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Planning Statement

Land to the east of Great Cauldham Farm, Capel-le-Ferne

Iceni Projects Limited on behalf of
Quinn Estates

February 2024

ICENI PROJECTS LIMITED
ON BEHALF OF QUINN
ESTATES

Iceni Projects

Birmingham: The Colmore Building, 20 Colmore Circus Queensway, Birmingham B4 6AT

Edinburgh: 11 Alva Street, Edinburgh, EH2 4PH

Glasgow: 177 West George Street, Glasgow, G2 2LB

London: Da Vinci House, 44 Saffron Hill, London, EC1N 8FH

Manchester: This is the Space, 68 Quay Street, Manchester, M3 3EJ

t: 020 3640 8508 | w: iceniprojects.com | e: mail@iceniprojects.com

linkedin: [linkedin.com/company/iceni-projects](https://www.linkedin.com/company/iceni-projects) | twitter: @iceniprojects

Planning Statement
LAND TO THE EAST OF GREAT CAULDHAM FARM,
CAPEL-LE-FERNE

CONTENTS

1.	INTRODUCTION	1
2.	APPLICATION SITE AND BACKGROUND	3
3.	PROPOSED DEVELOPMENT.....	7
4.	PLANNING POLICY	10
5.	PLANNING ANALYSIS	24
6.	SUSTAINABLE DEVELOPMENT AND SCHEME BENEFITS	34
7.	PLANNING BALANCE AND CONCLUSION	36

APPENDICES

A1. APPENDIX 1 – APPEAL DECISION, LAND SOUTH WEST OF LONDON
ROAD, DEAL

1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Icen Projects Limited ('Icen') on behalf of Quinn Estates ("the Applicant") in support of a planning application for a residential development at land to the east of Great Cauldham Farm, Capel-le-Ferne ('the site').
- 1.2 This application is submitted in outline with all matters reserved for future consideration, except access. The proposed description of development is as follows:

Outline planning application for the erection of up to 90 dwellings with associated parking and infrastructure following demolition of existing dwelling; with all matters reserved except access.

- 1.3 The purpose of this Planning Statement is to provide Dover District Council with an overall summary of the existing site and surroundings, the relevant planning history for the site and to provide justification for the Proposed Development in the context of Dover District Council Development Plan and national planning policies. Furthermore, this Planning Statement demonstrates that the scheme detailed in this planning application offers significant benefits including:

- The provision of up to 90 high quality dwellings;
- A valuable provision of policy compliant affordable housing of up to 27 dwellings (30% provision), including homes for affordable rent, shared ownership and first homes;
- A range of new houses from spacious family units to smaller starter homes;
- High quality public realm and thoughtfully landscaped green spaces;
- Ecology enhancements which will provide conservation species with new opportunities for habitat creation, foraging and movement;
- A scheme which is fully aligned with the Economic, Social and Environmental pillars of the NPPF.

Submission Documents

- 1.4 In addition to this Planning Statement and Application Form prepared by Icen Projects as part of the planning application, the following documents and drawings have been prepared and submitted in support of this planning application:

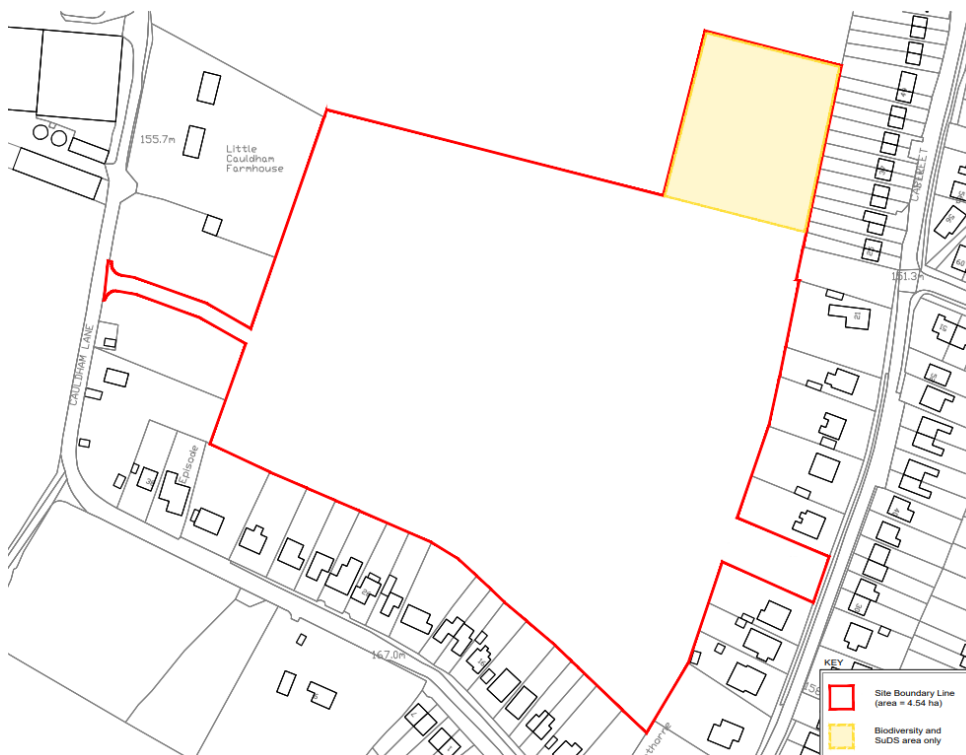
Document title	Author
Site Location Plan	Clague Architects
Indicative Masterplan	Clague Architects
Parameter Plans	Clague Architects
Design and Access Statement	Clague Architects
Landscape Strategy	Aspect Landscape
Flood Risk Assessment Including Surface and Foul Water Drainage Strategies	Charles & Associates
Transport Assessment	Charles & Associates
Ecological Appraisal	Aspect Ecology
Arboricultural Impact Assessment	Aspect Arboriculture
Landscape and Visual Impact Assessment	Aspect Landscape
Noise Assessment	Entran
Air Quality Assessment	Entran
Sustainability & Energy Statement	Iceni Futures
Geo-environmental Assessment	Ecologia
Archaeological Desk-based Assessment	SWAT

2. APPLICATION SITE AND BACKGROUND

Site Description

- 2.1 The Site adjoins the existing settlement of Capel-le-Ferne. It lies between Capel Street and Cauldham Lane and is approximately 4ha in size.
- 2.2 The site presently comprises farmland and is well connected to the local footway network with a footway running alongside Capel Street. The path is approximately 2.0m in width and provides links to the north and to the south, as well as excellent connectivity to the centre of the village, via a network of interconnected public rights of way and bridleways. It is located outside the settlement boundary as defined by the Core Strategy 2010.
- 2.3 The Kent Downs Area of Outstanding Natural Beauty (AONB) borders the Site to the west and the Capel-le-Ferne settlement boundary bounds the site to the east. Notably, the landholding comprises the only land adjoining the settlement that lies outside of the AONB, which makes the land the most suitable and preferable development option for the settlement. The Site is not located within a Conservation Area and there are no heritage assets or Scheduled Ancient Monuments within the site boundary. The whole of the Site is located within Flood Zone 1. An image of the site is provided below:

Figure 1: Location Plan



Site Context

- 2.4 To the north-west, the Site is bounded by agricultural fields whilst the north-east corner is bounded by residential properties. To the south and east of the site are further existing residential dwellings fronting onto Cauldham Lane and Capel Street. Existing dwellings also border the western boundary of the Site on the southern section and farmland on the northern section. The existing settlement is characterised by one and two storey dwellings. The rear gardens of the existing dwellings directly adjoin the Site. The gardens are generally substantial in size and therefore set back from Site.
- 2.5 The Site is well located in proximity to services, facilities, amenities and public transport making it a sustainable location for residential development. Capel-le-Ferne Primary School and Village Hall are located approximately 200m north-east of the Site (less than 5-minutes' walk), a convenience store is located less than 200m from the Site to south-east and so the most important components of a sustainable settlement are already in situ. In addition, the Site is served via nearby bus stops located on New Dover Road, approximately 200m to the south of the Site. The bus service runs every 15 minutes between Dover, Folkestone, New Romney, Rye and Littlestone-on-Sea and as such, there is a frequent and reliable public transport option to access a variety of high order settlements. This connectivity is an important and sometimes overlooked factor in determining the sustainability credentials of settlements such as Capel.
- 2.6 National Cycle Route 2 provides useful cycling connections to Folkestone and Dover, and the scheme will provide improvements at the New Dover Road / Capel Street junction to support active travel.

Capel-le-Ferne

- 2.7 Capel-le-Ferne is defined in the adopted Dover District 2010 Core Strategy as a Local Centre providing a range of shops and services for the local communities and surroundings. There are also a variety of nearby employment areas including Folkestone and Dover that provide work opportunities for residents of Capel-le-Ferne and surrounding areas. Many local services and facilities can be reached on foot in less than 15 minutes, including:
- Capel Street Bus Stop (2 minute walking distance);
 - Food Market (2 minute walking distance);
 - Village hall (2 minute walking distance);
 - Capel-Le-Ferne Primary School (7 minute walking distance);
 - Saint Radigund Church (7 minute walking distance);

- Natter of Britain Memorial (9 minute walking distance);

2.8 There are also a number of industrial/commercial sites within close walking distance, providing residents with a local source of work. For residents that work in other sectors, there are regular bus services that provide residents with quick access to the coastal town of Dover and Canterbury:

- Number 102: Dover/Lydd, every 15 minutes
- Number 991: Dover/Cheriton, school bus once a day.

2.9 The Site is therefore in a highly sustainable location for appropriate residential expansion, with a large array of infrastructure to support the proposed development which would allow new residents to adopt highly sustainable travel patterns and behaviours.

Figure 2: Bus Routes



Figure 3.1 Map Illustrating District Settlement Hierarchy

Source: *Dover District Core Strategy 2010, Figure 3.1*

Planning History

2.10 There is no planning history located on the site itself, however there have been notable applications/permissions in the locality:

- Application 23/00401 for the erection of up to 16 dwellings. This application was granted outline permission on the 6th November 2023 and the officer determined that the proposal would provide 16 homes in a sustainable location, and five of these would be affordable homes. Landscape and visual impacts were identified but considered to be adequately mitigated and concluded that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits.
- 20/01569 - The erection of two storey building incorporating 15 apartments (independent living accommodation), communal social areas and associated parking and landscaping - Under consideration

Pre-Application Discussions and Public Consultation

2.11 The development potential of the site has been considered through the Dover Local Plan Review, having been submitted through the Council's call for sites. The site has been identified in Regulation 18 and Regulation 19 versions of the Plan as a suitable site for residential development, with an indicative yield of 70 dwellings identified in order to support the Council's target of 11,924 homes over the Local Plan period to 2040. Nevertheless, the Site can sustainably accommodate additional housing to deliver further dwellings in the Plan period, as was discussed at the Examination in Public and as is demonstrated through this planning application.

2.12 Consultation included discussions with local district councillors, local residents and interested organisations. The Applicant has sought to engage with key stakeholders throughout the pre-application and consultation phase.

2.13 Pre-application consultation with the local community has included a public exhibition event which was held on the 7th of February 2024. Throughout the pre-application process, the Applicant employed a variety of methods and approaches in accordance with best practice. The evolution of the scheme clearly demonstrates that the local community influenced the final submitted design.

