capacity assessment methodology presented;
 - Nevertheless, on the basis that four or fewer trips arising from the proposed development were forecast on any one arm of Whitfield Roundabout during both the AM and PM peak hours, there would not be a significant impact on the operation or safety of the Strategic Road Network.
- 1.2.17 On this basis, the Strategic Highway Authority withdrew its holding objection to the application, subject to the attachment of a condition to any grant of planning consent requiring the applicant to submit a Construction Management Plan to DDC for approval prior to the commencement of construction work on the site.
- 1.2.18 In a final representation to DDC dated 24th April 2023, KCC H&T made the following further comments:-

- Whilst the proposed development would evidently not have a severe impact on Whitfield Roundabout, it was recommended that a financial contribution of £1,500 per dwelling should be sought towards the identified mitigation schemes to the Whitfield and Duke of York roundabouts, in line with DDC's Infrastructure Delivery Schedule.

- 1.2.19 On this basis, the Local Highway Authority withdrew its holding objection to the application, subject to the attachment of conditions to any grant of planning consent requiring the completion and maintenance of the site access and associated visibility splays prior to the use of the site commencing and the submission of a Construction Management Plan to DDC for approval prior to the commencement of construction work on the site.
- 1.2.20 The officer's report to Planning Committee noted that strategic highway improvements are required to the Whitfield and Duke of York roundabouts on the A2 due to the cumulative impacts of growth in the district. As such, the proposed development would be required to make a proportionate financial contribution to these improvements, which has been calculated by extrapolating vehicular trip generation data from the transport model used to inform the emerging Local Plan. The Infrastructure Delivery Schedule further states that all developments within certain zones (including Whitfield) will be expected to contribute towards the Local Plan mitigation and that subject to a proportionate contribution being secured, there would not be an unacceptable impact on the wider highway network.
- 1.2.21 The officer's report commented that it was regrettable that direct pedestrian and cycle connections are not proposed between the application site and the wider WUE to the east and south, due to third-party land constraints. However, such connections would be available via the existing Public Rights of Way to the north.
- 1.2.22 The report concluded its consideration of highways matters by reminding Members that the NPPF (at Paragraph 111) states that planning permission should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The officer's judgement, drawing on those of the Local and Strategic Highway Authorities, was that neither of these thresholds would be met.

1.3 Commentary

- 1.3.1 It is noted that the site is located within the settlement boundary of Whitfield and within the wider site allocated for housing by Policy CP11 of the adopted Core Strategy. Policy CP11 advises that an access and transport strategy for the Whitfield Urban Expansion (WUE) will be developed, with the objective of maximising the uptake of walking, cycling and public transport. The subsequently-adopted WUE SPD identifies the need for an improved bus route or Bus Rapid Transit system, which is currently under construction ('Dover Fastrack') and would therefore be available to residents of the proposed development. The SPD further refers to the highway capacity constraints at the Whitfield and Duke of York roundabouts on the A2, for which interim mitigation schemes have been identified by DDC in liaison with KCC H&T and NH.

- 1.3.2 Policy SAP1 of the submission draft Local Plan requires that suitable access arrangements are provided to the WUE from the A2 and the A256 and states that there will be no direct vehicular access to Archers Court Road (with the exception of buses). It further states that contributions should be provided towards strategic road infrastructure. Since the Local Plan is yet to be examined and adopted however, this policy carries limited weight.
- 1.3.3 As noted within the officer's report to Planning Committee, Paragraph 111 of the National Planning Policy Framework (NPPF) states that:-
- "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 1.3.4 With regard to the first limb of this policy, the Local Highway Authority is content that safe and suitable access to the proposal site can be achieved by all users. Whilst it would have been preferable for an independent Stage 1 Road Safety Audit of the site access design to have been undertaken in support of the planning application (as is conventional practice), a combined Stage 1 and 2 Audit will be required as part of any subsequent Section 278 Agreement with KCC H&T. Furthermore, since the access design meets the requirements of the Kent Design Guide for a development of the scale proposed, I have no reason to disagree with KCC's judgement in this regard.
- 1.3.5 The Local and Strategic Highway Authorities are also content that there would be no unacceptable safety impacts on the wider highway network in the site vicinity. I note in this respect that Archers Court Road itself has a relatively good safety record but that Whitfield Roundabout is an identified crash cluster. Based on publicly-available records, it is evident that the vast majority of the 34 Personal Injury Collisions (PICs) recorded at this junction between 1st January 2015 and 31st December 2019 involved rear-end shunt and side impact collisions between vehicles negotiating the roundabout and its approaches. I understand that NH is shortly to implement new and enhanced carriageway markings at the roundabout to seek to improve lane discipline and legibility, particularly amongst drivers who are unfamiliar with the junction (i.e. cross-Channel traffic). This scheme should have both highway safety and capacity benefits in the near-term.
- 1.3.6 It should be noted, moreover, that residents of the proposed development would quickly become familiar with the junction and how to safely negotiate it in a variety of different traffic conditions. This factor, together with the relatively modest vehicular trip generation of the development, leads me to agree with the conclusions of the Local and Strategic Highway Authorities in this regard.
- 1.3.7 With respect to the second limb of NPPF Paragraph 111, there is currently no nationally accepted definition of the term 'severe' in highway capacity terms; however appeal decisions and case law have confirmed that it should be considered a high bar for the refusal of planning applications and that mere congestion and inconvenience are not sufficient to trigger it.

