

- a) **DOV/22/01207- Outline application for the erection of up to 39 dwellings (with all matters reserved) – Land at St Andrews Gardens, Shepherdswell**

Reason for report – Number of contrary views (130)

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and completion of a s.106 agreement to secure planning obligations.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP4, CP5, CP6, CP7, DM1, DM2, DM5, DM11, DM13, DM15, DM16

Local Plan (2002) Saved policies: Policy CO8 Development affecting hedgerows.

Draft Dover District Local Plan (March 2023) – The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF.

Draft policies SP1, SP2, SP3, SP5, SP11, SP13, SP14, SP15, SAP36, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, TI1, TI2, TI3, NE1, NE2, HE1 and HE3 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 12, 47, 48, 49, 50, 60, 82, 96, 104, 108, 114, 115, 116, 117, 123, 124, 128, 135, 136, 137, 138, 139, 157, 159, 162, 180, 186, 189, 190, 200, 201, 205

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

87/01493 - 37 low cost dwellings - Refuse Planning Permission

89/00525 - The erection of 25 dwellings with ancillary access road - Refuse Planning Permission

89/01485 – Residential development- Refuse Planning Permission

90/00592 - Outline proposed residential development - Refuse Planning Permission

91/00308 -Proposed residential development- Appeal dismissed

Article 4 Land– 3/ 1978/ Land between Mill Lane St Andrews Gardens Eythorne Road Bernard Gardens Shepherdswell

Adjacent site - Land Adjacent To Mill House Mill Lane Shepherdsweil CT15 7LR

23/00235- Erection of 10 dwellings with associated access, parking, landscaping and ancillary works -under consideration

Consultee and Third Party Representations

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

National Highways – Recommend that conditions requiring a travel plan and construction management plan are attached to any planning application that may be granted.

Shepherdsweil Parish Council – Object. Loss of environmental protection, and that some of the houses are appearing to be closer to the boundary of St Andrews Gardens properties than previously. The transportation statement has not been amended to reflect the cessation of the bus services within Shepherdsweil. The issues raised by the other consultees should be addressed, regarding sewage, vehicle access, sight lines, archaeology, number of vehicle movements, water pressure and gas pressure.

KCC Economic development- No objection, subject to contributions being secured.

KCC Highways- No objection to the principal of the proposal. Further information was initially requested to establish the exact parameters of the proposed access. While the site is not intended to be offered for adoption, KCC Highways suggest all accesses provide 2 metres pedestrian visibility on either side of crossovers. A Construction Management Plan (CMP) to be secured by way of a suitable condition.

The details in relation to the existing highway boundary have not been submitted. However, pedestrian routing and proposed tactile crossings have been submitted. This is acceptable with the schemes being subject to a Section 278 Agreement with KCC Highways. This will form a separate agreement and require a Stage 1 Road Safety Audit which will form part of the submission of the agreement. KCC Highways suggest the works are secured by way of a suitable condition, to be completed prior to first occupation, should planning permission be granted.

Without the required highway definitions plans it is uncertain as to the exact parameters of the access. Should the LPA be minded to approve the application, KCC Highways suggest that this is subject to the submission and approval of the highway definition plans. The access currently proposed for the western site is steep and the gradient is approximately 1:9 for the initial access. KCC Highways note that the site is not intended to be offered for adoption. KCC Highways would generally accept a gradient of 1:16.7 as a maximum, and 1:12.5 if unavoidable (which is DDA compliant). To enable the access to be achieved, there would need to be raising of the levels and a form of retaining structures, thus moving the access road away from the boundary to avoid impact on neighbouring properties. The proposed sections and site levels should be secured by a pre-commencement Condition, and it may be considered appropriate to deal with the details of this at reserved matters stage given that the current application is outline. KCC Highways raise no objection to the

principle of the proposal subject to a number of requirements are secured by condition or planning obligation.

In their most recent consultation response, KCC raised a holding objection, due to lack of emergency access or a looped arrangement. Comments were previously submitted in relation to the highway definitions plans and the gradient of the western parcel. KCC Highways can confirm that the cumulative impact of the proposed development would require an emergency access. The parcel to the south on Mill Lane is currently subject to a planning application for 10 dwellings (LPA reference: DOV/23/00235) which formed TC4S02 within the emerging Local Plan. As per Policy SAP36, emergency access to this site should have come forward via the southern parcel of TC4S02, with a direct connection onto Mill Lane to form a loop road (for emergency vehicles), with the cul-de-sac connection off St Andrews Gardens. The western parcel would not benefit from the emergency access, although the number of dwellings served from the single point of access would be limited and less than the 50 units detailed in Kent Design Guide. As previously outlined, KCC have outstanding issues in relation to the highway boundary and gradient of the western parcel. While not being offered for adoption, the access would require significant realignment to safeguard the neighbouring properties.

KCC PROW- No objection.

KCC Archaeology -Have requested further archaeological evaluation, including that trial trenching takes place. This is because the upper (east site) has a high likelihood of containing important archaeological remains and that associated remains could extend into the lower (west site) also. Have suggested condition wording if officers are minded to grant outline permission, without evaluation works taking place prior to determination.

After further consultation KCC Archaeology stated that if officers are minded to determine the application without seeking field evaluation in advance then we suggest that provision (conditions) should be made 1) any evaluation to be carried out prior to submission of any reserved matters application; 2) to secure any subsequent safeguarding measures [albeit we judge opportunity for safeguarding is very limited] and/or investigation and recording of archaeological remains; and 3) for post-excavation assessment, analysis and reporting of the archaeological findings. This could perhaps be wrapped up in a single staged condition (see wording at the end of this message) but my advice would be that such an approach is risky (as there seems no opportunity to respond to the results of the evaluation if preservation in situ is identified as the required outcome) and does not fully accord with the provisions of the NPPF.

National Grid – No response

Southern Gas Networks – No response

NHS Kent and Medway - has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. **£33,528** is requested towards refurbishment, reconfiguration and/or extension of Lydden Surgery

and/or Aylesham Medical Practice and/or Canterbury Medical Practice and/or White Cliffs Medical Centre and/or towards new general practice premises development in the area.

DDC Ecology –are satisfied that the Addendum to the preliminary ecological assessment, and the assessment itself, adequately considers the potential ecological interest of this area. Has recommended a biodiversity method statement, and biodiversity enhancements are secured by condition, if planning permission is granted.

DDC Tree officer- No objections to the proposed development provided that the tree protection measures, the arboricultural method statement and the recommendations set out in the Pre-development Tree Survey/Report dated 30/3/2022 are adhered to.

DDC Housing manager- There is a need for affordable housing across the District, and particularly in our rural settlements. A recent Housing Needs Survey for Shepherdswell identified a need for family accommodation for local people with a connection to this village. This application proposes 30% affordable housing, which is policy compliant and can be supported, and identifies a Registered Provider who will be purchasing the affordable housing. The application proposes all 2 bedroom houses for affordable housing, but there is a need for 3 bedroom houses for affordable rent, so a mix of property sizes in the final split would be welcomed.

Kent Police- Have made comments in relation to boundary treatments, parking, trees, lighting, doorsets, windows, ground/ wall anchors for cycle storage, site security during construction. Kent Police would welcome discussions with applicant.

Kent Fire and Rescue- The Kent Design Guide provides guidance for alternative emergency access routes for developments in excess of 50 dwellings with one main access road. The proposal will significantly increase the size of the existing estate served by one access route. Where possible, please consider alternative emergency access, which could also serve as a pedestrian or cycle route.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Southern Water- requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The submitted drainage details indicate SuDS to be maintained within private ownership and maintenance. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Affinity Water- No response

Environment Agency- No comments

Natural England– Made comments in relation to the east kent Special Protection Area(s) and Ramsar Site(s), Kent Downs AONB and Sites of Special Scientific Interest Impact Risk Zones.

