



LAND WEST OF CROSS ROAD

**WALMER, DEAL**

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# PLANNING AND AFFORDABLE HOUSING STATEMENT

November 2021

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## **APPENDICES**

Appendix 1

Draft S106 Heads of Terms

## EXECUTIVE SUMMARY

- i. This planning statement supports an outline planning application made by Gladman for a site to the west of Cross Road, Walmer, Deal. The development will comprise up to 140 dwellings, public open space, landscaping, a sustainable drainage system and a vehicular access point from Cross Road.
- ii. The application is made in outline, with all matters reserved except for access. The access details provide certainty that the site can be accessed acceptably and safely by vehicles, cyclists and pedestrians.
- iii. The application site is well located to the existing urban area and represents a suitable and sustainable location for housing. The approval of housing development to the east of Cross Road means the proposal is an even more logical extension to Deal.

### Design Led Approach

- iv. The proposed development has been carefully considered to ensure that it will provide high quality sustainable development. The design-led approach, informed by consultation with the key stakeholders and the local community, responds sensitively to the site setting, respecting the grain of the surrounding landscape, both built and undeveloped.
- v. The design of the development focuses development in the north and east of the site, with a significant area of public open space and landscaping, including the preservation of on-site woodland and the creation of a dedicated habitat area. The proposal responds to Deal's distinct character to ensure the development is well-integrated with the existing settlement.

### Benefits Arising from Development at this Location

- vi. The proposal offers the opportunity to deliver:
  - Local benefits, through investment in the local community
  - New areas of public open space and a children's play area
  - Improvements to biodiversity through the creation of a specific wildlife habitat area, on site mitigation strategies and enhancements including additional planting of native species and hedgerows
  - On site Sustainable Drainage System (SuDS) to improve the surface water flood risk on site

- District wide benefits, in terms of making a strategically important contribution to housing supply and economic objectives; and
- National objectives in boosting the supply of homes and delivering sustainable development.

### Accordance with the Development Plan

- vii. Development proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- viii. The policies of the development plan relating to the delivery of housing in the district are out of date and as such the 'tilted balance' in favour of sustainable development has been engaged as per paragraph 11 d of the National Planning Policy Framework (July 2021). The Council accept that this means development beyond currently defined settlement boundaries is required in order to meet the current local housing need.
- ix. The application proposal conforms with the broad spatial strategy of the development plan which directs growth to a sustainable settlement that is identified as suitable to accommodate significant housing growth.
- x. Land off Cross Road is a draft housing allocation within the emerging Dover District Local Plan 2020-2040 which, should be afforded some weight. The Council's evidence base that underpins the emerging plan demonstrates that the application site is suitable for housing.
- xi. Whilst some conflict arises with the development plan, as the site is technically treated as the countryside by virtue of its location outside of (albeit contiguous with) the settlement boundary for Deal, there are material considerations that justify a departure from the development plan in this case.

# 1 INTRODUCTION

## 1.1 Scope of this Statement

1.1.1 This Planning Statement has been prepared in support of an outline planning application for the development of up to 140 dwellings at Land to the west of Cross Road, Walmer, Deal.

1.1.2 The application is submitted by Gladman.

1.1.3 The description of development is as follows:

**“Outline planning application for the erection of up to 140 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.”**

## 1.2 The Development Plan

1.2.1 The starting point for the determination of this application is the Development Plan, comprising of the Dover District Core Strategy (2010), the Land Allocations Local Plan (2015).

1.2.2 It is considered that the proposed development complies with the broad spatial strategy by directing to housing to Deal, which is the second largest settlement in the district and the second tier District Centre in the settlement hierarchy. Whilst some conflict arises with the development plan, as the site is technically treated as countryside by virtue of its location outside of (albeit contiguous with) the settlement boundary for Deal, there are material considerations that justify a departure from the development plan in this case. In particular, the Council accepts that the adopted housing requirement for Dover is out of date and that development beyond settlement boundaries is required in order to meet the current local housing need, and the Framework ‘titled balance’ is applied in this context.

## 1.3 Scope of the Planning Application

1.3.1 The outline planning application is seeking approval in principle for the development proposals. Together, the description of development, Design and Access Statement (DAS) and other supporting documents describe the nature and content of the development proposed.