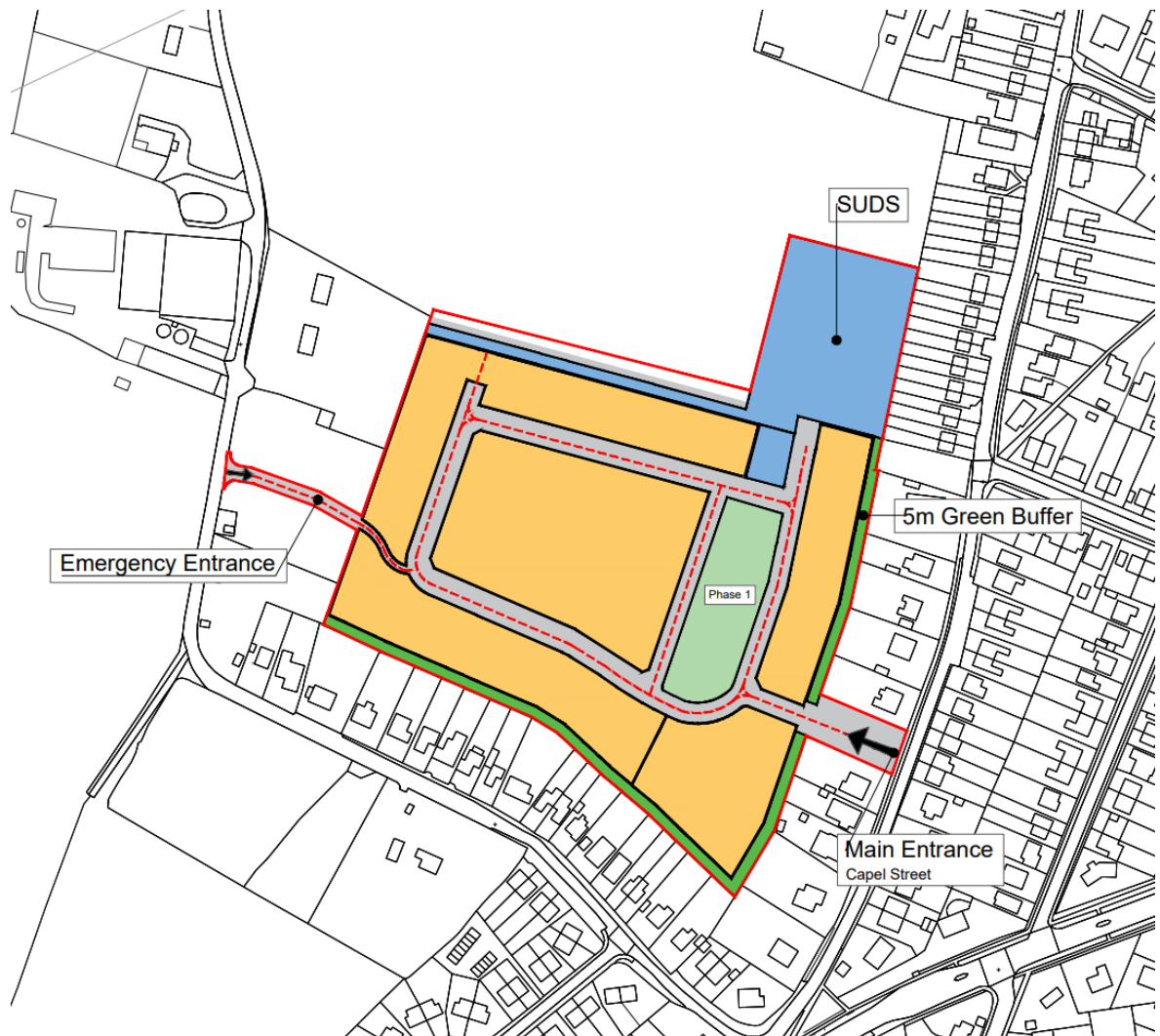
2.14 A full Statement of Community Involvement is provided with this planning application.

3. PROPOSED DEVELOPMENT

3.1 This planning application seeks outline planning permission for the following:

Outline planning application for the erection of up to 90 dwellings with associated parking and infrastructure following demolition of existing dwelling; with all matters reserved except access.

3.2 The proposed development is accompanied by Parameter Plans that identify the following development areas.



3.3 The indicative layout is the result of an iterative masterplanning process that has been undertaken over the evolution of the Local Plan process. The scheme has evolved through its promotion in the various call for sites and local plan consultations that have taken place over the years. Principally,

the scheme adheres to Policy SAP44 of the Draft Dover Local Plan, which seeks to allocate the site for residential development.

Sustainability and Energy

- 3.4 We consider this site to be a highly sustainable location for development due to the range of available services within walking distance and the strong connections to both Folkestone and Dover which can be reached using public transport.
- 3.5 A sustainability strategy is submitted to show how the proposals could include features such as photovoltaic panels, and, potentially, photovoltaic panels or air-source heat pumps (ASHPs). In addition, water-saving fittings and appliances shall be installed to target a water consumption rate of 105 litres or less per person per day, based on the DCLG water efficiency calculator for the residential elements.

Affordable Housing

- 3.6 The scheme will deliver 27 of the total 90 units as affordable housing, making up 30% of the overall tenure. An indicative mix is provided however the final mix of the affordable housing would be determined at the Reserved Matters stage in accordance with DDC's preferred housing mix.

Vehicular, Cycle and Pedestrian Access

- 3.7 Safe and suitable access for all modes will be provided from Capel Street, with a secondary access on Cauldham Lane for pedestrians, cyclists and emergency vehicles only.
- 3.8 The proposed development will accommodate adequate car parking, cycle storage, and EV charging points for sustainable transportation options. The site's access layout can accommodate standard refuse collection vehicles.

Landscaping Strategy and Flood Risk Mitigation

- 3.9 Throughout the development, new tree planting will be implemented along streets and in parking areas to increase the attractiveness of the street scene while softening building outlines and integrating the development with the existing setting of the village where trees play a vital role in the village character. The planting strategy within the development will prioritise native species, complemented by ornamental shrub species for year-round interest. Hedges will define front gardens and open spaces, while ornamental shrubs will be used to provide seasonal appeal.

-
- 3.10 From wider afield, the visual perception of the development will be limited as a result of the 5m buffer along the southern and eastern boundaries, which will enhance the existing boundaries offering biodiversity benefits while also protecting residential amenity.
- 3.11 The landscape strategy aims to establish a cohesive plan that harmonises the Proposed Development with existing vegetation and planting in the immediate context and setting of the site. This green strategy contributes to the site's sustainability and creates a high-quality development that complements its landscaped surroundings.
- 3.12 To prevent risk of flooding, an attenuation basin is proposed along the northern boundary of the site in addition to within part of the BNG area to the north. This provides the best opportunities to retain water on site while also providing new habitat opportunities.

4. PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This section identifies the principle planning policy considerations which have informed the development proposals, and which provide the context for the consideration of this planning application, as well as other material considerations. The current development plan consists of:

- The Dover District Core Strategy (2010);
- Kent Minerals and Waste Local Plan 2013 – 2030 (adopted 2020); and
- Dover District Local Plan Saved Policies (2002).

4.2 Other material considerations include:

- National Planning Policy Framework (2023);
- National Planning Practice Guidance (2021); and
- The Draft Dover District Local Plan (Regulation 19).

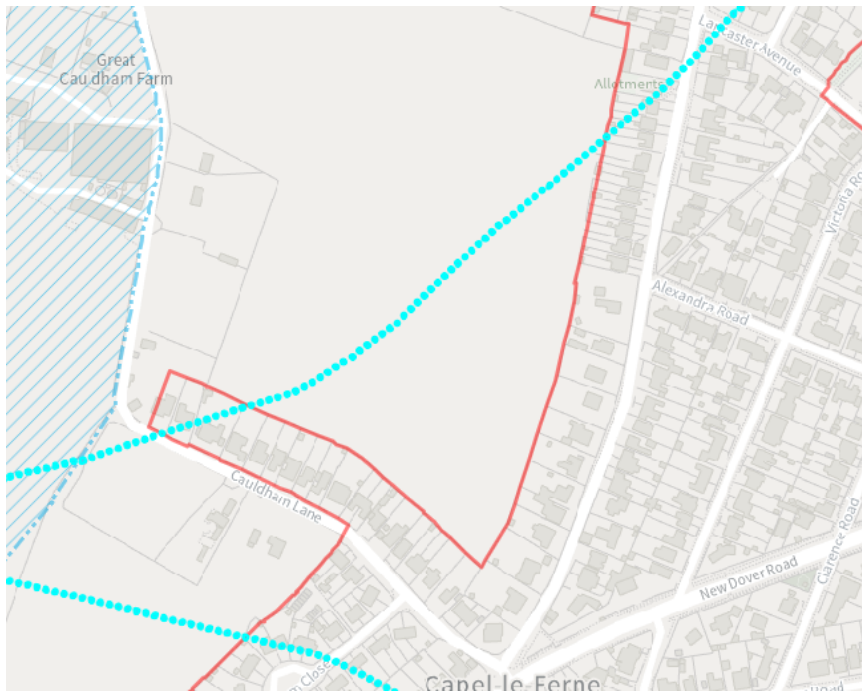
Dover District Local Development Framework Core Strategy (adopted 2010)

4.3 The Dover District Core Strategy sets out the spatial strategy and the vision for the District for the period up to 2026 and was formally adopted in 2010. A key component of the Council's vision is *“To transform Dover into a leading town in the region and regenerate the District so that economically and socially it equals or out-performs the region.”*

4.4 Whilst the settlement of Dover is the plan's focus for new development, it acknowledges that developments in rural areas will need to come forward to support the social and economic development of its communities. Rural housing provision is a form of housing need and can make an important contribution towards strengthening the vitality of rural communities. Such development should be focussed in sustainable locations where there are no significant development constraints.

4.5 The only policy designation which overlaps the site is DM17 – Groundwater Source Protection:

Figure 4.1 – Adopted Policy Allocations



Source: Dover Core Strategy (adopted in 2010)

- 4.6 **Policy DM17** Groundwater Source Protection seeks to limit any form of development which would be likely to result in unacceptable levels of contamination. A list of development types is included in the Policy, however, the development types listed are not provided through this proposal.
- 4.7 In addition to the above, the policies in Table 4.2 are relevant to the proposal.

Table 4.1 Relevant Local Plan Policies

Policy Number	Policy Synopsis
Policy CP1	<u>Settlement Hierarchy</u> This policy sets out the development strategy for the District through a hierarchy of development locations. There are six tiers of settlements, by virtue of the sustainability and size of the settlement. Capel-le-Ferne is classed as a 'Local Centre', or a tier 4 settlement, by virtue of this policy. The guidance to Policy CP1 states that the function of local centres is to be a secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
Policy CP2	<u>Provision for Jobs and Homes between 2006 – 2026</u> This policy requires the provision of 14,000 homes over the plan period.
Policy CP4	<u>Housing Quality, Mix, Density and Design</u>

Policy Number	Policy Synopsis
	Residential development for 10 or more dwellings should demonstrate how they align with the local housing market, adhere to Strategic Housing Market Assessment guidelines, create a suitable housing mix and design with distinctive landmarks and focal points, and seek to achieve optimum density.
Policy CP5	<u>Sustainable Construction Standards</u> From 1 April 2016, new residential development shall achieve Code for Sustainable Homes Code level 5.
Policy CP6	<u>Infrastructure</u> Development will only be permitted if there is the infrastructure to support it. If the development generates a need for infrastructure, this should be provided with the development.
Policy DM1	<u>Settlement Boundaries</u> Development will not be permitted outside of designated settlement boundaries unless justified by development plan policies, or it functionally requires such a location or would be ancillary to neighbouring development.
Policy DM5	<u>Provision of Affordable Housing</u> Residential developments of 15 or more units are required to provide 30% of its tenure as affordable housing.
Policy DM11	<u>Location of Development and Managing Travel Demand</u> Planning applications that would increase travel should provide an assessment that quantifies the modes likely to be used and promote sustainable travel. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
Policy DM12	<u>Road Hierarchy and Development</u> All developments which would affect use of a public highway or make changes to the public highway must demonstrate that it would not generate risk to road safety or traffic delays.
Policy DM13	<u>Parking Provision</u> Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
Policy DM15	<u>Protection of the Countryside</u> Development which would result in the loss, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with the development plan documents, or justified by a need to sustain the

Policy Number	Policy Synopsis
	rural economy or community, it cannot be accommodated elsewhere, and does not result in the loss of ecological habitats.
Policy DM16	<u>Landscape Character</u> Developments which would affect the landscape as identified in the landscape character assessment will only be permitted if it can be done so in a way that mitigates or reduces any resultant harm.
Policy DM25	<u>Open Space</u> Proposals for development that would result in the loss of open space will not be permitted unless: there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or a replacement area with at least the same qualities and equivalent community benefit, and the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Draft Dover Local Plan

Policy SAP 44

- 4.8 Paragraph 48 of the NPPF (December 2023) states that a decision taker may apply weight to draft Local Plans depending on the current stage of preparation, the existence or extent of unresolved objections, and the degree of consistency of Policies in the plan with the Framework.
- 4.9 Dover District Council are in the late stages of the plan-making process for a new Local Plan which is intended to replace the current development plan comprising the 2002 Local Plan and 2010 Core Strategy.
- 4.10 At the time of submission, the Council's draft Local Plan has been tested at an Examination-in-Public and the Inspectors' conclusions on the soundness of the Local Plan are awaited. Quinn Estates has played an active role at all stages of Examination process, including the session on Capel-le-Ferne which considered the development allocation for an indicative 70 dwellings for the site. At the examination-in-public DDC's officers and the Inspector were clear that a higher number could be considered acceptable subject to detailed design. Crucially, there were no signals given that this allocation was unsound.
- 4.11 Given the site's allocation for residential development in the Plan throughout the Plan Review, there has been ample opportunity for representations to be made with respect to the allocation. It should therefore be noted that the site's allocation is generally accepted by statutory consultees. In the

Regulation 19 consultation, representations were received from 5 individuals and organisations, not including the applicant. Notably, the application received no objection from the Kent Downs AONB unit, whose officers expressed that the site had limited intervisibility with the AONB and would be viewed in conjunction with the existing development in the village. Furthermore, there were no environmental or technical stakeholder objections to the allocation of the site.

4.12 Accordingly, it is considered that Policy SAP 44 can and should be afforded substantial weight in for this application.