KCC Lead Local Flood Authority- No objection subject to planning conditions being imposed. Initially made comments in relation to proposed infiltration rates and type of infiltration, and asked for further information.

DDC Environmental protection- Request a construction management plan is imposed by condition.

DDC Waste – No response

Kent Wildlife Trust- No response

Stagecoach- No response

CPRE Kent - Objects to this planning application on the following grounds, lack of secondary/emergency access, impact of development on the character and appearance of the locality – with specific reference to the chalk grassland valley to the north and north west and the enjoyment of this part of the 156 mile national trail along the North Downs Way, and impact on local wildlife.

Third party Representations:

130 representations of objection have been received and are summarised below:

- Does not comply with adopted development plan
- Development is too large for the size of the village
- Detrimental impact on character of village
- Strain on services such as the school, which is oversubscribed, and GP, already under pressure
- Detrimental impact on local shop caused by increase in people using it, and traffic congestion
- Highway network would not be able to support increased flow of traffic after and during construction
- Narrowness of existing highway including roads accessing village being single track and the width of highway on St. Andrews gardens
- Concerns over access for emergency vehicles
- Drainage infrastructure would not be able to support new development
- Existing insufficient water pressure
- Electrical outages happening
- Poor surface water drainage in locality

- Section 106 agreement with a minimum contribution of £3.5M for the community should be secured
- Bus routes have been stopped
- Church Hill is already congested at times, which makes it dangerous for pedestrians including those walking to the school
- main road into and out of village, Coxhill has no footway, extra traffic is an accident waiting to happen
- Disruption during construction
- Green land associated with the North Downs Way / Via Francigena should be protected. This route has religious and historic significance.
- Loss of the countryside and green land
- Land marked for development in and around other villages nearby (eg Aylesham) has not been developed
- There is brownfield land nearby which has not been fully developed.
- Insufficient consultation with village residents
- Impact on wildlife and habitats
- Impact on landscape
- Detrimental impact on green area which is a much used amenity.
- Detrimental impact on development of green tourism in the District.
- Poor design
- No sustainable measures incorporated in scheme
- Air pollution
- Small gardens proposed
- Steep gradient of access to western site
- The additional access point on the plan does not match any plan submitted by Woodchurch property developments. Until a plan is submitted and access is available to a road at this point it cannot be assumed that it will ever be made available for use.
- This additional access will produce additional traffic from existing residents of St Andrews gardens as a short cut in the Eythorne direction. It will also produce additional traffic to the junction at Mill Lane by the surgery.
- No collaboration between developers

No representations in support have been received.

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

- 1.1 The site is located to the eastern side of Shepherdswell and extends across an area of 1.73 hectares. The site is formed of two separate parcels, and levels fall across the site to the northwest.
- 1.2 The site is composed of two pastures currently used for horse grazing. The two pastures are separated by an open field that does not form part of the application. There are two small, dilapidated stables and a more modern shiplap stable on the site currently. The fields also contain water butts, electric fencing and storage relating to the current use. Both fields are overlooked by dwellings on St. Andrews Gardens.

- 1.3 To the south of the site is St. Andrews Gardens, a residential area which consists of single storey large detached and semi-detached bungalows. There is a doctor's surgery to the south of the site along Mill Lane. There are open fields to the north and east, with further dwellings beyond approximately 180m away to the northwest at Bernard's Gardens. Overhead electricity cables pass over both sites.
- 1.4 The western parcel comprises a rectangular-shaped parcel of land, approximately 100m in length and 60m wide. The western parcel is open to the countryside along the northern and western boundaries, with the northern boundary marked by a temporary post and wire fence. The eastern boundary is formed by the rear garden fencing of dwellings on St Andrew's Gardens. The southern boundary is abutted by gardens of properties along St Andrew's Gardens and a vehicle turning head serving the small adjacent cul-de-sac. The topography of the Lower Site falls gently to the north-west at a gradient of approximately 1 in 10, with a high-point at the south-western corner near the proposed access, and a low-point at the north-eastern corner.
- 1.5 The eastern site is rectangular-shaped parcel of land, approximately 85m in length and 125m in width. It is open to the countryside along the northern, eastern and western boundaries, with all three boundaries containing vegetation. The southern boundary is abuts gardens of properties on St Andrew's Gardens, with two vehicle turning heads serving two small adjacent cul-de-sacs. Mill House, a residential property, lies near to the eastern corner. The topography of the Upper Site falls gently from the southern-western corner to the north-eastern corner at an approximate gradient of 1 in 15, however the gradient increases along the western boundary. St. Andrews Gardens to the north-east.
- 1.6 The site is within an area of Archaeological Potential. The site is not within a conservation area or contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 (land at least risk of flooding).
- 1.7 The proposal is an outline application for the erection of up to 39 dwellings, with all detailed matters reserved.
- 1.8 It should be noted that a significant number of letters of objection have been received to the application and the issues raised have been assessed in the report.
- 1.9 The description has been amended during the course of the application, and the proposals, including to show the provision of emergency access only via the adjacent application site at Land Adjacent To Mill House Mill Lane CT15 7LR (current planning application under consideration DOV/23/00235).

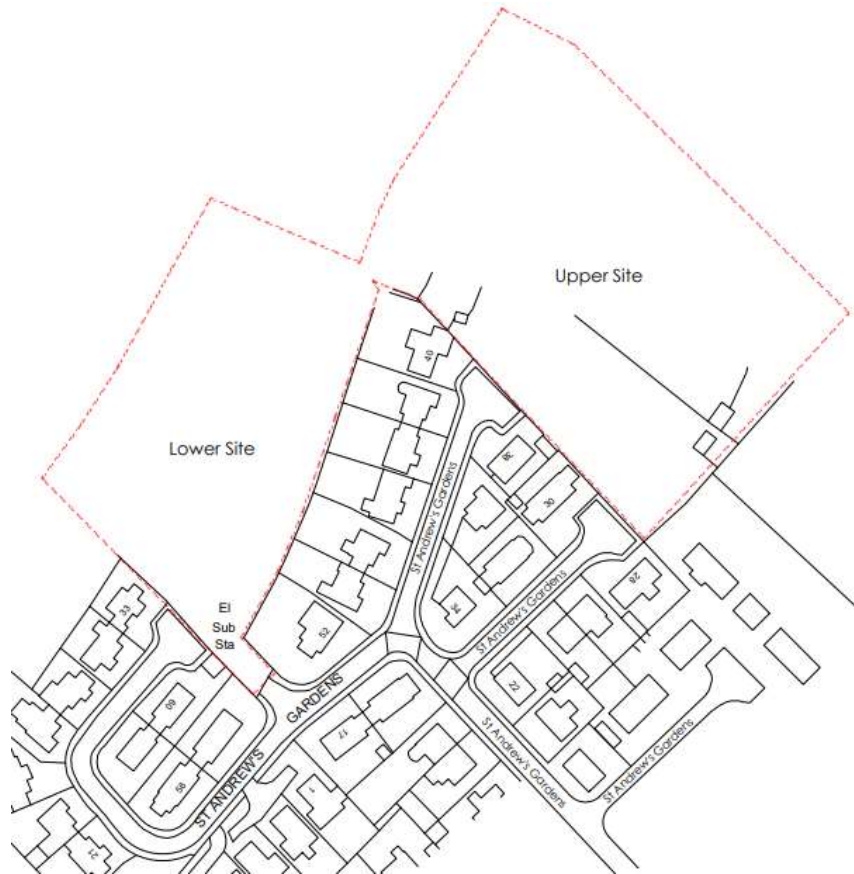


Figure 1: Site location plan (not to scale)