1.3.2 Details of the parameters of the development for which outline planning permission is sought are included within the DAS, ensuring that an appropriate level of information is provided on the scale, nature and general arrangement of the development proposed at the outset.

1.3.3 The following documents have been submitted in support of the planning application:

- Planning Statement
- Development Framework Plan
- Landscape and Visual Appraisal
- Design and Access Statement
- Economic Statement
- Statement of Community Involvement
- Transport Assessment and Residential Travel Plan
- Foul Drainage Analysis Report
- Flood Risk Assessment and Outline Surface Water Drainage Strategy
- Noise Assessment Report
- Air Quality Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Preliminary Risk Assessment



- Heritage Desk-Based Assessment

1.3.4 This Planning Statement explains why development is suitable in this location and the significant social, environmental and economic benefits that the proposal will bring to the area. It also confirms, drawing on the supporting technical information, that no significant and demonstrable adverse impacts would arise as a consequence of the development, to outweigh these benefits.

1.3.5 The Affordable Housing Statement incorporated into this Planning Statement sets out how the proposals respond to Dover policy requirements and the importance of the delivery of affordable housing on the site when considering the under delivery of affordable housing in the rest of the Dover District.

1.3.6 The Statement further explains the policy context and how the proposed development complies with the Framework and why it is appropriate to bring forward development now at this site.

1.3.7 This Statement is one of a suite of documents submitted to support this application and comprehensively demonstrates the suitability and sustainability of the site for development, as proposed.

## 1.4 The Proposal

1.4.1 The drawings submitted as part of this outline planning application for approval are:

- Site location plan (drawing number: 7572-L-10)
- Potential site access plan (drawing number: 2243-F10)

1.4.2 The application proposal includes the following:

- Up to 140 residential dwellings (including 30% affordable housing)
- Structural landscape planting and the retention and positive management of key landscape features

- 4.64 ha of formal and informal open space (over 50% of the gross site outline application area)
- SuDS benefits
- Children's play facilities
- New access arrangements including pedestrian and cycle links and highway improvements Station Road
- The provision of a dedicated habitat space contributing to a net-gain in biodiversity.

1.4.3 It is proposed that the site will be accessed from Cross Road, via a simple priority junction. It has been confirmed that the required visibility splays can be achieved and that the site access junction will operate comfortably within capacity in both the morning and evening peak periods of the proposed development traffic, as demonstrated by the Transport Assessment prepared by Croft. The proposed access arrangements link in with highway improvements works for Station Road and Cross Road, approved as part of the planning permission ref. 20/01125 (to the east of Cross Road).

1.4.4 A range of densities and house types are proposed to meet local need. The scheme will deliver 30% affordable housing in line with the requirements outlined in the current adopted local planning policy. Affordable housing provision will be secured by a Section 106 Agreement.

1.4.5 The illustrative Development Framework Plan for the site demonstrates how the built development will be set within a framework of open space and green infrastructure. The green space will include a formal locally equipped children's play area (LEAP), dedicated biodiversity habitat area and informal open space. The proposal seeks to retain existing landscape features; the existing hedgerows and woodland are maintained where possible and any loss will be

mitigated elsewhere on site. The illustrative Development Framework Plan incorporates these elements within a strategic landscape framework.

## 1.5 EIA Screening

1.5.1 As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

1.5.2 The location does not present any environmental constraints and nor is it in a sensitive area.

1.5.3 The Local Planning Authority will be required to screen the proposals as part of its legal requirements however the applicant does not consider that an Environmental Statement is required.

## 1.6 Planning History

1.6.1 The proposed site previously formed part of a larger development proposal incorporating land to the east and west of Cross Road for which an application was submitted to Dover District Council in 2017 and subsequently refused. Since then, there have been material changes in planning circumstances. Dover District Council's adopted development plan policies are acknowledged to be now out of date, as far as they relate to the delivery of housing, and the Council recognises that the Framework paragraph 11(d) 'tilted balance' in favour of sustainable development is engaged. Additional deliverable housing sites outside of the formally adopted settlement boundaries must be released in order to meet local housing needs.