4.13 The latest iteration of the allocation in the draft Dover District Local Plan is summarised in Table 4.2 below:

Table 4.2 Draft Dover Local Plan: SAP44

Allocation reference	Synopsis
SAP44	<p><u>Land to the east of Great Cauldham Farm, Capel-le-Ferne (CAP006)</u></p> <p>The site is allocated for an indicative capacity of 70 dwellings. Development proposals for the site shall include the following</p> <ul style="list-style-type: none"> A. Design should take into account the topography of the site, including the relationship with existing residential properties. Development should be set back from the existing residential properties and be sensitively designed to respect the character of the area in relation to scale, form, materials and colour palette and to allow transition to the rural landscape; B. An appropriate landscape buffer determined by a Landscape Visual Impact Assessment is required to mitigate the impact of development on the setting of the AONB to the north west; C. Consideration will be to be made regarding the quality and condition of trees and hedgerows within the site. Detailed proposals should aim to protect those of importance and incorporate them in the overall design of the development and to provide opportunities for biodiversity habitat creation and enhancement; D. Primary vehicular, pedestrian and cycle access to the site shall be provided from Capel Street. Access should not be taken from Cauldham Lane; E. 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;

Allocation reference	Synopsis
	<p>F. 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;</p> <p>G. 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;</p> <p>H. Layout is designed to ensure future access to existing wastewater infrastructure for maintenance and upsizing;</p> <p>I. A Transport Assessment is required in accordance with Policy T12 to identify off-site highway improvements and sustainable transport measures that are necessary to serve the development. The transport assessment must consider and identify mitigation for the Capel Street/Dover Road also taking into account the cumulative impact of other sites allocated in this Plan; and</p> <p>J. 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 those facilities may be sought rather than on-site provision.</p>

4.14 In addition to the draft allocation, there are a number of policies of relevance to the proposal in the draft Local Plan:

Table 4.3 Draft Dover Local Plan Policies

Policy Number	Policy Synopsis
SP1	<p><u>Planning for Climate Change</u></p> <p>This policy outlines how all development should seek to account for and address climate change through various means. Applications for new developments will need to be supported by a climate change statement.</p>
SP2	<p><u>Planning for Healthy and Inclusive Communities</u></p> <p>This policy outlines a number of overarching principles that development proposals will be considered against, in order to ensure that it will contribute towards the creation of healthy and inclusive communities.</p>
SP3	<p><u>Housing Growth</u></p> <p>This Policy sets a housing target of 10,998 homes to be delivered over the plan period up to 2040. It also outlines Council's general stance toward</p>

Policy Number	Policy Synopsis
	development in different locations, noting that a reasonable proportion of the overall housing stock will constitute development in Rural Areas, providing it remains proportionate to the scale and accessibility of the settlement..
SP5	<p><u>Affordable Housing</u></p> <p>Residential schemes of 10 or more dwellings (or sites over 0.5ha in size) should deliver 30% of its tenure as affordable housing. Such provision should be provided on-site and split between 55% affordable/social rent, 25% First Homes, and 20% other affordable home ownership products.</p>
SP11	<p><u>Infrastructure and Developer Contributions</u></p> <p>Should development generate a need for infrastructure, either due to strain upon existing infrastructure, or due to lack of an existing provision, this must be provided with the scheme. Depending on the circumstances, contributions will be made either through an on-site provision, or through a financial contribution towards an off-site provision or enhancement of an existing facility(s). The overall level of provision will account for viability.</p>
SP12	<p><u>Strategic Transport Infrastructure</u></p> <p>The Council, in partnership with Network Rail, will support proposals for a journey time of less than 1 hour between Dover and St Pancras and The Council will support proposals for the rural demand-responsive bus service and other improvements to local bus service provision.</p> <p>Proportionate developer contributions will be sought from new development to support strategic schemes identified in this policy. This will be secured by S106 and/or S278 agreements. This may include contributions or on-site provision for associated complimentary infrastructure.</p>
SP13	<p><u>Protecting the District's Hierarchy of Designated Environmental Sites and Biodiversity Assets</u></p> <p>This policy seeks to protect Dover's Natural Environment. All proposals within, or affecting the setting of, the AONB and Heritage Coasts must have regard to the purpose of conserving and enhancing their natural beauty in accordance with the requirements of Policy NE2</p>
SP14	<p><u>Enhancing Green Infrastructure and Biodiversity</u></p> <p>This policy seeks to promote green infrastructure provision and the creation of/integration with green infrastructure networks.</p>
CC1	<p><u>Reducing Carbon Emissions</u></p> <p>All buildings must seek to achieve high standards of energy efficiency. Residential applications must include an Energy Statement.</p>
CC2	<p><u>Sustainable Design and Construction</u></p>

Policy Number	Policy Synopsis
	This policy sets out a number of principles related to this aim. Development proposals must demonstrate compliance with these principles through a statement on Sustainable Design and Construction.
CC4	<p><u>Water Efficiency</u></p> <p>This policy states that all new dwellings must be built to the higher water efficiency standard under Regulation 36(3) of the Building Regulations, to achieve a maximum use of 110 litres per person per day.</p>
CC6	<p><u>Surface Water Management</u></p> <p>This policy requires an appropriate Surface Water Drainage Scheme to be incorporated into all proposals. The chosen strategy must be identified through a hierarchy of methods outlined within this Policy. Where SuDs are required, a Sustainable Drainage Strategy containing proportionate information on the proposed sustainable drainage systems must be submitted as part of any planning application.</p>
CC8	<p><u>Tree Planting and Protection</u></p> <p>In terms of tree planting, residential developments should provide 2 trees per dwelling. Proposed trees should (1) be of a native Kent species, (2) aim to be planted on site, and (3) for major schemes, be outlined in a landscaping scheme and management plan. A detailed landscaping scheme and landscape management plan should be submitted for all major development schemes</p> <p>Developments affecting existing tree designations (TPOs) will not be allowed unless it can be demonstrated that the benefits outweigh the harm, there is no other option, or the tree is dead, dying, or diseased, and therefore represents a threat to public safety. In such instances, replacement trees should be provided.</p>
PM1	<p><u>Achieving High Quality Design, Place Making and the provision of Design Codes</u></p> <p>In order to achieve a positive sense of place, this policy sets out a thorough list of overarching design principles that should, where applicable, be embedded into the design of the proposed development. Proposals that fail to demonstrate consideration of these principles will not be supported.</p>
PM2	<p><u>Quality of Residential Accommodation</u></p> <p>This policy sets out a number of principles that residential developments should adhere to in order to ensure that future residents can enjoy a good quality of life.</p>
PM3	<p><u>Providing Open Space</u></p>

Policy Number	Policy Synopsis
	This policy outlines open space provision requirements for developments exceeding 10 residential dwellings.
PM4	<p><u>Sports Provision</u></p> <p>Residential developments which provide over 10 dwellings are required to contribute to the provision of new, or enhancement of existing, indoor sports facilities and outdoor playing pitch and sports facilities, to meet the needs of the development, and maintenance of those facilities. The level of provision will depend on (1) existing deficiencies outlined on the Sports England facility calculators and (2) viability.</p>
PM5	<p><u>Protection of Open Space, Sports Facilities and Local Green Space</u></p> <p>In all circumstances, the loss of open space will not be permitted if that open space:</p> <ol style="list-style-type: none"> 1 Contributes to the distinctive form, character and setting of a settlement; 2 Creates focal points within the built-up area; or 3 Provides the setting for important buildings or scheduled monuments, or are themselves of historic or cultural value.
PM6	<p><u>Community Facilities and Services</u></p> <p>New residential developments of 10 or more dwellings will be required to contribute, depending on the circumstances, towards the creation or enhancement of community facilities.</p>
H1	<p><u>Type and Mix of Housing</u></p> <p>Residential development of 10 or more dwellings must achieve an appropriate mix of housing which reflects the aspirations of the Council's latest housing need and market demand evidence.</p>
H2	<p><u>Rural Local Housing Needs</u></p> <p>This policy outlines the requirements for proposals for local needs housing in the rural area beyond a settlement's identified confines.</p>
T11	<p><u>Sustainable Transport and Travel</u></p> <p>Where appropriate, development should be located and designed to maximise all opportunities to encourage sustainable modes of travel. Where appropriate, financial contributions will be provided for off-site improvements to facilities to further promote sustainable travel.</p> <p>This policy also states that the Council will not support development which would adversely affect the use of PRoWs or cycle routes and also support their enhancement and extension.</p>
T12	<p><u>Transport Statements, Assessments and Travel Plans</u></p>

Policy Number	Policy Synopsis
	Developments which would result in unacceptable impacts towards the highway network will not be supported. Depending on the nature and scale of the development, a Transport Statement/Assessment, and/or a Travel Plan may need to be submitted as part of the application.
TI3	<p><u>Parking Provision on new Development</u></p> <p>This policy outlines that parking provision should be based on (1) the Kent SPD and Kent Design Guide Review: Interim Guidance Note 3 (or subsequent guidance) and (2) the specific nature and circumstances of the development.</p>
TI5	<p><u>Digital Technology</u></p> <p>This policy requires all new development which utilise internet should be provided with gigabit-capable connections. Proposals should set out this provision within a Digital Infrastructure Statement.</p>
NE1	<p><u>Biodiversity Net Gain</u></p> <p>This policy requires all development proposals to provide a minimum of 10% biodiversity net gain (BNG). When feasible/viable, BNG should be provided on site, provided above the agreed ecological baseline, and be secured for a minimum of 30 years after completion. To demonstrate accordence, all planning applications should be supported by a Biodiversity Net Gain Plan. All biodiversity net gain will be secured by condition and/or legal agreement.</p>
NE2	<p><u>Landscape Character and the Kent Downs AONB</u></p> <p>This policy states that applications should demonstrate how the Landscape Character Area in which the proposal would be situated has been appropriately considered. For developments within, or affecting the setting of an AONB, they will only be approved subject to a list of criteria being met.</p>
NE4	<p><u>Air Quality</u></p> <p>Developments which may lead to a significant deterioration in air quality or national air quality objectives being exceeded will be required to submit an Air Quality Assessment. Major development will be required to demonstrate a shift to the use of sustainable low-emission transport in accordance with Policy TI1.</p>
NE5	<p><u>Water Supply and Quality</u></p> <p>Within Groundwater Source Protection Zones, development will only be permitted if it can be demonstrated that there would be no risk of groundwater contamination generated by the proposals.</p>
HE1	<p><u>Designated and Non-Designated Heritage Assets</u></p>

Policy Number	Policy Synopsis
	Where relevant, proposals should be designed to conserve or enhance heritage assets. Proposals which may affect such assets should be supported by a Heritage Statement.
HE3	<u>Archaeology</u> This policy requires proposals, on sites where there is, or is the potential for, an archaeological heritage asset, to provide an appropriate desk-based assessment of the asset.

National Planning Policy

- 4.15 The National Planning Policy Framework (NPPF) provides the planning policies for England and how these should be applied. This section provides an overview of the Government's national planning policy and guidance that is relevant to the proposed development.

Table 4.4 Relevant National Planning Policy

Achieving Sustainable Development	<p>The planning system has three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) (Paragraph 8).</p> <p>Paragraph 11 indicates that plans and decisions should apply a presumption in favour of sustainable development For decision taking this means... where the policies which are most important for determining the application are out-of-date, granting permission unless:</p> <ul style="list-style-type: none"> 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; or ii. 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
Decision-making	<p>Paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> 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).
Delivering a sufficient supply of homes	<p>Paragraph 60 outlines the importance of supporting the government's goal of increasing the number of homes available. It highlights the need for a diverse range of land to be made available in suitable locations, catering to various housing requirements, and ensuring that land with planning permission is developed promptly</p>

	<p>and efficiently. This includes people who desire to live in rural locations yet within sustainable reach of larger urban centres.</p> <p>Paragraph 70 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and can often be delivered quickly in comparison to larger schemes. To promote the development of a good mix of sites, local authorities should, amongst other matters, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.</p>
<p>Building a strong, competitive economy</p>	<p>Para 85 advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.</p> <p>With respect to rural areas, Para 88 supports the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p> <p>Para 89 adds that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.</p>
<p>Promoting healthy and safe communities</p>	<p>Para 96 advises that policies and decisions should aim to achieve healthy, inclusive and safe places which; a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p> <p>Para 97 adds that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services</p>

	<p>With respect to open space and recreation, Para 102 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Para 100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p>
<p>Promoting sustainable transport</p>	<p>Para 109 advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Para 116 states that applications for development should:</p> <ul style="list-style-type: none"> 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. <p>Paragraph 115 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.</p>
<p>Making effective use of land</p>	<p>Para 123 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.</p>
<p>Achieving well-designed places</p>	<p>Para 135 advises that decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

<p>Meeting The Challenge Of Climate Change, Flooding And Coastal Change</p>	<p>Section 14 of seeks to ensure that the planning system supports the transition to a low carbon future by shaping places to minimise the impact on the climate. It states that new development should be planned for in ways that avoids increased vulnerability to the range of impacts arising from climate change and can help to reduce greenhouse gas emissions (Paragraph 159).</p> <p>Paragraph 162 states that new development should comply with policies for decentralised energy and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.</p>
<p>Conserving And Enhancing The Natural Environment</p>	<p>Paragraph 180 states that planning decisions should contribute to and enhance the environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>Paragraph 186 states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.</p> <p>Paragraphs 191 and 192 go on to state that new development should be appropriate for its location and any potential adverse impacts from noise and air quality should be mitigated.</p>

5. PLANNING ANALYSIS

- 5.1 This section reviews the key planning considerations arising from the Proposed Development. It provides a reasoned justification for the Proposed Development in the context of relevant policy and the specifics of the site and its surroundings.