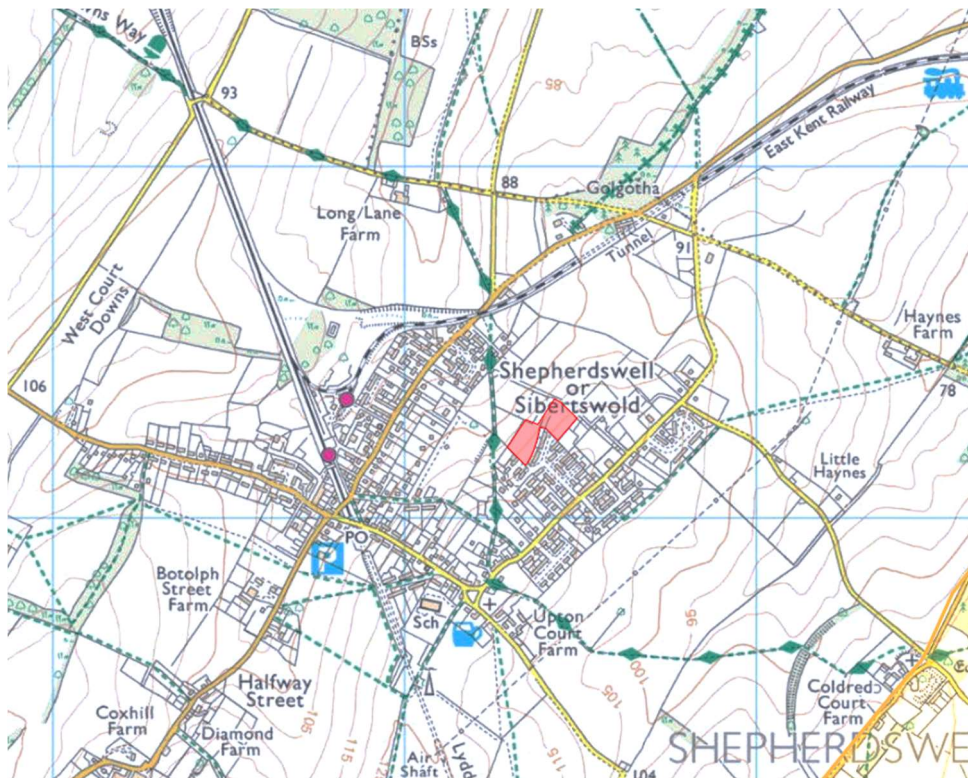


Figure 2: Application site in red overlain on Ordnance Survey map, taken from the submitted Landscape and visual appraisal (not to scale)



Figure 3: Application site in red overlain on aerial photograph, taken from the submitted Landscape and visual appraisal



Figure 4- View taken from western parcel looking south towards St. Andrew's Gardens



Figure 5- View taken from western parcel looking southwest



Figure 6- View taken from eastern parcel looking south towards St. Andrew's Gardens



Figure 7- View looking east towards the site from the North Downs Way National Trail



Figure 8- Proposed access point to the site (western parcel) located between 52 and 54 St. Andrew’s Gardens (Taken from Google maps)



Figure 9- Proposed access point to the site (eastern parcel) located between 38 and 40 St. Andrew’s Gardens (Taken from Google maps)



Figure 10: Indicative site plan (not to scale)



Proposed Site Section A-A



Proposed Site Section B-B

Figure 11: Indicative site sections/ elevations plan (not to scale)

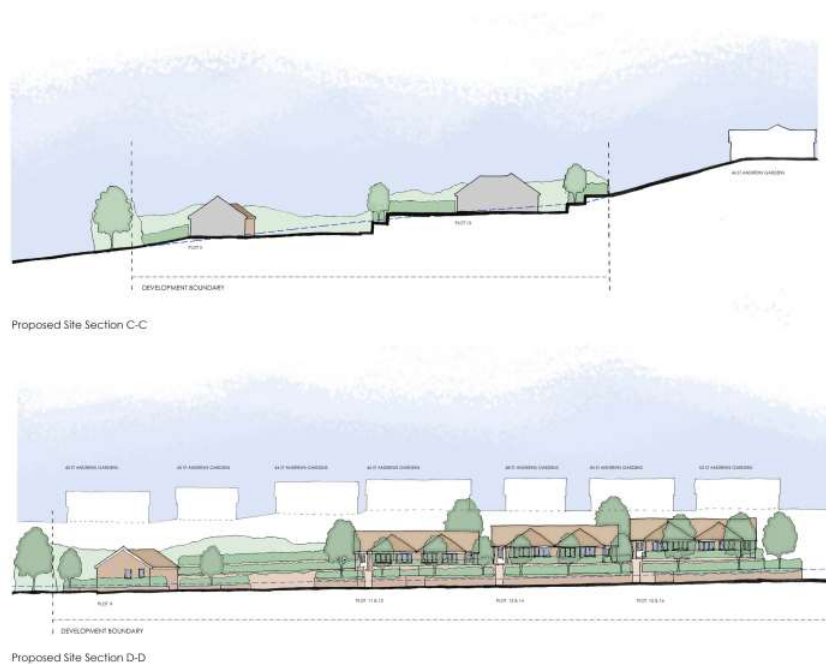


Figure 12: Indicative site sections/ elevations plan (not to scale)

2. **Main Issues**

2.1 The main issues for consideration are:

- The principle of development
- Design
- Heritage Impact
- Landscape Impact
- Impact on living conditions
- Housing mix and affordable housing
- Highways, parking and sustainable transport
- Ecology and trees
- Flood risk and drainage
- Archaeology
- Contamination
- Infrastructure and Developer contributions

Assessment

Principle of Development

2.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.

- 2.2 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date” permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 2.3 The Council are currently able to demonstrate a five-year housing land supply and have not failed the housing delivery test.
- 2.4 The policies most important in determination of the application are considered to be CP1, DM1, DM11 and DM15.
- 2.5 Policy CP1 of the Core Strategy seeks that the location and scale of development in the district complies with the Settlement Hierarchy. Shepherdswell is identified as a local centre, a settlement suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- 2.6 Policy DM1 sets out that ‘Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’. Policy DM1 accords with the strategic aim of the NPPF to promote sustainable development. However, it is considered that Policy DM1 is in tension with the NPPF as it is more restrictive, and that limited weight should therefore be afforded to this policy. Given the degree of conflict between this policy and the NPPF, it is considered that this policy is out-of-date.
- 2.7 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF’s aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date, however the weight is reduced.
- 2.8 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside. The ‘blanket’ protection of the countryside advocated by the first sentence of DM15 is more stringent than the NPPF. However, this policy is considered broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside (Paragraph 174 of the NPPF). It is not therefore out-of-date and continue to attract significant weight.

- 2.9 Given the location of the proposed development outside of the village confines and within the countryside, the proposal would be contrary to Policies DM1, DM11 and DM15, with no Local Plan Policies indicating that permission should be granted.
- 2.10 Consideration must be had for whether the “tilted balance” would be engaged were an application submitted, having regard for Paragraph 11 of the NPPF. Some of the adopted policies relevant for determining the application are considered to be out of date to varying degrees, with Policy DM1, which is particularly crucial in assessing the principle of the development, being particularly so. Giving weight to policy DM1, it is therefore concluded that the ‘basket’ of local policies is out of date.
- 2.11 Consequently, it is considered that the ‘tilted balance’ would be engaged, and that paragraph 11 the NPPF would be relevant in the assessment of any forthcoming application. Sub-paragraph (ii) would be relevant, and in order to grant planning permission, it should be demonstrated at planning stage that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.12 The Submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies SP1, SP2, SAP36 and TI1 are considered most relevant to the principle of development.
- 2.13 The national planning policy framework at paragraph 48 states that weight may be given to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 2.14 The NPPF at paragraph 49, states that in the context of the presumption in favour of sustainable development, it is unlikely that a refusal of planning permission would be justified on grounds of the application being made in advance of the local plan being adopted. This is other than in the circumstances where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan, and that the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 2.15 Draft policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and draft policy SP2 seeks to ensure new development is well

served by facilities and services and create opportunities for active travel. Draft policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.