1.6.2 Dover District Council's own evidence base now identifies the proposed site as suitable and sustainable for residential development. As such the application site benefits from a draft allocation in the Draft Dover District Local Plan under site reference DEA008. This can be afforded some weight for development management purposes. Furthermore, planning permission on land to the east of Cross Road has been granted for housing development, making the proposed site an even more logical extension to the settlement of Deal.

## 2 LOCAL HOUSING NEED

### 2.1 Introduction

2.1.1 This section of the Planning Statement will set out the context to the national imperative to boost significantly the supply of both market and affordable housing, the response required of Dover District Council and the observed effects on affordability in the district.

### 2.2 National Delivery of Housing

2.2.1 It is widely acknowledged at all levels that the country has an insufficient supply of housing, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population and household formation rates.

2.2.2 The Government responded in the 2017 Autumn budget with a commitment to deliver 300,000 new homes a year, a target which has not been sufficiently met. It is still the aspiration of the current Government to deliver this 300,000 homes per year target.

2.2.3 The Framework (paragraph 60) establishes a national policy objective to significantly boost the supply of homes. It requires strategic planning policies to be informed by a local housing needs assessment, conducted using the standard method. The up to date local housing need figure for Dover represents a significant increase on the adopted development plan policy requirement.

2.2.4 This application therefore responds to the national need for housing and the need to grant additional planning permissions in order to meet the government's objectives. In addition, as will be explained later in this Planning Statement, this document responds to the local housing issues in Dover which are contributing to the problem overall.

## 2.3 Affordable Housing Need and Affordability Issues

2.3.1 One effect of the national under-delivery of housing is a profound effect on affordability. The following information demonstrates that there are clear housing affordability issues in Dover generally.

2.3.2 The information in the following table compares average house price to household earning. It demonstrates that housing has progressively become less affordable in Dover District since the adoption of the Core Strategy:

| Year           | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|----------------|------|------|------|------|------|------|------|------|------|------|
| Earnings Ratio | 5.88 | 5.88 | 6.05 | 6.55 | 7.39 | 8.36 | 8.84 | 8.45 | 8.07 | 7.29 |

2.3.3 Mortgage lenders typically offer loan to income ratios from 3.25 annual salary up to a cap at around 4.5 times annual salary. More often than not this requires a deposit and loan to value (LTV) ratio of 95%. As can be seen from above, the house price to average earnings ratio is significantly higher than the mortgage lending average, as such it is clear that for many of Dover residents buying a home in the Dover District is out of reach.

2.3.4 It is also true that there has been a failure to deliver the 210 affordable houses required per year, as identified in the adopted Dover District Core Strategy.

2.3.5 MHCLG Live Table 1011C provides a detailed breakdown of new build affordable housing completions by Local Authority for the previous four years. For Dover District delivery since the start of the plan period has been as follows:

| Year    | Requirement | Total Affordable Completions |
|---------|-------------|------------------------------|
| 2010/11 | 210         | 23                           |
| 2011/12 | 210         | 70                           |
| 2012/13 | 210         | 97                           |

|         |      |     |
|---------|------|-----|
| 2013/14 | 210  | 14  |
| 2014/15 | 210  | 102 |
| 2015/16 | 210  | 122 |
| 2016/17 | 210  | 94  |
| 2017/18 | 210  | 99  |
| 2018/19 | 210  | 73  |
| 2019/20 | 210  | 33  |
| 2020/21 | 210  | 120 |
| Total   | 2310 | 847 |

2.3.6 It is clear this delivery of a total of 847 affordable dwellings in the since the start of the plan period is significantly short of the need identified in the development plan of 210 affordable homes per year, which would equate to 2310. There is a shortfall of 1,463 affordable homes since the adoption of the Core Strategy. Dover District Council have not reached their annual target of 210 affordable homes once since the adoption of the Core Strategy.

2.3.7 The reality is therefore that those most in need in Dover District are unable to afford to buy their own homes.

### 3 AFFORDABLE HOUSING STATEMENT

#### 3.1 Affordable Requirement in the Dover Core Strategy (2010)

3.1.1 Policy DM5 of the Core Strategy concerns the provision of affordable housing in the district. It provides that on residential developments of 15 or more dwellings, the provision of 30% affordable housing should be provided onsite.