Need/Principle of Development

- 5.2 The starting point for assessment of the application is the Development Plan, which includes the Dover District Core Strategy (adopted in 2010). The Plan has a number of key strategic and spatial policies relevant to the application including Policy DM1 'Settlement Boundaries,' DM11 'Location of Development and Managing Travel Demand,' and DM12 'Road Hierarchy and Development.'
- 5.3 In May 2023, an appeal was allowed for the development of 155 residential dwellings at 'Land South West of London Road, Deal' (APP/X2220/W/23/3315262). Though the appeal site had policy conflict with policies DM1, DM11, and DM12, the Inspector concluded that by a matter of agreement between the appellant and the Council, these policies are out of date given that they were formulated against significantly lower housing need (Appendix 1, Para. 9). As such, the Council's projected housing need outlined in Core Strategy Policy CP2 of 505 dwellings per annum, based on the revoked Regional Spatial Strategy, is significantly lower than current objectively assessed need which is confirmed to be 611 dwellings per annum. Therefore, it was concluded that the 'presumption in favour of sustainable development' (outlined in Paragraph 11d of the NPPF) was engaged.
- 5.4 Given the precedent set above, Paragraph 11(d) should be engaged in the determination of this application, meaning the approval of this application hinges on whether the application would harm areas or assets of particular importance, or whether any harm would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF as a whole. The applicant is not aware of any harm to areas or assets of particular importance, or any harm resulting from the development that might outweigh the significant benefits of the development.
- 5.5 Notwithstanding the presumption of favour of sustainable development which should currently be applied to the application, it is also highly pertinent to consider the Draft Dover District Local Plan, which was considered at Examination in late Autumn 2023. The Plan allocates the site for residential development (under Policy SAP 44). Paragraph 48 of the NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given), the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to this the emerging plan to the policies in the Framework. In this instance, the Plan is well advanced, there have been no

objections from any environmental or technical consultees to the Plan allocation and unresolved objections are modest in number and have not raised substantive issues. Therefore considerable weight can be afforded to the Emerging Local Plan and the residential allocation on the site at this stage. It may be the case that the draft Plan is advanced further, possibly as far as adoption in broadly its current form before the application is determined, in which case, the application should be immediately granted in accordance with the emerging Local Plan.

- 5.6 The remainder of this section provides a justification for the principle of development, whereas the following sections in this chapter demonstrate that the scheme is in full accordance with the policies set out in the NPPF.

The Rationale for the Proposed Development

- 5.7 Capel-le-Ferne is a highly sustainable settlement for its size and is not subject to development constraints nor is seen to be a contentious location for development based on nearby planning applications and is very well-located with respect to larger settlements and national vehicular transport routes.
- 5.8 The draft plan ranks Capel-le-Ferne as a 'larger village' and to help sustain and strengthen the role of these larger villages, additional housing over the lifetime of this Plan is considered appropriate in accordance with the aspirations of draft Local Plan Policy SP3. Rural housing provision is a form of housing need and can make an important contribution towards strengthening the vitality of rural communities. Such development should be guided towards sustainable locations, such as this site, where there are no significant development constraints.
- 5.9 The village benefits from a strong bus link which stops directly outside of the application site and runs frequently throughout the day, providing residents with quick and reliable access to both Dover and Folkestone without needing to own a vehicle. It is considered that no other settlement in Dover offers the level of high accessibility to the two major centres of Folkestone and Dover than Capel-le-Ferne and therefore the provision of new housing in Capel-le-Ferne is therefore sustainable, it will concomitantly strengthen the vitality of the local services, and importantly, would be in line with the aspirations of the Draft Local Plan.
- 5.10 The Submitted Version of the Draft Local Plan is a clear expression of Dover's intentions for the settlement of Capel-le-Ferne and the site and therefore should be a material planning consideration in the determination of the application. The site is allocated indicatively for 70 homes. However, this quantum is considered to be low density compared to the existing urban form of the settlement and a dwelling yield of up to 90 would constitute a more appropriate development that better reflects the guidance of the NPPF to avoid low density development, as well as being more harmonious with the existing character and urban form of the settlement and would ensure optimal use of the land is achieved in order to avoid low density development.

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- 5.11 Policy SP3 of the Emerging Local Plan sets a housing target of 10,998 homes to be delivered over the plan period up to 2040. It also outlines the Council's general stance toward development in different locations, noting that a reasonable proportion of the overall housing stock will constitute development in Rural Areas, providing it remains proportionate to the scale and accessibility of the settlement. Complementary Policy SP4 allows proportionate growth adjoining the settlement boundary of Capel-le-Ferne and would make positive provision for housing on the site, if it were not explicitly allocated for residential development in the draft Plan.
- 5.12 The following sections of this chapter will demonstrate how the scheme will be designed in accordance with the relevant planning policies, requirements and designations set at the Local/National Level, and therefore does not generate any conflict with policies in the NPPF created to protect areas or assets of particular importance.

Affordable Housing

- 5.13 Policy DM5 of the Dover Core Strategy requires Residential developments of 15 or more dwellings to provide 30% of its tenure as affordable housing (also draft Policy SP5). Policy SP5 of the Emerging Local Plan states that for residential schemes of 10 or more dwellings (or sites over 0.5ha in size) should deliver 30% of its tenure as affordable housing. Such provision should be provided on-site and split between 55% affordable/social rent, 25% First Homes, and 20% other affordable home ownership products.
- 5.14 Though the full details of this provision would be finalised at the reserved matters stage, it is considered that the scheme can be fully compliant with the above affordable housing requirements and as such would represent an important opportunity to make a valuable contribution towards addressing the active shortage of affordable homes in the area.

Design and Setting

- 5.15 Policy H1 of the Emerging Local Plan states that proposals for 10 or more dwellings will be required to demonstrate how the mix of tenure, type and size of housing proposed on site reflects the Council's latest evidence of housing need and market demand and contributes towards meeting the varied needs of different households including single person households, couples, families with children, older people, people with disabilities and people wishing to build their own homes.
- 5.16 The Emerging Local Plan policy PM1 states that development proposals must provide evidence, through their design and access statements, to demonstrate how they have responded positively to the design policies in the Local Plan and associated guidance.
- 5.17 Policy PM2 of the Emerging Local Plan states that all new residential development must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions

for neighbouring properties, be of appropriate layout with sufficient usable space and contain windows in all habitable rooms, meet the government's latest Nationally Described Space Standards in respect of internal accommodation, on schemes of 20 or more dwellings 5% of the development to be built in compliance with building regulation M4(3)(wheelchair accessible homes), with the remaining development to be built in compliance with building regulation part M4(2), provide well designed private or shared external amenity space on-site and where relevant, measures to ensure fire safety for schemes involving a relevant high-rise residential building in accordance with the National Planning Practice Guidance.

5.18 The Design and Access Statement shows how the design of the scheme has been influenced by various considerations, including existing site characteristics, local development characteristics, and infrastructure requirements. The result is an attractive development that successfully integrates into the existing settlement pattern whilst preserving the amenity of existing residents and significantly limiting the impression of development within the wider landscape. The design of the buildings, whilst only indicative at this stage, will be of high quality and thus will provide an attractive addition to the settlement.

5.19 In terms of provisional requirements, this would also be secured at the Reserved Matters stage, however, it is considered that the scheme will be able to be compliant with policy requirements in respect to tenure, mix, and accessibility for all.

Landscape and Visual Impact

5.20 In terms of Landscape Character, Policy DM16 of the Core Strategy states that developments which would affect the landscape as identified in the landscape character assessment will only be permitted if it can be done so in a way that mitigates or reduces any resultant harm. Policy NE2 of the Emerging Local Plan states that applications should demonstrate how the Landscape Character Area in which the proposal would be situated has been appropriately considered. For developments within, or affecting the setting of an AONB, they will only be supported where:

- Development is sensitively located and designed to avoid or minimise adverse impacts on the AONB and its setting;
- The location, form, scale, materials and design would conserve and where appropriate enhance or restore the special character of the landscape;
- The development would enhance the special qualities, distinctive character and tranquillity of the AONB and the Heritage Coasts; and
- The development has had regard to the AONB Management Plan and any associated guidance.

5.21 Aspect Landscape have supported this application through the preparation of a landscape visual appraisal relating to the proposed development. This LVA shows that the Site is generally well contained from intervisibility with publicly accessible locations to the south and east due to the

change in topography and existing settlement edge of Capel-le-Ferne, and from the west due to the intervening vegetation and undulation. From the north, while the Site is visible from the edge of the AONB, the tranquillity and remoteness which is associated with open countryside and the AONB is punctuated by the traffic noise of the nearby A20. Therefore, the LVA concludes that the proposed development of up to 90 dwellings in this location with landscaping would be appropriate and would not cause any significant harm to the immediate or wider setting.

5.22 The Landscaping Strategy proposes various measures, including new tree planting in streets and parking areas, defining spaces with hedges, and the planting of native species and ornamental shrubs. In addition, a 5m buffer will be provided along southern and eastern boundaries, whilst a SUDs system will be provided along the northern edge. Collectively, the measures within the landscape strategy will meet the following objectives:

- Create an attractive street scene;
- Soften the impression of development from wider afield;
- Support flood mitigation;
- Preserve residential amenity; and
- Contribute towards Biodiversity Net Gain objectives.

5.23 Overall, it is considered that the landscaping strategy will effectively meet the above policy requirements and ensure that the scheme harmonises with the surrounding landscape.

Arboriculture

5.24 Policy CC8 of the Emerging Local Plan states that a minimum of two new trees will be required to be planted for each new dwelling and for major development where it is demonstrated that new trees cannot be provided on-site, a financial contribution will be required towards the planting of trees off-site in accordance with the requirements of the Council's Green Infrastructure Strategy.

5.25 Regarding existing trees, a tree survey has been conducted by Aspect to ensure that all trees of significance are protected and enhanced by the application proposal. The tree survey subsequently confirms that losses to accommodate the proposal would be limited to the loss of single low-quality tree, a collection of unremarkable ornamental shrubs/trees, the partial clearance of a group of trees and the partial removal of three hedges – all of which comprise low arboricultural value. All other trees can be retained and safely integrated within the proposed scheme, without risk of future pressure for their removal. The protection of trees during the construction phase will be finalised following the agreement of detailed design.

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- 5.26 In terms of new tree provision, though overall tree provision would be agreed at the reserved matters stage, the Landscaping scheme and management plan shows that extensive opportunities for tree planting in accordance with Policy CC8 have been identified.

Ecology

- 5.27 Adopted Policy CP7 states that ‘the integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy’, whilst Planning permission will only be granted if it can ‘incorporate measures that avoid the harm arising or sufficiently mitigate its effects’. Policy DM15 protects against developments that would result in the loss of, or adverse effects on, the countryside [defined as undeveloped land beyond settlement boundaries]. Developments will only be permitted if they do not result in the loss of ecological habitat.
- 5.28 In terms of the draft Local Plan, Policy SP 13 sets out how ecological designations will be protected, with consideration to the hierarchy of European, national, and local sites. The policy states that “development should avoid significant harm to locally identified biodiversity assets, including Local Wildlife Sites and Local Nature Reserves as well as priority and locally important habitats and protected species.” In addition, Policy SP 14 promotes the conservation and enhancement of biodiversity in accordance with the Kent Biodiversity Strategy and Dover District Green Infrastructure Strategy. The policy states that “proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats.”
- 5.29 To demonstrate accordance with the above policies, Aspect Ecology have prepared an ecological appraisal of the proposals to support this planning application. The site was surveyed in May 2022 to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, Badger, Great Crested Newt and wintering birds. The assessment concluded that the site is generally of low ecological value, being dominated by an arable field and bound by hedgerows. Additionally, the site contains small areas of tall ruderal vegetation and bare ground which are largely associated with the field margins.
- 5.30 In terms of protected species, the assessment acknowledges that the site offers some limited opportunities, largely associated with the boundary features, and therefore appropriate mitigation measures will need to be implemented to safeguard fauna during relevant site works. However, the assessment considered that in the long-term, existing opportunities for wildlife will be maintained, if not enhanced, under the proposals.
- 5.31 Overall, it has been demonstrated that the proposed development would not result in any harm to existing ecology, and in the long term may result in an overall betterment for ecological opportunities. The proposal is therefore in accordance with environmental and ecology objectives, as it would not generate harm to any nearby ecological assets identified.