2.16 Draft Policy SAP36 allocates the application site, together with the neighbouring site adjacent to Mill House, for an estimated number of 50 homes. The draft policy includes the following criteria:

- a) The existing trees along the southern border of the site are to be maintained and enhanced with new screening to be provided to north west and western boundaries to mitigate the impact of development on the countryside, and provide opportunities for biodiversity habitat creation and enhancement;*
- b) Trees which need to be removed to enable an access to be provided to the site, shall be kept to the minimum needed to provide necessary visibility, and will be required to be replaced on-site;*
- c) Primary vehicular, pedestrian and cycle access to the whole site shall be provided from St. Andrews Gardens, and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored, along with a speed survey to clarify and address visibility restrictions;*
- d) Provide off-site pedestrian improvements (pram crossings) at road junctions within the St. Andrews Garden Estate;*
- e) Provide pedestrian crossing improvements on Mill Lane;*
- f) In accordance with Policy SP13, a wintering bird survey must be undertaken in advance of a planning application on the site. If the bird survey identifies that the development will exceed the threshold of significance, mitigation will be required. A suitable scheme of mitigation will need to be submitted with the planning application for the site;*
- g) Ensure appropriate species and habitat surveys are carried out prior to determination. Survey results will inform layout and design to avoid ecological impacts in accordance with the mitigation hierarchy and to inform on site ecological mitigation, compensation and enhancement measures and proposals for effective implementation, management and monitoring of all such measures;*
- h) A site-specific Flood Risk Assessment is required to address the issue of surface water flooding and consider the impacts of climate change over the lifetime of the development;*
- i) An Archaeological Assessment for the site must be carried out in accordance with Policy HE3 Archaeology, the results of which should inform the layout and design of the development which is necessary to avoid harm to any archaeological assets identified through the assessment;*
- j) An assessment of land contamination for the site shall be carried out and submitted as part of the planning application and appropriate mitigation measures must be implemented prior to development commencing;*
- k) Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes; and*

l) Open space requirements in accordance with Policy PM3 shall be provided. However, due to the location nearby to existing open space infrastructure, off-site contributions to upgrade or enhance nearby facilities may be sought rather than on-site provision.

The schedule of additional modifications submission document (March 2023), makes some changes to the wording of the draft policy, including removal of the requirement for a wintering bird survey. Text has been added requiring improvements to the Public Right of Way network to increase connectivity in the area and connection to North Downs Way should be provided, where possible.

At the time of writing, proposed amendments were being prepared to issue to the Local Plan Inspector. These amendments include:

a) The existing trees along the southern boundary ~~border~~ of the site are to be ~~maintained~~ retained and enhanced....

c) Primary vehicular, pedestrian and cycle access ~~to the whole site shall be provided~~ is available from St. Andrews Gardens and Mill Lane. An internal gateway shall be provided to enable a link for emergency access between the 2 parts of the site to be established, ~~and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored,~~ along with a speed survey to clarify and address visibility restrictions;

d) Provide off-site pedestrian ~~improvements (pram crossings)~~ dropped curbs with tactile surfacing at road junctions within the St. Andrews Garden Estate;

g) Ensure appropriate species and habitat surveys are carried out prior to application submission. ~~determination.~~

2.17 To conclude, the draft policy is considered to be in line with the sustainable development objectives of the NPPF. As per Paragraph 48 of the NPPF it is considered that the policy can attract weight in the planning balance.

2.18 The proposal is considered to address all policy criteria listed in SAP36 with the exception of an access road being created through the whole site (criterion e), and an assessment of land contamination (criterion j). These were not considered a necessary requirement at this stage and will be discussed in the report further in more detail. Apart from the above, it is considered that the proposal would accord with the draft policy.

Design

2.19 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future. It should help to shape places in ways that contribute

to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.

- 2.20 Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. This is echoed in draft policy CC2 which provides details of Sustainable Design and Construction including life cycle and adaptation of buildings and minimisation of waste.
- 2.21 Draft policy SP2 seeks that new developments are designed to be safe and accessible, to minimise the threat of crime and promote social interaction and inclusion through the provision of high-quality people focussed spaces. All new development should achieve a high standard of design internally and externally, and should have accessible, high-quality greenspaces, and spaces for play and recreation.
- 2.22 Draft policy PM1 requires that development achieves a high quality of design, promotes sustainability, and fosters a positive sense of place. It also states development should respect and enhance character to create locally distinctive design or create character where none exists. Appropriate provision for service areas, refuse storage (including waste and recycling bins), and collection areas should be made in accordance with the nature of the development.
- 2.23 Draft policy SAP36 states that Primary vehicular, pedestrian and cycle access to the whole site shall be provided from St. Andrews Gardens, and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored, along with a speed survey to clarify and address visibility restrictions.
- 2.24 Draft policy SAP36 also states that the existing trees along the southern border of the site are to be maintained and enhanced with new screening to be provided to north west and western boundaries to mitigate the impact of development on the countryside, and provide opportunities for biodiversity habitat creation and enhancement.



Figures 13 and 14: Indicative images of the proposed development

- 2.25 An illustrative site plan (Figure 10) has been submitted which shows how 39 dwellings could be accommodated within the development.
- 2.26 The site is formed of two separate parcels, with vehicle, cycle and pedestrian access from St. Andrew's gardens into each of the parcels. The first access would be between 52 and 54 St. Andrew's Garden's where there is an existing turning head. The second would be between 38 and 40, where there is an existing turning head (figure 10). The indicative site plan shows 16 homes in the western parcel and 23 in the eastern parcel.
- 2.27 The submitted documents state that the western land parcel falls steeply from west to east from 117.5m AOD to 108.0m AOD (approx. 1:13 gradient), with the eastern land parcel falling east to west from 111.0m AOD to 104.5m AOD (approx. 1:10 gradient).

- 2.28 The prevailing character of the immediate area is low density and suburban in nature. St. Andrew's gardens, with c. 60 dwellings, was built in the 1960s on greenfield land as a significant extension to the village. It contains detached and semi-detached bungalows. St. Andrew's gardens stretches from a high point on Mill Lane, down the side of the dry valley towards the western portion of the village.
- 2.29 The illustrative site plan shows how the development would be built as an extension to St. Andrew's gardens, with detached and semi-detached bungalows and chalets in cul-de-sac arrangements, which would be in keeping with the existing pattern of development.
- 2.30 The submitted information indicates that the dwellings will be designed in a traditional architectural style, being one or one and a half stories high, with pitched roof forms and gables, and using materials including brickwork and timber weatherboarding. However, both scale and appearance would be considered at reserved matters stage.
- 2.31 The site falls steeply towards the northwest. The site currently forms part of the undeveloped land, which acts as a wedge of open space between the northwestern and southeastern parts of the village. This area of open contributes to the character of the village.
- 2.32 A landscape buffer is indicated to the west and northern boundaries, which will mitigate visual impact on views of the site from the surrounding landscape including the North Downs Way. It is considered that the scale of development, including height and the landscape buffer proposed, will ensure that the visual impact on the open space to the north would be of an acceptable level and the character of the wider area would not be unacceptably degraded.
- 2.33 Details of landscaping including securing the use of native plant species would be considered at reserved matters stage. The indicative site plan shows the existing hedgerows and trees to the southern boundaries being retained.
- 2.34 The DAS states that the proposed dwellings will be designed and constructed using energy efficient construction techniques and methods. The proposed is considered to represent efficient use of land and appropriate for the surrounding context. The illustrative layout indicates that there are opportunities to use landscaping and orientation to provide shading from trees and the design of the buildings including external features such as shading to windows.
- 2.35 The illustrative site plan and accompanying information indicate that some of the principles of crime prevention, such as active frontages and natural surveillance opportunities could be provided. Kent Police have requested the development to be designed in accordance with the principles of designing out crime. Opportunities for designing out crime would be secured at reserved matters stage.
- 2.36 Given the above it is not considered that the proposals, at outline stage, would not cause any significant visual harm either to the streetscene or the character of the area. It is considered that 39 dwellings would sit comfortably within the site. It is

considered that the development proposed would form a compatible and suitable expansion of the village, provided the detailed design and landscaping is sensitively considered. Officers are of the view that the design overall is acceptable and complies with adopted and draft local policy and the aims of the NPPF.