- 1.3.8 The Planning Inspector in the case of Land North of Holt Road in Wrexham (PINS Reference: APP/H6955/A/19/3238470) stated that:-

"It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion."

- 1.3.9 Similarly, the Inspector considering the recovered appeal concerning Land at Bradford Road in East Ardsley (PINS Reference: APP/N4720/W/15/3004034) drew the following conclusion on the Council's highways severity case:-

"The severity would be that a delay on the Bradford Road (East) in the AM peak would increase from 337 to 422 seconds whilst on the Bradford Road (West) in the PM peak the delay would rise from 503 to 553. A significant existing delay would be made slightly worse. The intention in the Framework was to set the bar for refusal very high... I do not consider that the impact in this case could be considered severe."

- 1.3.10 A further decision concerning Land South of Green Lane in Yarm (PINS Reference: APP/H0738/W/21/3279168) stated the following with respect to the cumulative highways impacts of the residential application under consideration:-

"Much residential development has taken place in Yarm in the past few years, all of which would have had a cumulative impact on local traffic conditions and led to increasing congestion. The modelling indicates that the same would occur as a result of both the extant and proposed developments on the site. Considering the other traffic mitigation measures proposed, the Leven Road impact would be the largest. However, the increase within the zero mitigation scheme of around three minutes – or roughly the time it would take a driver to listen to one song in the car, as I heard at the Inquiry – in one localised area, would result in an significant impact, but this could not be defined as severe. Accordingly, the zero mitigation scheme would be appropriate."

- 1.3.11 Whilst each case must be considered on its own merits – and I have identified clear deficiencies in the highway capacity assessments submitted on behalf of the applicant – it is clear that the impact of the proposed development in this case would be significantly lower than that found to be acceptable by the Inspectors in East Ardsley and Yarm, adding just one additional vehicle movement to Whitfield Roundabout every three-to-four minutes during the weekday AM and PM peak hours, which is well within daily traffic flow variation at the junction. Here again therefore, I must concur with the judgements of the Local and Strategic Highway Authorities, to which considerable weight must be attributed.

- 1.3.12 As has been noted, moreover, an interim mitigation scheme for Whitfield Roundabout – comprising partial signalisation of the junction – has been identified by DDC in liaison with KCC H&T and NH. This accounts for the full impact of the Submission Local Plan allocations (of which the proposal site forms part) and I

understand that DDC has given an undertaking to NH that it will be implemented by 2028. It is entirely appropriate that the applicant should make a proportionate financial contribution to this mitigation should planning permission be granted.

- 1.3.13 I am mindful, furthermore, that this is an outline application and therefore even were consent to be granted, there would be a need for subsequent Reserved Matters and conditions discharge applications to be prepared, submitted and approved prior to the commencement of development. In practice therefore, the highways impacts of the proposal would not be felt for the foreseeable future, by which time the aforementioned Whitfield Roundabout mitigation scheme would be imminently due for delivery.
- 1.3.14 Notwithstanding the above, in line with the recently-introduced Department for Transport Circular 01/2022 I consider that a condition should be attached to any grant of planning consent requiring the submission and approval of a comprehensive and robust Travel Plan, in order to seek to achieve the meaningful uptake of non-car modes amongst future residents. The Travel Plan should include free or heavily discounted public transport travelcards for a period of up to a year post-occupation of the development, incentive vouchers for local cycle shops and travel information packs for each household, together with provision for its ongoing monitoring and management over a minimum five-year period.

1.4 Conclusion and Recommendation

- 1.4.1 On the basis of the evidence before me and for the reasons I have cited in this report, I do not consider there would be reasonable grounds for the Local Planning Authority to pursue a highway safety or capacity reason for refusal of the planning application at appeal.