Biodiversity Net Gain

- 5.32 Policy NE1 of the Emerging Local Plan states that all development proposals to provide a minimum of 10% biodiversity net gain (BNG). When feasible/viable, BNG should be provided on site, provided above the agreed ecological baseline, and be secured for a minimum of 30 years after completion. To demonstrate accordance, all planning applications should be supported by a Biodiversity Net Gain Plan. Accordingly, to demonstrate how Biodiversity Net Gain will be achieved, the submitted BNG Plan shows the area of land which is specifically designated for this purpose. It is envisaged that BNG will be enhanced by including additional native tree planting, new roosting opportunities for bats, and more diverse nesting habitats for birds.

Flood Risk and Drainage

- 5.33 Policy CC5 of the Emerging Local Plan requires an appropriate Surface Water Drainage Scheme to be incorporated into all proposal and approval for the design and long-term maintenance of SuDS will be required prior to the development being permitted.
- 5.34 A Flood Risk Assessment and Drainage Strategy has been prepared by Charles & Associates in support of this planning application. The report confirms that the entire site lies within Flood Zone 1, meaning that it has the lowest risk of flooding, and accordingly, that this proposal is suitable for the application site. The sources of flood risk to and from the site have been assessed and the risks of flooding on Site occurring have all been assessed as Low and has little to no impact on the proposed development.
- 5.35 As the proposal would add developed areas to the existing site, the proposal is supported by a drainage strategy which will attenuate any surface water in the northern boundary of the site via an attenuation basin. This will not only prevent flooding from occurring but also provide biodiversity benefits through the creation of new habitats.
- 5.36 In conclusion, the proposal is deemed acceptable under Policy CC5 of the emerging local plan.

Transport and Highways

- 5.37 There are several planning policies relevant to Transport and Highways. Policy DM11 of the Core Strategy states that planning applications that would increase travel should provide an assessment that quantifies the modes likely to be used and promote sustainable travel, whilst Policy DM12 of the Core Strategy states that all developments which would affect use of a public highway or make changes to the public highway must demonstrate that it would not generate risk to road safety or traffic delays.

Regarding the draft local plan, Policy T11 states that where appropriate, development should be located and designed to maximise all opportunities to encourage sustainable modes of travel. This policy also states that the Council will not support development which would adversely affect the use of PRowS or cycle routes and also support their enhancement and extension. Policy T12 states that developments which would result in unacceptable impacts towards the highway network will not be supported.

- 5.38 To address the above policy requirements, Charles and Associates have conducted a transport assessment which evaluated the likely trip generation and highway impacts resulting from a 90-unit development on the site. The assessment also determined the proposed development's compatibility with access and sustainability, as well as its potential impact on highway and pedestrian safety. The assessment concludes that the cumulative increase in vehicle trips from the development and other committed developments within the settlement would not represent a severe impact. Overall, the number of trips arising from the development is likely to be lowered by virtue of the site being sustainably located with access to bus services to Folkestone and Dover and within walking and cycling distance to several key local amenities.
- 5.39 In terms of Access, the report outlines that the main access will be suitable for all-modes and includes a 5.5m carriageway and 2m footways. The proposed access is shown in Drawing 18-027-001 Rev E including swept paths for a refuse vehicle and appropriate visibility splays for the 20mph speed limit. To demonstrate the safety of the access, a Stage 1 Road Safety Audit has been carried out and has been provided alongside the Designer's Response from C&A in Appendix D of the report.
- 5.40 In addition, a second access for emergency access, walking and cycling will be provided from Cauldham Lane to the development west boundary as shown in Drawing 18-027-006. This would not be used by everyday traffic.
- 5.41 Overall, it is demonstrated that the proposal would comply with the relevant policies and would be suitable in terms of vehicular movements and access.

Sustainability and Energy

- 5.42 It is recognised that sustainability is a core component of the Council's future vision for the District. In order to align with the Council's vision, and help to address the climate change agenda, which is of continually growing importance, this scheme will therefore achieve high standards of sustainability.
- 5.43 Built environment sustainability is incorporated within policy and regulation at a national and local level. The Climate Change Act 2008 and the National Planning Policy Framework set out national frameworks by which to mitigate climate change, achieve reductions in carbon dioxide emissions, and deliver development that is aligned with the presumption in favour of sustainable development.

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- 5.44 In line with the requirements of the Local Plan, and in order to demonstrate the proposed scheme's commitments to delivering sustainable development, the Sustainability and Energy Statement sets out the measures to be employed within the design of the proposed development in order to minimise resource and water consumption, maximise opportunities for biodiversity, and mitigate the impacts of air and noise pollution. In addition, the Sustainability and Energy Statement demonstrates how the proposed design will ensure the scheme will be resilient to future climate change, ensuring the proposals will be safe from flooding and resilient to potential drought. An outline Energy Strategy is also presented within the Statement, detailing how the proposals could include features such as photovoltaic panels, and, potentially, photovoltaic panels or air-source heat pumps (ASHPs), where achievable. In addition, the report outlines how water saving fittings and appliances shall be installed to target a water consumption rate of 105 litres or less per person per day, based on the DCLG water efficiency calculator for the residential elements.
- 5.45 Overall, the sustainability and energy report demonstrates how the proposed development will contribute towards meeting the objectives of the Core Strategy policy CP 5 and the draft Local Plan policies SP1, CC1, CC2, CC4, CC5, CC6 and CC8.

Noise and Air Quality

- 5.46 The NPPF states that the planning system should contribute to and enhance the natural and local environment, by preventing new/existing development from contributing to or being put at unacceptable risk from air pollution or noise (Paragraph 180).
- 5.47 Policy NE4 of the Emerging Local Plan states that developments which may lead to a significant deterioration in air quality or national air quality objectives being exceeded will be required to submit an Air Quality Assessment. Policy PM2 of the Emerging Local Plan states that all new residential development must not lead to unacceptable living conditions for neighbouring properties through noise or vibration.
- 5.48 With regard to noise impacts, the noise assessment for the proposed residential development considered potential noise impacts from the existing ambient environment. Internal noise levels were evaluated using the standards provided within BS 8233. The results show that external noise levels across the development would meet the BS 8233 desirable value of 50 dB for external amenity areas. As such, the measured and calculated noise levels at proposed dwellings fall below the internal criteria with windows partially open. Therefore, no specific mitigation requirements are identified.
- 5.49 In terms of Air Quality, an assessment was carried out to consider such impacts of both construction and operational phases, in line with the latest Institute of Air Quality Management Guidance. During the construction phase, the assessment identified that the development may present medium risk of dust impacts and low risk to human health from particulate matter concentrations at nearby receptors,

As a result, Appropriate mitigation measures for the Proposed Development have been identified following the IAQM guidance and based on the risk effects presented in Table 5.2 of the report. It is recommended that the 'highly recommended' measures set out in the IAQM guidance and reproduced in Appendix C are incorporated into a Dust Management Plan (DMP) and approved by DC prior to commencement of any work on the Site. The findings from the air quality assessment demonstrate that, following implementation of the 'highly recommended' measures outlined in the IAQM guidance and reproduced in Appendix C, the impact of emissions during construction of the Proposed Development would be negligible.

5.50 In terms of the operational phase, the level of traffic associated with the Proposed Development is not likely to result in NO₂, PM₁₀ and PM_{2.5} concentrations over and above the relevant air quality objectives. The introduction of receptors to the area will not therefore increase exposure to poor air quality within the area. Mitigation measures have been suggested in line with an emissions mitigation calculation for the Proposed Development and accordingly it is concluded that air quality does not pose a constraint to the Proposed Development, either during construction or once operational.

5.51 Overall, the proposal will be suitable in terms of Noise and Air Quality, having regard to Paragraph 180 of the NPPF and Policies NE4 and PM2 of the Emerging Local Plan.

6. SUSTAINABLE DEVELOPMENT AND SCHEME BENEFITS

6.1 The NPPF states that the purpose of planning is to help achieve sustainable development. Paragraph 7 notes that the NPPF as a whole sets out the Government's view of what constitutes sustainable development, while paragraph 8 identifies three dimensions to sustainable development, comprising economic, social and environmental roles. It is our opinion that the three roles are mutually dependent and should not be taken in isolation.

6.2 The following section provides an assessment of the subject site and proposed development against these criteria, demonstrating how the scheme will bring a range of economic, social and environmental benefits to the local area and the District.

Table 6.1 Scheme Benefits

NPPF Sustainable Development Dimensions	Benefits of the Proposed Development
Economic	<ul style="list-style-type: none"> • Creating direct and indirect employment during the construction phase of the scheme. • New Homes Bonus to the Local Planning Authority for potential investment in infrastructure over and above that secured through planning obligations which mitigate the impacts of the development. • Additional expenditure by new residents in local villages and the surrounding area, as well as from additional Council Tax payments to the Council. • The increased residential population from the development can lead to a boost in local businesses, supporting the growth of shops, services, and amenities in the area. This can enhance the local economy and create additional employment opportunities in sectors such as retail, hospitality, and healthcare. • The provision of affordable housing within the development supports social and economic inclusivity, allowing individuals and families with

NPPF Sustainable Development Dimensions	Benefits of the Proposed Development
	<p>limited means to live in the community, contribute to the local economy, and participate in the economic benefits generated by the scheme.</p>
Social	<ul style="list-style-type: none"> • The scheme brings a modest level of growth to a rural community, and will contribute to the vitality of local service provision. • The community will benefit from the provision of family homes within the scheme, creating opportunities for multi-generational living and fostering a more balanced demographic profile. • The inclusion of affordable housing addresses the local area's shortage of such homes, providing opportunities for individuals and families with limited means to access suitable housing options. • The development brings new residents to the area, fostering social integration and cultural diversity, which can enrich the social dynamics and strengthen the local community. • The development presents an opportunity to enhance the area's infrastructure by providing contributions towards the installation of children's play equipment. This will create new recreational opportunities and further enrich amenity provision in the settlement.
Environmental	<ul style="list-style-type: none"> • The scheme will include generous tree planting and the use of native species, resulting in a significant improvement in biodiversity compared to the current agricultural site. This contributes to the preservation and enhancement of local ecosystems and supports wildlife habitats. • The development incorporates sustainable design principles, such as energy-efficient buildings, green infrastructure, and sustainable drainage systems. These features help to minimise energy consumption, reduce carbon emissions, and promote sustainable water management.

7. PLANNING BALANCE AND CONCLUSION

7.1 This planning application has been prepared on behalf of Quinn Estates for the development of up to 90 dwellings on Land to the east of Great Cauldham Farm, Capel-le-Ferne.

7.2 The Proposed Development will provide significant positive economic, social and environmental, as demonstrated in Section 6. In particular:

- Economic: A boost to the local construction revenue and enhanced vitality of local services
- Social: Increased community diversity and the provision of new affordable dwellings.
- Environmental: The provision of low-carbon, sustainable dwellings and ecological enhancements.

7.3 Paragraph 11 of the NPPF outlines a presumption in favour of sustainable development and requires decision makers to consider whether relevant development plan policies are up to date. Decision taking is identified in Part (c) and (d) of Paragraph 11, which states:

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission 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 proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

7.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. At the present time, the adopted Plan is considered to be out of date by virtue of its age and key strategic and spatial policies concerning the location of residential development are considered to be out of date given the out of date housing figure that is lower than the objectively assessed need figure being planned for in the new Plan. Accordingly, Paragraph 11d) should be engaged. There are no assets or areas of particular importance that are compromised by the development and as demonstrated in this Statement, there are no adverse impacts that would outweigh the many benefits that the proposal will deliver.

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- 7.5 The emerging Local Plan allocates the application site for residential development for an indicative amount of 70 homes. This figure is considered to not reflect the urban form and character of the settlement, as was acknowledged at EIP. A figure of up to 90 homes avoids low density development, as advocated in the NPPF. Given the position of the Plan and the limited objection to the allocation, the Plan is a material planning consideration that can be afforded considerable weight at this time. As the Plan advances, it can be afforded even more weight and in the event that the Plan is nearing adoption by the time the application is determined, substantial weight should be afforded to the residential allocation.
- 7.6 The development proposal delivers a form and tenure of residential development in a suitable and sustainable location that is endorsed for residential development in the emerging Plan. Furthermore, the modern, high quality layout and quality of buildings proposed ensures that the development quality is befitting of the location. It is therefore respectfully requested that planning permission be granted for the development.