Impact on Heritage assets

- 2.37 The NPPF requires the local planning authority, when assessing an application to identify and assess the particular significance of any heritage asset that may be affected by the proposal. Draft policies HE1 and HE2 relate to protection of heritage assets and conservation areas.
- 2.38 The site is located approximately 280m from Shepherdswell Conservation Area and a number of listed buildings, the nearest also being approximately 280m. Given the distance retained between the site and these heritage assets and the intervening built form that already exists, it is not considered that there would be any unacceptable impacts, having had regard for the Planning (Listed Building and Conservation Areas) Act 1990.

Landscape and Visual impact

- 2.39 Paragraph 174 of the NPPF states that development should contribute to and enhance natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside.
- 2.40 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 2.41 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020, in which they are located.
- 2.42 The site falls steeply towards the northwest. The site currently forms part of an area of undeveloped land, which acts as a wedge of open space between the northwestern and southeastern parts of the village. The site and existing development along St. Andrew's Gardens are visible from public rights of way including the North Downs Way National Trail (Public footpath ER78) to the north of the site. At the closest point the North Downs Way is approximately 45m from the site boundary.
- 2.43 The site is located in an elevated position on top of a hill with long northern and north-eastern views out to the neighbouring countryside. Given the height and the topography of the site in relation to the surrounding landscape, the site is considered visually prominent. The development would extend the built confines of Shepherdswell and as such would have potential to increase the visual prominence of built form when viewed from surrounding countryside including public rights of way.

- 2.44 The site is located within local character area Shepherdswell Aylesham parklands, as identified in the Dover District Landscape Character assessment 2020. Key characteristics and values are undulating topography of distinct gentle ridges and valleys, blocks of deciduous woodland, many of ancient origin, well-connected PRow network enabling access into the landscape, including the North Downs Way and a rural and tranquil landscape.
- 2.45 Development management guidance promotes the use of in-keeping materials such as flint, redbrick and Kent peg tiles for any new development, protecting the valued recreation use of the landscape, seeking opportunities to further enhance opportunities for access and enjoyment of the Rights of Way network, and considering impacts of large-scale development associated with existing settlements with the wider rural setting and provide appropriate mitigation.
- 2.46 A Landscape and Visual Appraisal (LVA) has been undertaken and submitted, which seeks to assess the landscape and visual impacts of the development at one year and 15 years after completion of the development.
- 2.47 The LVA concludes that by year 15 the understorey planting will have reached approximately 5-6m in height and canopy trees approximately 8-10m. It is anticipated that a robust physical, visual and perceptual separation of the site from The North Downs Way and wider landscape will have been established by this point. In relation to landscape impact the LVA concludes that the Year 15 magnitude of effect is considered to be Low Adverse which, when considered with a Medium Low landscape sensitivity, gives rise to a Slight Adverse importance of effect.
- 2.48 The LVA sets out 9 no. visual receptors and assesses impact on these receptors at one year and 15 years after completion. The LVA assesses and concludes that at year 15, there would be a moderate adverse effect at viewpoint 9, which is close to the site on The North Downs Way, approximately 95m from the site. At year 15 there would be a slight to moderate adverse effect at viewpoint 3 located on Barfrestone Road, approximately 800m to the north of site. At year 15 there would be a slight adverse effect at other viewpoints on the North Downs Way, Long Lane and Mill Lane. At all other visual receptors a minimal adverse impact is concluded.
- 2.49 The Kent Downs area of outstanding natural beauty (AONB) approximately 1.5km to west at it's nearest point. Given the location of the site and the distance from the AONB it is not considered that there would be any unacceptable harm caused to the AONB.
- 2.50 It is acknowledged that the area in which the site is located provides a strong sense of openness, and that this contributes to the character of the village. There are long distance views to the north and east from PROWS close to the site.
- 2.51 To conclude, the development would have some impact on the character of the area and the landscape. However, it is considered that this impact could be adequately mitigated by both the height of development and the use of planting as a landscape

buffer, to result in a scheme which is considered to have an acceptable visual and landscape impact.

Impact on Residential Amenity and future living conditions

- 2.52 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation. Whilst the Nationally Described Space Standards are yet to be formally adopted, they are referenced in the emerging plan in respect of internal accommodation. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose. It also states that all new build development is to be built in compliance with building regulation part M4(2).
- 2.53 The submitted information states that the proposed dwellings will meet the standards set out in Nationally Described Space Standards. In addition, the homes would have good sized gardens.
- 2.54 KCC have requested that all homes are designed to meet Building Regulations M4(2) (Adaptable and accessible dwellings standard) and this can be secured though a condition. In addition, the agent has confirmed that some of the unit types (4 no. homes) could meet Building Regulation M4(3) requirements equating to approximately 10% of the overall development and therefore according with draft policy requirements.
- 2.55 It is considered that the proposed indicative layout would ensure sufficient privacy, outlook and daylight for future residents of the proposed development.
- 2.56 The illustrative site plan indicates that in the western portion of the site, the proposed dwellings would be a minimum of approximately 20m from existing properties on St. Andrew's gardens. For the eastern portion of the site, the proposed dwellings are shown at approximately 4m from the nearest existing dwellings on the indicative site plan (plot 17). The proposed dwellings are indicated with their flank (side) elevations adjacent to the flank elevations of existing properties. However, it is considered that a greater distance should be provided than is currently indicated and that this can be secured at reserved matters stage. It is considered that the layout is such that there would be opportunities to provide this at reserved matters stage.
- 2.57 DDC Environmental Protection have been consulted and raise comments over possible disturbance during the clearance of the land and the construction phase on surrounding dwellings, and therefore request that the approval of a Construction Management Plan (CMP) is secured by condition. They have asked that the CMP shall include (but not limited to) details of noise, vibration, and dust control measures, times of site operations where noise is audible beyond the boundary of the site,

community complaints process, parking provision for site operatives, site material and waste delivery and removal times and processes including routes and turning areas. Insofar as these requests relate to areas within the site, this can be secured by condition.

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

Housing Mix and Affordable Housing

- 2.59 Core Strategy Policy DM5 and draft Local Plan Policy SP5 require 30% affordable housing for schemes of this size. Draft policy SP5 states that affordable housing shall be provided with a tenure split of 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products.
- 2.60 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").
- 2.61 The scheme proposed the following mix for the market and affordable homes, 0 no. 1 bedroom, 18 no. 2 bedroom, 21 no. 3 bedroom and 0 no. 4+ bedroom homes. To better reflect the need and demand identified in the SHMA, it is considered some one and four+ bedroom homes should ideally be provided. However, it is noted that due to the context of the site, bungalows and chalet homes have been proposed which lend themselves to smaller sized dwellings.
- 2.62 The scheme proposes 30% affordable homes which would be policy compliant. The exact tenure and mix of the affordable homes would be sought through the provision of an affordable home scheme through the s106 agreement.

Highways, parking and sustainable transport

- 2.63 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 2.64 Paragraph 111 of the 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.
- 2.65 Paragraph 112 of the NPPF states that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 2.66 Draft policy SP12 sets out that the Council will work with Kent County Council, National Highways and other transport providers to deliver strategic transport improvements to mitigate and address the impact of development or remove impediment to future growth. Key strategic highways schemes include A2 Dover Access, and Strategic Highway Improvements / Mitigation at A2 junctions, including at Whitfield Roundabout and the Duke of York Roundabout A257/A2.
- 2.67 Proportionate developer contributions will be sought from new development to support these strategic schemes, to be secured by a S106 agreement. Additionally, more localised highway improvement works will be secured by condition.
- 2.68 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.69 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.