**A1. APPENDIX 1 – APPEAL DECISION, LAND SOUTH WEST OF
LONDON ROAD, DEAL**



Appeal Decision

Inquiry Held on 16-18 May 2023

Accompanied Site visit made on 17 May 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/X2220/W/23/3315262 Land South West of London Road, Deal

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Richborough Estates Limited and BDW Trading Limited against Dover District Council.
 - The application Ref 22/00652, dated 17 May 2022.
 - The development proposed is outline application for the erection of up to 155 dwellings with associated parking and means of access (all matters reserved except for access).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 155 dwellings with associated parking and means of access (all matters reserved except for access) at Land South West of London Road, Deal in accordance with the terms of the application, Ref 22/00652, dated 17 May 2022, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was made in outline with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
3. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period. The Council's appeal submissions outline that following the receipt of additional information in respect of highways and ecology, the Council's Planning Committee resolved at their meeting on 23 March 2023, that it would not contest this appeal and had it been in a position to determine the application, it would have granted outline planning permission, subject to appropriate Section 106 Planning Obligations and planning conditions. I return to these matters later.
4. The inquiry sat for 3 days, with an accompanied site visit on the second day. I also carried out unaccompanied site visits before the inquiry opened, and at other times outside the inquiry sitting period.
5. During the Inquiry the Council provided an update on the emerging Dover District Local Plan October 2022 outlining that it had been recently submitted to the Planning Inspectorate for examination. However, as I do not have

evidence before me as to the extent of unresolved objections to the policies in the emerging Local Plan and it has only recently been submitted for examination, having regard to the advice provided in the National Planning Policy Framework (the Framework)¹, I give the policies in the emerging Local Plan limited weight in my decision.

6. I closed the Inquiry in writing on 5 June 2023 following the receipt of a signed and completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement sets out details for securing planning obligations in respect of local infrastructure, affordable housing provision, sustainable transport measures, Public Rights of Way improvements, strategic mitigation measures in relation to the Thanet Coast and Sandwich Bay Special Protection Area and the provision, on-going management and maintenance of the strategic landscaping and open space. I return to these matters later.

Main Issues

7. The main issues are:

- (i) Whether or not the proposed development would provide a suitable site for housing, having particular regard to the local and national planning policies relating to the location of new development in the District;
- (ii) The effect of the proposed development on the character and appearance of the area including the effect on the local landscape; and
- (iii) The effect of the proposed development on the local highway network and whether it would lead to an unacceptable impact on highway safety.

Reasons

Location of Development

8. The appeal site falls outside of the defined urban confines for the town of Deal, which includes the built-up parts of the parish of Sholden. The appeal proposal does not meet any of the exceptions for allowing development outside of urban boundaries and thereby conflicts with Policy DM1 of the Dover District Local Development Framework Core Strategy (2010) (CS) and, as a consequence, with CS Policies DM11 and DM15 as these relate respectively to managing traffic demand outside the urban boundaries and protecting the countryside.
9. However, it is matter of agreement, that the Council's housing requirement, identified in CS Policy CP2 of 505 dwellings per annum, based on the revoked Regional Spatial Strategy, is out of date and is significantly lower than implied by the more up to date objectively assessed housing need of 611 per annum². The settlement boundaries were drawn tightly in the CS on the basis that there was sufficient land identified in the CS and within the urban areas to meet the Plan's more constrained housing requirement. In this respect, the CS is not consistent with the Framework, as it does not make sufficient provision to meet the identified housing needs in the district³ and the Council acknowledges that CS Policy CP2 concerning the supply of housing is out of date⁴.

¹ Paragraph 48 of the Framework

² Statement of Common Ground (SOCG) Core Document CD9.09 Paragraph 6.6

³ Paragraphs 20 and 68 of the Framework

⁴ SOCG Core Document CD9.09 Paragraph 6.6

10. The Council therefore accept that its settlement boundaries and the evidence base underlying Policy DM1 are out of date⁵ and the blanket policies of restriction on development outside the defined urban confines in Policies DM1, DM11 and part of DM15 that relates to protecting the countryside for its own sake, are inconsistent with the Framework and therefore out of date. It is agreed that, when taken together and read as a whole, the most important basket of development plan policies DM1, DM11 and DM15 for the determination of this appeal are out of date⁶ and as such the tilted balance in paragraph 11d) of the Framework is engaged. In light of the above factors, I afford limited weight to the conflict with CS Policies DM1, DM11 and DM15 and I will consider this further in the planning balance.
11. In terms of securing a sustainable pattern of development, it is matter of agreement between the main parties that the site is locationally sustainable for the development proposed⁷. Based on the evidence before me and my observations during my site visits, the site would be well-related to day-to-day services and facilities in Sholden and Deal and is accessible by a range of transport modes, including a good bus service running by the site along Sandwich Road and London Road. Opportunities exist to improve pedestrian, cycling and public transport links as part of the proposed development.
12. The appeal site is adjacent to the built-up area of Sholden and would not be remote from the services and facilities in Sholden and Deal and the nearby settlement of Dover. There would at least be a choice to use accessible modes of transport to access local services and facilities and additional dwellings in this location would not significantly undermine the aim of CS Policy DM11 to minimise the need to travel and reduce car dependency across the district as a whole. In addition, the proposed development would be consistent with the Framework that seeks to actively manage patterns of growth to ensure that development is focused on sustainable locations (paragraphs 105 and 110).

Character and appearance of the area

13. The appeal site comprises open agricultural fields on the north-western edge of the built-up area of Sholden. To the north east and south east of the appeal site are the relatively long garden areas associated with the adjacent residential properties.
14. The site is largely open with a number of trees and other mature planting along the boundaries of the site with open countryside to the north-west and west of the site, which adds to the open character of the area. The topography of the site gradually rises from its eastern corner up to its north western edge. It also gently falls from the north eastern edge towards the undulating valley and open countryside to the west of the site. There are two Public Rights of Way (PROW) that run through the site (ED39 and ED48), with an extensive network of PROWs within the immediate vicinity of the site.
15. An extant planning permission for up to 110 dwellings (the 'Phase 1 scheme')⁸ has been granted, but not yet implemented, that abuts and will be accessed from the A258 Sandwich Road to the north-east of the site. The indicative masterplan for the proposed development (the 'Phase 2 scheme') shows that

⁵ SOCG Core Document CD9.09 Paragraph 6.3

⁶ SOCG Core Document CD9.09 Paragraphs 6.3, 6.4 and 6.7

⁷ SOCG Core Document CD9.09 Paragraph 6.26

⁸ 21/00402

the appeal scheme would be accessed via a central spine road routing through the Phase 1 scheme to the principal access onto Sandwich Road. The appeal site comprises of about 11.48 ha, of which 3.08ha forms part of the Phase 1 scheme, which includes the access to Phase 2 on the indicative masterplan.

16. A main objective of the Framework is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 174 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Based on the evidence before me, the site lies in an area which has no national or local designation and as such does not fall within the scope of the valued landscapes under Paragraph 174 of the Framework.
17. The appeal site is located within the Northbourne Landscape Character Area (LCA F2) described as a rural chalk landscape with a gentle ridge and valley topography, with large arable fields interspersed with woodland blocks and the enclosed small settlements of Great Mongeham and Northbourne⁹. Most of LCA F2 lies to the north-west and north-east of Sholden. The relevant characteristics of LCA F2 as they relate to the site are limited to the large modern rolling arable fields, that sit on a local chalk ridgeline and the urban fringe influence of Sholden¹⁰. The Council seeks to protect the qualities of the district's landscape. CS Policy DM16 states that developments that harm the character of the landscape, will only be permitted where allocated for development in the CS, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impact to an acceptable level.
18. The appeal site due its location on open arable fields, contains few natural landscape features and is heavily influenced by the surrounding built form. The landscape evidence presented by the appellant also states that the site does not contain any cultural or natural heritage features, has no cultural association, and is not notably identified as being tranquil due to its close proximity to the built-up area of Sholden and the busy A258 Sandwich Road. The site has some recreational value, due to the local PROWs running through the site. Overall, the site has been assessed by the appellant as having a medium/low landscape value, applying the objective criteria set out in accordance with the Landscape Institute Technical Guidance Note 02/21 and medium/low sensitivity to change¹¹. The Council having taken advice from independent landscape consultants has not sought to suggest otherwise.
19. The existing landscape character of the site would be permanently changed as a result of the development on this open undeveloped area of land. However, residential development is not out of character with the surrounding land uses. With careful treatment of the layout particularly the disposition of building heights and the choice of boundary and internal landscaping, both of which would be the subject of reserved matters applications, the effect on landscape character would be moderately adverse at Year 1 reducing to minor as the landscape planting matures. The appeal scheme includes structural landscaping along the outer south-western boundary of the site. In this context, whilst there would be some landscape harm through the loss of open arable fields, this would be localised. The wider landscape character would be almost

⁹ Dover District Landscape Character Assessment 2020 CD5.17 Page 108

¹⁰ Landscape and Visual Impact Assessment 2022 CD1.19 Page 10 & Core Document CD9.14 Page 38

¹¹ Core Document CD9.14 Pages 38-41 & 65-68, Tables TG1.1 and TG1.2

- untouched if the appeal site were to be developed as proposed. Overall, the harm to landscape character would be minimal and not significant.
20. The visual impacts of the proposed development would be experienced from the public footpath across the site, limited stretches from the PROWs to the north-west and in medium views from the areas of higher ground to the west of the site. It is matter of agreement between the main parties that all these views will be localised¹² and I concur with this assessment.
 21. Public footpath ED39, that is to be diverted as part of the appeal scheme, crosses the south-eastern corner of the appeal site, and it is inevitable that it would be affected by the development. However, this local amenity footpath connects two parts of the settlement and there is already an expectation of views of the built form on the edge of Sholden in close proximity to the users of the footpath. The new built form associated with the proposed development would still be visible, but with careful consideration of the landscaping and public open space along this footpath, views across the countryside would remain and the visual effects would reduce to no more than moderate along this short stretch of footpath.
 22. Turning to the other affected footpaths. Public footpath ED48 running along the north-west boundary of the site, currently has views into the site, the open arable fields to the west and north-west and the existing built form and mature trees and planting on the edge of Sholden. The appeal scheme would result in an extension of the built form along a short section of the footpath.
 23. However, this section of the footpath is already affected by a new housing development, currently under construction, on land immediately to the north east of the site (the Pegasus scheme)¹³. It will also be directly impacted by the Phase 1 scheme on the land immediately to the north west of the site. Views along this short section of footpath ED48 into the site, together with the White Cliffs Country Trail along footpath ED37 further to the north-west would be obscured by the new residential development in the Phase 1 scheme and the structural planting proposed along the south-western edge of the appeal site. As such, the visual effects would reduce to no more than moderate along this short stretch of footpath ED48 and would be minimal along footpath ED37.
 24. In term of the medium views from the higher ground in the valley and open countryside to the west. A number of PROWs run through this area, including public footpath ED49 on the opposite side of the valley running up to the small settlement of Great Mongeham. The views are currently seen against the backdrop of the existing built form on the edge of Sholden. The appeal scheme would be kept close to the top of the local ridgeline but away from the highest point and avoids the more sensitive valley sides in this location¹⁴. Its location in relation to the higher ground would be consistent with the prevailing settlement pattern of Sholden and Deal. It will be seen in the context of the new residential development that form part of the Phase 1 scheme and Pegasus scheme to the north of the appeal site that will change the skyline in this location once constructed.

¹² SOCG Core Document CD9.09 Paragraph 6.62

¹³ 19/00216

¹⁴ Core Document CD9.14 Table 3.1 Pages 78 and 90

25. Keeping the appeal scheme away from the more visually sensitive valley sides will reduce the visual impact of the scheme from within the valley and the surrounding countryside, as demonstrated by the appellant on the accurate visual representations, which has been accepted by the Council's independent landscape consultants¹⁵. The curved outer south-western edge of the proposed development with extensive areas of open space, landscaping and structural planting, would provide appropriate mitigation to reduce the harm and soften the edge of the development. In addition, it would allow for a green wedge of open space to penetrate the development from the countryside beyond and form part of the proposed development as illustrated on the appellant's Landscape Strategy¹⁶ and Strategic Landscape Masterplan¹⁷.
26. As such, with the careful consideration to the layout and landscaping, the appeal proposal can be appropriately assimilated into the local environment without undue harm and the moderate adverse visual effects at Year 1 on the views from the higher ground to the west, including public footpath ED49, would be reduced to minor impact as the landscape planting matures.
27. Taking the above issues together, there would be a minor adverse impact on landscape and a minor to moderate adverse impact on visual amenity. Overall, in the context of CS Policy DM16, the landscape and visual impacts of the appeal scheme do not indicate to me that it should be refused. The proposed development can be sited to reduce the harm and incorporate design measures to mitigate the impact to an acceptable level. Consequently, subject to the imposition of suitably worded planning conditions and planning obligations to include appropriate landscaping and related mitigation details, there is no conflict with the development plan in this regard.

Highways

28. It is common ground that being directly adjacent to Sholden and Deal, the appeal site is accessible to a good range of services and facilities. However, the appeal proposal would still give rise to a notable increase in the level of traffic which would rely on the surrounding local highway network, including A258 Sandwich Road and London Road. Set against this, the appeal proposal would secure improved connectivity across the appeal site from existing residential areas to the wider bus routes, public footpath and cycle network.
29. The submitted details of the proposed principal access off Sandwich Road and the changes associated with the proposed emergency access off Mongeham Road are uncontested by the Local Highway Authority. The appellant's extensive assessment of the highway impacts¹⁸ are also agreed¹⁹, including the proposal having no unacceptable adverse impacts on the nearby London Road/Mongeham Road junction and London Road/Manor Road junction as a result of the development, and no objections on highway grounds to the likely cumulative traffic generation from the proposed development together with other committed development in the area and forecast future traffic growth.
30. Furthermore, the imposition of the agreed schedule of planning conditions and planning obligations covering access, sustainable transport, pedestrian

¹⁵ Core Documents CD2.08, CD9.14 Page 44 and SOCG CD9.09 Paragraph 6.59

¹⁶ Core Document CD1.19 Plan 5

¹⁷ Core Document CD1.19 Plan 6

¹⁸ Core Documents CD1.07, CD2.02, CD2.10, CD2.11, CD7.03 and CD9.22

¹⁹ Highways and Transport SOCG Core Document CD9.19

connectivity, and other highway related details would adequately safeguard against any unacceptable highway related consequences of the appeal proposal. They would also ensure that the prospective occupants of the new housing enjoy a good level of accessibility to local services and facilities. My assessment of these matters leads me to the same conclusion as the main parties and the Local Highway Authority.

31. In this context, I am satisfied that the concerns raised by Sholden Parish Council and interested parties about the emergency access and the capacity of the local highway network to safely support the appeal proposal are not supported by contrary evidence. Based on the submitted highway evidence, coupled with my own site observations, at different times of the day, I do not find that there will be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network will be severe.
32. The resulting improvements to pedestrian connectivity across the appeal site from existing residential areas to the wider bus routes, public footpaths and cycle network is a moderate benefit.
33. Overall, in the context of CS Policy DM12 and paragraph 111 of the Framework, the predicted traffic and highway effects of the appeal scheme do not indicate to me that it should be refused. Consequently, subject to the imposition of suitably worded planning conditions and planning obligations to manage access and highway related details and promote sustainable transport, there is no conflict with the development plan or the Framework in this regard.

Other Matters

Housing land supply and delivery

34. In relation to the Council's latest housing position, the appellant considers that the development would boost the supply of housing in line with the requirements of the Framework. The appellant's evidence and supporting windfall supply statement²⁰ demonstrates the significant contribution of the windfall housing to the Council's housing delivery targets in recent years. The appellant argues that, whilst the Council can demonstrate a 6.03 years land supply, windfalls account for about 44% of the Council's five year land supply and critically without the windfall component of supply, the Council would only be able to demonstrate 3.4 years of land supply. The appellant outlines that some 47% of completions since 2010/11 have arisen from windfall development and clearly shows the dependency on windfalls, such as those arising from appeal development, to maintain delivery²¹.
35. In addition, the appellant argues that, whilst the Council's Housing Delivery Test (HDT) results in 2021, at 88%, is marginally above the 85% threshold, the point at which the Framework confirms that the shortfall is significant. The appellant's analysis shows that the HDT result, without windfall development, would fall to around 54%, in which case the appellant argues that the tilted balance in Paragraph 11d) of the framework, would be engaged²².
36. Whilst this may be so, based on the Council's appeal submissions and the discussions at the Inquiry, the Council is able to demonstrate a five year supply

²⁰ Core Document CD9.12 Table 9.3 and Appendix 1

²¹ Core Document CD9.12 Table 9.3 Paragraphs 9.15-9.23

²² Core Document CD9.12 Tables 9.4 and 9.5

of deliverable housing sites against the development plan requirement and the latest HDT measurements for the Council are forecast to increase 102% for period 2019/20-2021/22²³. Whilst the delivery of the additional housing as part of the appeal scheme is a positive benefit in favour of the appeal, it is matter to which I attach moderate weight in my decision.

Best and Most Versatile agricultural land

37. It is acknowledged that the appeal site encompasses the Best and Most Versatile (BMV) agricultural land. The Framework requires that account is taken of the economic and other benefits of this land²⁴. The evidence presented at the Inquiry indicated that the majority of the district constitutes high quality agricultural land. In this context, the appellant states that the Council's Core Strategy highlights that there is a higher level of BMV within the district as compared to regional or Kent wide averages and as such the loss of some BMV and the release of further greenfield sites is inevitable if the identified housing requirements of the district are to be met²⁵. This is not disputed by the Council and is matter of agreement between the Council and appellant²⁶. In any event, it is a small area of land in relative terms, and its loss would be of limited consequence in relation to overall resource. As such, I consider that this is matter of limited negative weight in making my decision.

Ecology and Biodiversity

38. At the time of the submission of the appeal there was an outstanding matter relating to the ecological survey information, that was considered out of date. Updated ecological survey information has now been submitted by the appellant and the Council's Ecology Officer has indicated that they have no objections to the proposal, subject to appropriate conditions and mitigation.
39. Although the appeal proposal will result in the loss of the existing agricultural fields, the main parties' evidence confirms that the existing agricultural fields are of limited ecological value due to the nature of the existing activities and management of the agricultural fields. However, the hedgerows and established trees along the boundaries are identified as supporting greater biodiversity. The appeal scheme shows that the boundaries would be retained as a green link that would connect to the proposed open space. The appellant's evidence identifies opportunities to increase biodiversity and create new species rich habitats to support new foraging activity for species on the site.

Section 106 Agreement and Planning Obligations

40. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
41. The signed and completed Section 106 Agreement provided by the appellant shows a financial contribution towards Strategic Access Management and

²³ Core Document CD9.06 Appendix 1 Paragraphs 2.13 and 2.94

²⁴ Paragraph 174b of the Framework

²⁵ Core Documents CD9.06 Appendix 1 Paragraph 2.18 and CD9.12 Paragraph 10.2

²⁶ SOCG Core Document CD9.09 Paragraph 6.96

Monitoring measures in accordance with the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional impacts and recreation pressures from residential development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA).

42. Having had regard to the characteristics of the proposed development and the evidence before me, including the advice from Natural England, in making an appropriate assessment, I am satisfied that the proposed financial contribution towards the strategic mitigation measures identified in the Thanet Coast and Sandwich Bay SAMMS is sufficient to ensure it will not adversely affect the integrity of the Thanet Coast and Sandwich Bay SPA. I am satisfied that the proposed contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and the CIL Regulations.
43. The appeal scheme proposes the delivery of 47 affordable units of a range of types and tenures to meet the prioritised needs for affordable housing in the District. This is in accordance with the Council's requirements to provide 30% of the total dwellings as affordable homes as set out in Policy DM5 of the CS.
44. The Council's Core Strategy outlines there is an identified need to deliver 4,200 affordable homes up to the end of the plan period in 2026, which equates to 210 homes per year²⁷. However, the Council's latest Annual Monitoring Report (2020-21) indicates that just 1,186 affordable homes have been completed in Dover District since 2006²⁸. This is exacerbated by the uncontested affordable housing evidence from the appellant which demonstrates an average delivery of just 74 dwellings per year and an enormous shortfall of about 2,174 dwellings in delivery of affordable homes against the CS requirement²⁹.
45. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the district is not disputed by the Council and it is agreed that it should be afforded substantial weight as a material consideration³⁰. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of affordable housing, management of the nomination rights and local criteria to support the delivery of the affordable homes for local people in the area. The legal agreement, as a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal, weighs very heavily in favour of the appeal proposal.
46. The Section 106 Agreement requires the appellant to make a contribution of £864.00 per dwelling towards the costs of works to create additional capacity in the general practice services in the area that would be necessary to mitigate the impact of the development on local health facilities. The Section 106 Agreement makes various commitments through contributions towards local infrastructure including secondary education, community learning, youth services, libraries, social care, waste and outdoor sport facilities. These would be necessary to mitigate the proposal's impact on local infrastructure.
47. The Section 106 Agreement requires the appellant to make a contribution of £120,000 towards the provision of and improvements of pedestrian and cycle

²⁷ Core Strategy CD5.01 Infrastructure Table Page 56

²⁸ Core Document CD5.09 Table 17 Page 22

²⁹ Core Document CD9.12 Pages 53-57 Table 9.6

³⁰ Core Document SOCG CD9.09 Paragraph 6.35

connection in the vicinity of the site and £948 towards travel plan monitoring. These would be necessary to mitigate the proposal's impact on the local highways network and to promote sustainable transport.

48. The Section 106 Agreement requires the appellant to contribute £23,710 towards Public Rights of Way (PROW) improvements within and around the site. The existing public footpaths run through or adjacent to the appeal site. Interested parties have raised concerns about the impact on the PROWs, including the diversion of footpath ED39 to accommodate the new development. However, no objections were received from Kent County Council's PROW and Access Service to the proposal, subject to appropriate conditions and measures. I am satisfied that the submitted legal agreement would secure appropriate PROW improvements and mitigation to address this at an appropriate stage in the delivery of the appeal scheme.
49. The Section 106 Agreement includes various provisions and obligations that cover the provision, on-going management and maintenance of the strategic landscaping and open space, including the provision of a locally equipped children's play area within the development.
50. I am satisfied that the proposed contributions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions in the Section 106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees, appeal statements, CIL compliance statements and the Statements of Common Ground between the main parties.

Other issues

51. Various references have been made in evidence and submissions to other planning decisions and judgements, all of which have been considered. Each turns on its own individual facts and, whilst generally relevant to varying degrees, none dissuade me from the assessments and conclusions based upon the particular circumstances of this appeal.
52. I have noted the objections raised by Sholden Parish Council and interested parties to the proposal. These include the impact on the landscape and character of the area, loss of agricultural land and use of a greenfield site contrary to local and national policies, land not being allocated for development in the emerging Local Plan, unsustainable location, local infrastructure and the cumulative impact of the proposal on the services and facilities in conjunction with other developments, highway safety, traffic, proposed emergency access, public rights of way, wildlife and biodiversity, built heritage and archaeology, and the impact on the amenities of local residents.
53. However, I have addressed the matters relating to the location of the development, character and appearance of the area, including the landscape setting, highways safety and local infrastructure in the main issues and other matters above. No objections were received from the Local Highways Authority, Council's independent landscape and highway consultants nor the local infrastructure providers, subject to appropriate conditions and planning obligations being secured. It is a matter of agreement, that ecological and

archaeological matters can be dealt with through the imposition of conditions to ensure that the proposed development is not harmful to these interests³¹.

54. The other matters raised are not being contested by the Council. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions or through the Section 106 Agreement where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

55. Having regard to the Framework and Planning Practice Guidance, I have considered the suggested planning conditions submitted and agreed by the Council and the appellant during roundtable discussion at the Inquiry³². In addition to the detailing of the reserved matters and standard time limit conditions (1, 2 & 3), I have specified the approved plans and details of the land covered by this permission as this provides certainty (4 & 5).
56. The conditions relating to the mix and type of housing, building heights of no more than two storeys and the restrictions on roof designs and enlargements are necessary in order to allow for a design led approach and high quality development in the interests of the character and appearance of the area and to protect the landscaping setting of the site (6,7 & 8). A condition based on secure by design principles is necessary to promote a development that is safe and secure for its residents (9). A condition relating to the provision and details of a proposed children's play area on the site is necessary in order to safeguard the amenities of future occupants of the development (10).
57. A condition relating to a detailed Tree Protection Plan and Arboricultural Method Statement and the protection of the existing trees and hedges on the site are necessary in order to ensure their survival and to protect the visual amenity of the trees and hedges on the site (11). Conditions relating to the submission of a method statement for protection of wildlife and protected species during the site clearance and construction works, ecological design strategy and habitat management and monitoring plan are necessary to ensure the protection and enhancement of wildlife and biodiversity on the site (12, 13 & 14). There is some potential for archaeological remains so a scheme of investigation on the site would be necessary to ensure proper assessment and recording (15).
58. Details of surface water, foul and sustainable drainage arrangements are necessary in order to ensure adequate drainage facilities are provided, to mitigate against potential flooding and the pollution of the water environment and to comply with the submitted Flood Risk Assessment and Sustainable Drainage Statement (16, 17 & 18). Conditions to deal with any unexpected contamination and unexploded ordinance found on the site are necessary in the interest of public safety (19, 20 & 21).
59. For the construction period, a condition requiring the submission of a Construction Management Plan is necessary in order to mitigate the

³¹ SOCG Core Document CD9.09 Paragraphs 6.78 and 6.93

³² Core Document CD10.7

environmental impact of development works and to protect the amenities of occupants of neighbouring properties (22).