- 2.70 Draft policy SAP36 requires that primary vehicular, pedestrian and cycle access to the whole site shall be provided from St. Andrews Gardens, and therefore development of site SHE004 must provide vehicle access and servicing up the boundary with TC4S082 to enable a main access road to be created through the whole development. An additional, secondary emergency access onto Mill Lane may be achievable from TC4S082 and should be explored, along with a speed survey to clarify and address visibility restrictions.
- 2.71 Draft policy SAP36 also requires provision of off-site pedestrian improvements (pram crossings) at road junctions within the St. Andrews Garden Estate, and pedestrian crossing improvements on Mill Lane.
- 2.72 The schedule of additional modifications submission document (March 2023), makes some changes to the wording of the draft policy, including requiring improvements to the Public Right of Way network to increase connectivity in the area and connection to North Downs Way should be provided, where possible.
- 2.73 The main section of St Andrews Gardens, linking to Mill Lane to the south, has footways either side. Most of the dwellings are bungalows with large plots and good off-street car parking provision. There is very little on-street parking.
- 2.74 Footpath ER79 is located approximately 230m to the southwest of the junction of Mill Lane and St. Andrew's gardens. Footpath ER79 provides a paved pedestrian route between the northwest of the village (with services including the railway station, convenience retail and village hall) and the southeast of the village where the site is located.
- 2.75 Services, including the primary school, GP surgery and public house, are located in the southeastern portion of the village. Church hill which links the two sections of the village does not have a continuous footway.
- 2.76 To the north of the site is footpath ER78, the North Downs Way National Trail.
- 2.77 There are bus stops on Mill Lane, from which the 88, 88A, 92, and 92A routes ran, which linked Shepherdswell to Dover; however all of these services have now been discontinued. This is considered to have a detrimental impact on sustainable travel and reduce the overall sustainability of Shepherdswell as a settlement for new development. However, given the presence of essential services within the village, which can be accessed by foot from the site, and by the village being served by a railway station linking the village to Canterbury and Dover, the site is still considered in a sustainable location for development.
- 2.78 A Transport Statement (highways statement) has been submitted as part of the application.
- 2.79 The scheme proposes vehicle access to the eastern parcel from the turning head at the end of the cul-de-sac between 38 and 40 St Andrews Gardens. The western land

parcel would be accessed from the short 'T' junction formed between 52 and 54 St Andrews Gardens.

- 2.80 The transport statement sets out that the access roads will be designed to Kent Design Guide standard for "minor access ways", and that a turning head is to be provided at the end of the access to allow for a large refuse freighter to enter and exit the site in a forward gear, drawings have been submitted to indicate this.
- 2.81 The existing gradient of the site in the location of the access and initial length of access road into to the western parcel is approximately 1:9/1:10.
- 2.82 Details in relation to the existing highway boundary have not been submitted. KCC Highways have advised that without the required highway definitions plans it is uncertain as to the exact parameters of the access. Although the roads within the site are not intended to be offered for adoption, the access to the site should provide a safe and accessible route and gradient for pedestrians, cycles and vehicles.
- 2.83 KCC Highways generally require a gradient of 1:16.7 as a maximum, and 1:12.5 if unavoidable. To enable these gradients to be achieved for the access road, it appears that ground levels would need to be raised in some locations and alignment of the access road would need to be such as to avoid unacceptable impact on amenity of neighbouring residents, which may occur otherwise due to raised levels.
- 2.84 KCC Highways previously suggested that if planning officers recommend grant of permission, this should be subject to the submission and approval of the highway definition plans. It is considered that the proposed sections and site levels should be secured by a condition ensuring these details are submitted and approved at reserved matters stage.
- 2.85 KCC later submitted a holding objection on the grounds that no separate emergency access has been provided. They have stated that the cumulative impact of the proposed development would require an emergency access, or a looped road arrangement through TC4S02, with a connection onto Mill Lane.
- 2.86 During the course of the application, following the holding objection from KCC Highways and transportation, the site plan has been amended to indicate an emergency access via the adjacent site at Land Adjacent To Mill House Mill Lane CT15 7LR (current planning application under consideration DOV/23/00235). Officers are also in receipt of drawings from the applicant of DOV/23/00235 which propose emergency access through this site. The proposed emergency access route proposed within the submitted plans for this site and the adjacent site correlate, and are consistent, with each other.
- 2.87 This is considered to adequately address concerns over emergency access previously raised by KCC Highways. It is considered reasonable to require a condition that details of the emergency access are provided prior to determination of any reserved matters applications for layout and provided prior to the occupation of the eastern parcel.

- 2.88 75 no. resident vehicle parking spaces and 8 no. visitor vehicle spaces are proposed across the site. This amount of parking is in line with policy requirements for the sizes of homes proposed in a village location. The submitted information states that cycle storage provision would be provided for each property within garden sheds. Provision and details of secure and covered cycle storage for each property will be secured by condition.
- 2.89 Off-site improvements to pedestrian routing and proposed tactile crossings have been proposed, as shown in figure 15. These works include a tactile crossing point to the east of 52 St Andrews Gardens, a tactile crossing point to the west of 47 Mill Lane, a tactile crossing point at Millfields and a dropped kerb at 16 Mill Lane providing access to Public Right of Way ER79.

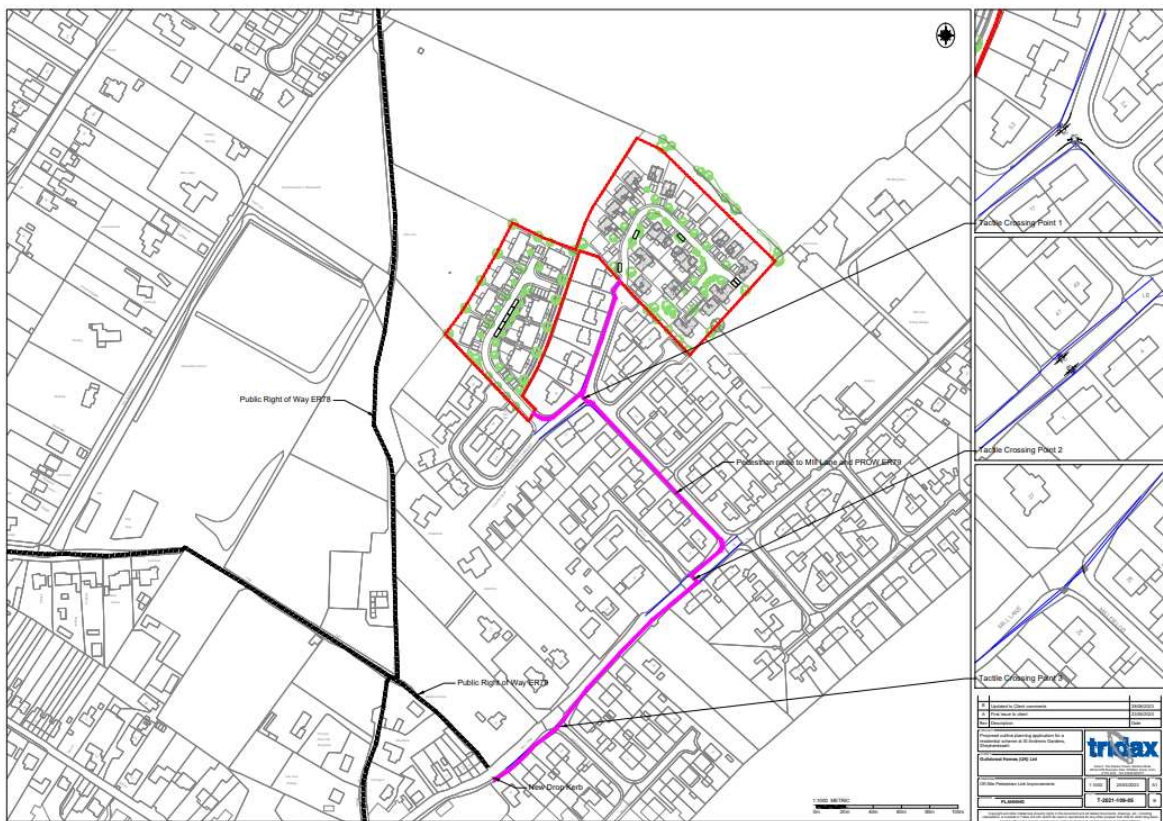


Figure 15: Location of proposed dropped kerbs (not to scale)

- 2.90 KCC Highways have commented that these off-site proposals are acceptable with the schemes being subject to a Section 278 Agreement with KCC Highways. This will form a separate agreement and require a Stage 1 Road Safety Audit which will form part of the submission of the agreement. The works will be secured though a condition, to be completed prior to first occupation.
- 2.91 In relation to trip generation as a result of the development, the submitted transport statement sets out that Trip Rate Information Computer System (TRICS) has been interrogated to establish trip rates for the proposed development. For 39 dwellings,

this would see 17 two-way trips in the AM peak hour and 18 two-way trips in the PM peak hour. These trips will be between the two sites. The transport statement states that although all trips would be utilising the St Andrews Gardens / Mill Lane junction, this equates to 1 vehicle every 4 minutes at the peak times. KCC Highways have commented that this is not considered severe an impact in line with the National Planning Policy Framework.

2.92 KCC PROW raise no objection to the proposals.

Impact on Ecology and trees

- 2.93 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.94 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats. Draft policy SP13 relates to protecting the districts hierarchy of designated environmental sites and biodiversity assets.
- 2.95 Saved policy C08 states that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists and suitable native replacement planting is provided.
- 2.96 The Environment Act 2021 set out a mandatory requirement for new development to provide a minimum of 10% biodiversity net gains; however, this requirement had not come into force by the time that the application had been submitted. The NPPF does, currently, seek developments to secure measurable net gains for biodiversity where possible, but does not set minimum requirements.
- 2.97 The emerging plan, at policy NE1, will seek to achieve the nationally prescribed minimum of 10% Biodiversity Net Gain (BNG), which should be secured for 30 years. However full weight cannot be given at this stage to draft policy NE1, as such although the applicant seeks to make biodiversity enhancements though the scheme, 10% BNG is not sought though this application.
- 2.98 The application is accompanied by an Arboricultural Constraints survey and report, which considers that arboricultural impacts will be "low". The indicative layout of the development would result in the loss of some category 'C' trees but the retention of the majority of the other trees on the site. The proposals include a 5-metre tree and native species planting landscape buffer, which would seek to enhance boundary vegetation.

- 2.99 A preliminary ecological assessment has been submitted. The PEA did not consider the ecological interest of the area between the parcels of the proposed development site. An addendum to the Ecological Scoping Survey was then submitted, which considers the ecological interest of the area that was excluded from the original survey. The Addendum is considered to adequately assess the potential ecological interest of this area.
- 2.100 No detailed consideration of the habitat within the proposed site access to the 'Lower Site' has been provided. It is acknowledged in the ecological reports that there is potential for slow worms to be present in the gardens of the nearby houses, but the site itself does not provide suitable habitat. Given the ecological status of the site, it is not considered necessary for further information regarding the habitat within the proposed site access to be sought.
- 2.101 To ensure that any nesting birds, reptiles or hedgehogs present are adequately protected from harm, the removal of vegetation on and around the site must be carried out in accordance with a biodiversity method statement, which is considered necessary to secure by condition.
- 2.102 Recommendations for biodiversity enhancements are provided in the Ecological Scoping Survey report. The proposed layout incorporates green buffers around the boundaries of the site. It is stated in the Design and Access Statement that the buffers to the western and north-western boundaries will be 5 metres wide with a "smaller" buffer proposed for the northern and eastern boundaries. The width of this is not specified, but given the intention for the buffer to "enhance the ecological value of the site" in addition to providing landscape buffers, it is considered that the minimum width needs to be 2.5 metres and this should be secured by condition. It is considered that the detailed biodiversity enhancement specifications can be secured within the landscaping for the reserved matters application.
- 2.103 It is considered that as well as a biodiversity method statement, conditions requiring Landscaping and Biodiversity Design, including provision of landscape buffers, and a Landscape and Biodiversity Management Plan should be imposed.
- 2.104 The development site falls outside the identified 9km zone of influence for financial contributions for mitigation of impacts on the Thanet Coast and Sandwich Bay SPA.

Flood Risk and Drainage

- 2.105 NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development.
- 2.106 The site is located within flood zone 1. The site is more than one hectare in size and being in flood zone 1, a Flood Risk Assessment is required to support a planning

application. A drainage impact and flood risk assessment and drainage statement has been submitted.

2.107 The assessment states that:

“The sewer records are sporadic in the area and are suspected as having previously been private but are being updated under the Flood & Water Management Act transfer of assets as Southern Water become aware of the assets. The records indicate a 150mm Ø Section 105 Public Foul Water sewer crossing the eastern land parcel site boundary. A copy of the sewer records are included within Appendix B provided as part of the sewer capacity enquiry to southern Water Services. There are no public surface water sewers in the vicinity of the site”.

2.108 The scheme proposes to connect to the public sewer for foul drainage. A sewer capacity check has been issued to Southern Water Services by the applicant and adequate capacity in the local sewer network to receive the additional design flows has been confirmed. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

2.109 The statement sets out that the strategy at this would be to provide cellular soakaways for surface water drainage.

2.110 KCC LLFA have requested a condition requiring demonstration that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout. KCC LLFA have also requested a condition for a detailed sustainable surface water drainage scheme, and a condition requiring a verification report for the surface water drainage.

2.111 Details of both surface and foul drainage will be secured by condition, as requested by Southern Water and KCC LLFA.

Archaeology

2.112 The National Planning Policy Framework, at paragraph 194, states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

2.113 Draft policy HE3 relates to archaeology. The site lies within an area of archaeological potential. The area is considered to have some palaeolithic potential, and furthermore, multi-period archaeological potential based on cropmark evidence including, ring ditches, field systems, enclosures, linear features and an Anglo Saxon Barrow Cemetery.

- 2.114 The application is accompanied by an Archaeological desk-based assessment. The assessment provides an account of the archaeological interest in the area of the proposed development and of the site's archaeological potential.
- 2.115 KCC Archaeology have been consulted and have remarked that the submitted assessment provides a good account of the proposed development site and the archaeological potential. Of particular significance is the presence of a substantial crop-mark complex over a large part of the upper (east site) development area. Although undated the enclosure is thought likely to be of later Prehistoric date and there is a possible entrance into the enclosure from the north-west, perhaps connecting with a trackway. Superimposed on the oval enclosure is a second, more rectangular enclosure that might be of later Prehistoric or perhaps Romano-British date.
- 2.116 The submitted archaeological assessment suggests a Bronze Age or Iron Age date for the enclosures (based on their form) and suggests they represent "an important archaeological site on this ridge-top location" (CAT 7.7.5). The submitted assessment goes on to say that the enclosures likely represent a settlement that "was perhaps in use over a considerable period of time with a high probability that other features, such as pits and post-holes relating to buildings occur within the enclosed area (8.2). The submitted assessment then states there is "also the high potential for the occurrence of ancillary features and structures beyond the main enclosure complex. This could include cemeteries, ditched field systems and trackways (8.3)".
- 2.117 It is possible therefore that the proposed development will impact buried archaeological remains. KCC Archaeology have recommended that further information in the form of a field evaluation (trial trenching) should be sought.
- 2.118 It is considered by DDC planning officers that this further assessment should be secured by a condition, required to be submitted and approved prior to the submission of a reserved matters application, as it may be likely that the findings and recommendations will impact the layout and detailed design of the scheme.
- 2.119 KCC Archaeology have recommended wording for a pre- reserved matters condition to secure a programme of archaeological works and safeguarding measures to ensure preservation in situ of important archaeological remains and/or the implementation of further archaeological investigation and recording.