60. A range of highway improvements are necessary to limit highway impact and to encourage and promote sustainable transport including access and visibility splays (23 & 24), emergency access provision (25), car and cycle parking arrangements (26), footpaths and carriageways provision (27), public rights of ways management and improvements (28) and submission of a travel plan (29). The travel plan shall include details of how 13 no. 28 day Megarider bus tickets (or equivalent) shall be provided to each household on first occupation of each dwelling in order to promote sustainable modes of travel. A condition relating to electric vehicle charging infrastructure is necessary in order to promote sustainable transport and reduce greenhouse gas emission (30).
61. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before the development can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Overall Planning Balance

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. There is conflict with the development plan, but the policy conflict is limited as I have set out above and the tilted balance in paragraph 11d) of the Framework is engaged.
63. In terms of the adverse impacts, there would be minor adverse impact on landscape and a minor to moderate adverse impact on visual amenity, although the development can be sited to reduce the harm and incorporate design measures to mitigate the impact to an acceptable level. The proposal would have limited negative effect in terms of the loss of the Best and Most Versatile agricultural land.
64. I acknowledge that there is some conflict with the development plan, albeit that the conflict is reduced, and limited weight is afforded to the conflict with CS Policies DM1, DM11 and DM15 as described above. The proposal accords with the overall aims of all other relevant development plan policies set out in the CS. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning conditions and the Section 106 Agreement.
65. Against that, the proposal would provide 155 new dwellings, of which 47 would be affordable. The evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious shortfalls in affordable housing is a significant social benefit carrying substantial weight in favour of this appeal.
66. It is common ground between the main parties that the additional housing attracts positive weight, having particular regard to the emphasis the Government places on the delivery of housing in the Framework. It is appreciated the contribution the appeal proposal would make to windfall

housing delivery and that the appeal scheme could be brought forward quickly through the early deliverability of the site. Nevertheless, for the reasons described above, the Council is able to demonstrate a five year housing land supply at present and as such the delivery of the new housing in this sustainable location would have social and economic benefits which carry moderate weight in favour of the proposal.

67. The site is of limited ecological value and the ecological, landscaping and Green Infrastructure provision would offer the opportunity to promote the health and well-being of the local people and the biodiversity in the area, key social and environmental objectives of the Framework carrying moderate weight. High levels of public open space are to be secured through the conditions and legal agreement. Furthermore, a biodiversity net-gain of around 20% for habitats units and 237% for hedgerows units is proposed³³ and this could be delivered as part of the green infrastructure proposals. The Framework only requires a net-gain, and the proposal therefore goes significantly beyond current policy requirements. Consequently, this aspect of the biodiversity proposals is a moderate benefit of the appeal scheme.
68. The contributions towards public open space, while necessary to mitigate the impact of the additional population from the development, would also be available to all residents in the local area. These contributions together with the provision of a children's play area within the development are social benefits of the scheme which carries moderate weight.
69. The commitment to higher energy efficiency, sustainable construction and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel. These are key objectives of the Framework and are environmental benefits that carry moderate weight. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. The additional population would increase spending in the local economy to provide long term support for local shops and services, supporting a prosperous economy. This is a key objective of the Framework and are economic benefits that carry moderate weight.
70. Consequently, overall, in my view, the adverse impacts arising from this development do not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a material consideration in favour of the development. The factors above collectively provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case.

Conclusion

71. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

³³ Core Document CD7.04

APPEARANCES

FOR THE APPELLANT:

Sarah Reid KC	King's Counsel, King's Chambers
Mike O'Brien	Director, Pinnacle Planning Ltd
Wendy Lancaster	Director, Tyler Grange Group Ltd
Gerard McKinney	Director, Hub Transport Planning Ltd
Oliver Martin	Solicitor, Bickley Martin Limited

FOR THE COUNCIL:

Andrew Sommerville	Planning Consultant representing Dover District Council
Daniel Thorman	Principal Solicitor, Dover District Council

INTERESTED PARTIES:

Kevin Lynch	Sholden Parish Council
Peter Jull	Interested Party

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- CD10.1 Draft minutes to the Planning Committee meeting 23 March 2023
- CD10.2 Officer Report to the Planning Committee meeting on 23 March 2023
- CD10.2a Officer Report - Appendix A
- CD10.2b Officer Report - Appendix B
- CD10.2c Officer Report - Appendix C
- CD10.3 Appellant's Opening Statement
- CD10.4 Council's Opening Statement
- CD10.5 Dover District Council CIL Compliance Statement
- CD10.6 Kent County Council CIL Compliance Statement
- CD10.7 Suggested Draft Conditions 17 May 2023

Schedule of Conditions

- 1) Approval of the details of the layout, scale, landscaping and appearance ("the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences; and the development shall thereafter be carried out as approved.
- 2) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall commence not later than 2 years from the date of the last of the Reserved Matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing ref. 359 P02 Land Use Parameter Plan
 - Drawing ref. T18516.001 G Site Access Layout
- 5) No dwellings shall be constructed under this planning permission on the part of the application site which is shown as "Phase 1 Residential development" on the approved Land Use Parameter Plan (Drawing Reference: 359 P02).
- 6) Prior to or concurrent with the first reserved matters application submitted, details of the mix of type and size of the affordable dwellings and market dwellings to be provided shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) No building on the site shall have a height taller than two storeys. No dormer windows shall be constructed above first floor level.
- 8) Notwithstanding the provisions of Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, and re-enacting that Order with or without modification), no dwelling on the site shall be enlarged through an addition or alteration to its roof.
- 9) No development shall commence until a scheme of measures based on secured by design principles has been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details and thereafter retained.
- 10) No more than 50% of the dwellings shall be occupied until a children's play area has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 11) No development shall commence unless and until a tree and hedge protection scheme has been submitted to and approved in writing by the Local Planning Authority. The protection scheme shall identify the retained trees and hedges and where excavations or changes to land levels or underground works are proposed that might affect the root protection area, the scheme shall detail the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: 2012 (Trees in relation to design, demolition and construction). The scheme for the protection of the retained trees and hedges shall be carried out as approved.

In this condition "retained tree or hedge" means an existing tree or hedgerow which is to be retained in accordance with the submitted and approved plans and particulars.

If any retained tree or hedgerow is cut down, uprooted or destroyed or dies within 5 years of the completion of development, the tree/hedgerow shall be replaced by a tree/hedgerow of a similar type and species in the next planting season after the damage or loss.

- 12) No development shall take place (including any site or vegetation clearance) until a method statement for the protection of reptiles, badgers, nesting birds and hedgehogs during site/vegetation clearance and construction works has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by up-to-date ecological surveys of the site (if more than two years has elapsed since the last surveys).

- 13) No development shall take place (including any groundworks, site or vegetation clearance), until an ecological design strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include:

- i. specific biodiversity aims and objectives;
- ii. a 'biodiversity gain plan' to demonstrate how a minimum of 10% biodiversity net gain will be achieved on the site;
- iii. biodiversity enhancement measures for the site, including native species landscaping, hibernacula for herpetofauna and invertebrates, hedgehog boxes, specifications for hedgehog highways for walls and fences, and the inclusion of building-integrated bat and bird boxes; and
- iv. a timetable / programme for carrying out the measures of the EDS.

The EDS shall be implemented in accordance with the approved details and measure thereafter retained in perpetuity.

- 14) Prior to occupation of the development hereby approved, a habitat management and monitoring plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall provide details of:

- i. management of habitats to achieve biodiversity net gain in accordance with the Ecological Design Strategy;
- ii. management of all other habitats to sustain the specific biodiversity aims and objectives of the ecological design strategy

The HMMP shall be informed by and include: i) a description and evaluation of features to be managed; ii) details of ecological trends and constraints on the site that might influence habitat management; iii) specific aims and objectives of management; iv) management actions across the habitat areas of the site; v) an annual work plan; and vi) details of the organisation(s) management mechanisms responsible for implementation of the HMMP.

The HMMP shall be carried out in accordance with the approved details.

- 15) No application for the Reserved Matters shall be submitted before (i) a programme of investigative archaeological work, which has been submitted to and approved in writing by the Local Planning Authority, has been carried out and completed; and (ii) the recorded findings/evaluation of that investigative archaeological work, including any safeguarding measures necessary to ensure preservation in situ of any important archaeological remains, have been presented to, and agreed in writing by, the Local Planning Authority.
- 16) No development shall commence until a surface water drainage scheme based on sustainable drainage principles, effective long-term maintenance of the scheme and an assessment of the hydrological and hydrogeological context of the development, based on the submitted Flood Risk Assessment (BWB, May 2022) and Sustainable Drainage Statement (BWB, May 2022), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify methods to manage surface water runoff; set out the proposed methods to delay and control the surface water discharged from the site, preventing pollution of the receiving groundwater and/or surface waters; and outline a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The implementation of the surface water drainage scheme shall be phased in accordance with the scheme which has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the corresponding part of the drainage scheme to that dwelling is operational. The scheme shall thereafter be managed and maintained in accordance with the approved details.

- 17) No building hereby permitted shall be occupied within each phase of the surface water drainage scheme until a verification report, which corresponds to that phase of the scheme, has been submitted to and approved by the Local Planning Authority. The verification report shall be prepared by a suitably competent person and demonstrate that the drainage system constructed is consistent with that which was approved for that phase. The verification report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings, with information pertinent to the installation of the drainage measures; and an operation and maintenance details for the sustainable drainage scheme as constructed.
- 18) No dwelling shall be occupied until adequate foul drainage provision for that dwelling has been carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
- 19) No development shall commence until a ground investigation and contamination report has been submitted to and approved in writing by the Local Planning Authority. The report shall include investigation, sampling and/or evaluation of soils and water and shall set out a scheme of remediation or mitigation, as necessary. The approved scheme of

remediation (if necessary) shall be carried out, with details to verify the successful implementation of the remediation works to be submitted and approved in writing by the Local Planning Authority before the development commences.

- 20) If, during the course of construction of the approved development, unforeseen contamination on the site is found to be present or caused, the occurrence shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 21) No development shall commence until an unexploded ordinance site assessment has been submitted to and approved in writing by the Local Planning Authority. Should the assessment identify the presence of unexploded ordinance, the report shall set out how that unexploded ordinance is to be dealt with; and development on the site shall not commence until a report to verify that the unexploded ordinance has been addressed to no longer pose a risk to public safety has been submitted to and approved in writing by the Local Planning Authority.
- 22) No development shall commence, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include and provide for:
- the location of access points for site traffic, parking of construction vehicles and vehicles of site operatives and visitors, together with directional signage on and off site, and loading and unloading of plant and materials;
 - wheel washing facilities;
 - a scheme for the prevention of surface water discharges onto the highway;
 - timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
 - any temporary traffic management (as to be agreed with Kent County Council's Streetworks Team and may need to include temporary parking restrictions, signage, etc.);
 - the location and size of site compounds and areas for storage of plant and materials used in constructing the development;
 - the location and form of temporary buildings and temporary lighting, details of the erection and maintenance of security hoardings;
 - measures to control the emission of dust and dirt during construction;
 - measures for the control of noise and vibration during construction, including delivery and construction working hours;
 - procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison.

- The approved CMP shall be adhered to throughout the construction period.
- 23) No development shall commence until final details of the visibility splay for the principal access onto Sandwich Road have been submitted and approved in writing by the Local Planning Authority. Thereafter development shall only be carried out in accordance with the approved details; the splays shall be retained as such; and there shall be no obstruction within these splays over 0.6m in height.
 - 24) No development shall be occupied until the principal vehicular access to the site from Sandwich Road and has been provided in accordance with the approved plans.
 - 25) No dwelling shall be occupied until details of the emergency access provision onto Mongeham Road have been submitted to and approved in writing by the Local Planning Authority. The approved emergency access provision shall be completed in accordance with the approved details prior to occupation of more than 50% of the dwellings.
 - 26) No dwelling shall be occupied until the car parking and cycle parking for that dwelling have been provided in accordance with the approved plans.
 - 27) No dwelling shall be occupied until (i) footways and/or footpaths between a dwelling and the adopted highway (with the exception of the wearing course) and (ii) carriageways between a dwelling and the adopted highway (with the exception of the wearing course) including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any), have been provided in accordance with the approved plans.
 - 28) Development shall not commence until a 'public rights of way management and improvement scheme', in respect of public rights of way EE389/ED48 and EE390/ED39, has been submitted to and approved in writing by the Local Planning Authority. That 'public rights of way management and improvement scheme' shall relate only to land identified within the approved Land Use Parameter Plan (Drawing Reference 359 P02) and be carried out and completed in accordance with the agreed timetable.
 - 29) Within three months of construction of development above ground level, a Travel Plan to reduce dependency on the private car shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of how 13 no. 28-day Megarider bus tickets (or equivalent at the time of occupation) will be provided to each household of the development on first occupation of each dwelling. Thereafter, the provisions of the Travel Plan shall be implemented and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.
 - 30) Development shall be carried out in accordance with details of electric vehicle charging infrastructure (with specific provision for each dwellinghouse) that have been submitted to and approved in writing by the Local Planning Authority before any occupation of development.