Contamination

- 2.120 The NPPF states (Paragraph 93) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 2.121 Draft policy SAP36 states that an assessment of land contamination for the site shall be carried out and submitted as part of the planning application and appropriate mitigation measures must be implemented prior to development commencing.

- 2.122 There is identified contaminated land about 25 metres from the east of the site. The Environment Agency has been consulted and have no comments to make. DDC Environmental Protection have been consulted and raise no objection and have not asked for a condition relating to land contamination.
- 2.123 Given the above, the policy requirements and the proposal for residential use, it is considered it would be reasonable to impose a condition requiring reporting of unexpected contamination if found during development.

Infrastructure and Developer contributions

- 2.124 Policy CP6 of the Core Strategy emphasises that development which generates demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district.
- 2.125 Draft policy SAP36 states that “open space requirements in accordance with Policy PM3 shall be provided. However, due to the location nearby to existing open space infrastructure, off-site contributions to upgrade or enhance nearby facilities may be sought rather than on-site provision.”
- 2.126 KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver secondary school places, Special Education Needs & Disabilities service, Community Learning and Skills, Integrated Children’s Services, Library, Registrations and Archives Service, Adult Social Care and waste services.
- 2.127 It is considered that 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.
- 2.128 Draft policy PM4 requires that sports facilities are provided. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The contribution would amount to £18,677 for sports facilities and £34,033 for playing pitches based on 39 dwellings being delivered. As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule the projects that are recommended that these contributions go towards would include a district wide need for swimming facilities and facilities at Shepherdswell Recreation Ground.
- 2.129 Draft policy PM3 requires that residential development of ten or more dwellings will be required to provide or contribute towards the provision of open space that meets the needs of that development, in addition to appropriate maintenance costs. Contributions are sought towards open space, including accessible green space and

children's equipped play space. Contributions are sought towards improvements at Shepherdswell Recreation Ground.

2.130 As set out previously in the report, the development would deliver a policy compliant amount of affordable housing. An affordable housing scheme would be required through the S106, to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage.

2.131 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement if planning permission was to be granted.

Matter	Contribution
Secondary Education Extension	£5,329.27 per applicable house. Total £207,841.53 Towards the expansion of secondary schools in the Dover non-selective and Dover District selective planning groups.
Special Education Needs & Disabilities (SEND)	£559.83 per applicable house. Total £21,833.37 Towards the provision of additional SEND places and/or SEND facilities within Dover District to serve the needs of the development.
Community Learning and Skills	£34.21 per dwelling. Total £1,334.19 Towards additional equipment and resources for Adult Education Centres serving the development, including outreach provision.
Integrated Children's Services	£74.05 per dwelling. Total £2,887.95 Towards additional equipment and resources for the Integrated Children's Services in Dover District including outreach provision.
Library, Registrations and Archives Service	£62.63 per dwelling. Total £2,442.57 Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Aylesham Library, Dover Library and the mobile library serving Shepherdswell.
Adult Social Care	£180.88 per dwelling. Total £7,054.32 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within Dover District.
Waste	£52.00 per dwelling. Total £2,028.00 Towards Dover HWRC to increase capacity.

NHS	£33,528 is requested towards refurbishment, reconfiguration and/or extension of Lydden Surgery and/or Aylesham Medical Practice and/or Canterbury Medical Practice and/or White Cliffs Medical Centre and/or towards new general practice premises development in the area.
Strategic Highways Contribution	£1,200 per dwelling
Playing pitches	<p><u>Natural Grass Pitches</u> Capital Cost £8,818 Lifecycle cost (per annum) £1,837 Changing rooms (capital cost) £18,193 Total = £28, 848</p> <p><u>Artificial Grass Pitches</u> Capital Cost £3,743 Lifecycle cost (per annum) £126 Changing rooms (capital cost) £1,316 Total = £5,185</p>
Sports facilities	Swimming Pools £18,677 Total= £18,677
Open space	<p><u>Accessible green space (per dwelling)</u> 1 bed =£55.91 2 bed =£94.69 3 bed =£117.51 4 bed =£145.49</p> <p><u>Playspace (per dwelling)</u> 1 bed =£201.35 2 bed =£341.02 3 bed =£423.21 4 bed =£523.96</p>
Affordable housing	<p>30% affordable housing; split 55/25/20 affordable rent / first homes / shared ownership</p> <p>Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage, including provision of a minimum of 2 no. M4(3) homes.</p>

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

3. Conclusion

- 3.1 Paragraph 11 of the NPPF sets out that when the local policies are considered out of date that any decision should rest on the tilted balance so that development should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” As the most important policies in determining this application are considered out of date, paragraph 11 of the NPPF is relevant.
- 3.2 The proposal in accords with draft policy SAP36 which allocates the site for development, to which moderate weight can be given at this stage.
- 3.3 The social benefits of the proposal would comprise provision of 39 homes in a sustainable location, 30% of these would be affordable homes. The applicant has proposed to provide 4 of these homes (10%) as wheelchair user homes, to meet building regulations M4(3) standards (although 2 would be required by draft policy). The remainder of the homes would meet M4(2) standards for accessible and adaptable dwellings.
- 3.4 There would be economic benefits provided by the development at construction stage and when built, by providing new homes which in turn would provide support for village services.
- 3.5 There are some landscape and visual impacts that have been identified, however it is considered that these can be adequately mitigated as discussed earlier in the report.
- 3.6 The application has been amended during the course of the application, to indicate emergency access for emergency services vehicles only, via the neighbouring site at Adjacent site - Land Adjacent To Mill House, Mill Lane. A condition will be added to the permission if granted to require details of this emergency access to be approved prior to commencement and thereafter provided. Concerns have been raised from KCC Highways over the gradient of the access into the western parcel; however, details relating to alignment and gradient of access can be secured at reserved matters stage.
- 3.7 In relation to impact on buried archaeology, it is considered that adequate safeguarding can be secured by a condition, requiring on site investigation to be carried out and approved prior to the submission of a reserved matters application.
- 3.8 Given the above, it is considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits.
- 3.9 Accordingly, the proposal would comprise sustainable development and in light of the above it is recommended that planning permission is granted subject to development contributions being secured through a S106 Agreement and the conditions set out below.

4. **Recommendation**

- I PERMISSION BE GRANTED, subject to s106 to secure financial contributions and provision of affordable housing, with the following conditions:
1. Reserved matters details, including existing and proposed site levels, site sections and building heights, and demonstration that requirements for surface water drainage can be met.
 2. Outline time limits
 3. Approved plans
 4. All homes built as Part M4(2) minimum
 5. Details for the provision of Part M4(3) homes
 6. Samples of materials
 7. Details of refuse and recycling facilities
 8. Programme of archaeological works to be submitted and determined prior to reserved matters submission for layout
 9. Biodiversity Method Statement
 10. Landscaping and Biodiversity Design, including provision of Landscape buffers
 11. Landscape and Biodiversity Management Plan
 12. Construction Management Plan
 13. Vehicle parking
 14. Bicycle parking
 15. Details for the gradient of the access
 16. Submission and approval of highway definitions plans
 17. Details of the construction of roads
 18. Visibility splays
 19. Turning facilities
 20. Details of emergency access via Mill Lane site to be submitted at the same time as reserved matters submission for layout and thereafter provided prior to the occupation of the eastern parcel
 21. Details of off-site highway works- pedestrian crossing points
 22. Travel plan
 23. Protection of trees and hedges
 24. Unexpected contamination
 25. Full details of surface water drainage
 26. Verification report for surface water drainage
 27. Full details of foul drainage
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer: Nicola Kingsford