#### 3.2 Affordable Housing Supplementary Planning Document (2007)

3.2.1 The Council's Affordable Housing Supplementary Planning Document (adopted 2007) provides detail relating to how affordable housing should be secured and what type and form of affordable housing should be delivered in the district. It aligns with the Core Strategy position of seeking 30% affordable housing provision on developments of 15 or more dwellings.

#### 3.3 Proposed Affordable Housing Provision

3.3.1 In accordance with adopted Core Strategy policy and the Affordable Housing SPD, the application proposals make provision for 30% onsite affordable housing. The tenure split of the affordable dwellings will be agreed with the Council during the course of the application. The mix of affordable housing will be determined at Reserved Matters stage reflective of the most up-to-date identified needs within the district.

3.3.2 The application proposals in respect of affordable housing provision comply with the relevant adopted policies and other material planning considerations. The provision of affordable housing is a clear benefit of the proposed development and should be afforded significant weight accordingly.

3.3.3 It is proposed that the on-site affordable housing provision can be secured by way of a S.106 legal agreement.



## 4 SITE AND LOCATIONAL SUSTAINABILITY

### 4.1 Site Location

- 4.1.1 The 8.71 ha site lies adjacent to existing residential development on the south west edge of Walmer, Deal.
- 4.1.2 The settlement lies approximately 14km from Dover which can easily be accessed by train. Canterbury is located approximately 30km north west of Deal and can also be accessed via public transport with direct busses departing from the centre of Deal.
- 4.1.3 The site is in a sustainable location and will be able to make a valuable contribution to the supply of housing in Dover. The Dover District Core Strategy and Draft Local Plan identify Deal as a District Centre and a sustainable location for housing growth.
- 4.1.4 The application site was assessed as suitable for development subject to sufficient highways, archaeological and land contamination assessments as well as suitable landscape buffering in the supporting Housing and Economic Land Availability Assessment (HELAA). Gladman have submitted detailed technical work to Dover District Council through representations to the Draft Local Plan in support of the application sites suitability for residential housing development.
- 4.1.5 As such, land off Cross Road has been designated as a draft allocation under reference DEA008 in the Draft Dover District Local Plan 2020-2040 and the Council's own evidence based deems this site as a suitable and sustainable location for residential development.

## 4.2 Suitability of Location

- 4.2.1 The application site comprises two fields and associated hedgerows and woodland that will be retained. The site is not subject to any limiting physical, ecological or heritage constraints and it is contained by physical features at its urban edge.
- 4.2.2 As outlined above the proposed site is well related to the settlement, with good pedestrian, cycle and public transport links. Key facilities are a walkable distance from the site meaning active transport can be encouraged.
- 4.2.3 The development is a logical extension to the approved development on land to the east of Cross Road and will naturally round off Deal's southern edge. It would not result in built form extending further south and west than the existing settlement edge.
- 4.2.4 As a settlement, Walmer, Deal is considered a suitable location for development, identified as a District Centre in both the adopted and emerging Local Plan.
- 4.2.5 The site access is situated within approximately 2.5km of the centre of Deal. It is also close to existing shops, services and employment opportunities in the immediate locality. A good range of services and facilities are easily accessible by foot and bicycle. The site's proximity to key services and facilities is shown on page 15 of the Design and Access Statement (DAS) and details of facilities are shown within Table 5.5 of the Transport Assessment, illustrating all amenities are within recommended guideline walking distances.
- 4.2.6 Growth at land to the west of Cross Road will both support, and be supported by, a range of services and facilities that are within easy walking and cycling distance of the site. The proximity of the site to St Mary's Catholic Primary

School, several convenience stores and Walmer Train Station are of key benefit to ensuring the site's sustainability.

4.2.7 The nearest bus stop is located to the east of the site on Court Road. This provides regular bus services to Dover, Sandwich and the Centre of Deal. The site is located within a ten-minute walk of Walmer Railway Station, providing efficient services to London, Ramsgate and Folkestone. The proposed development on land to the west of Cross Road can therefore be sustainably accessed without relying on the private car.

4.2.8 The following is relevant in terms of the site's suitability and sustainability for development:

- The site is well contained within the landscape and important trees and other landscape features are to be retained
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact
- The site comprises land in agricultural use, but its usefulness for agricultural purposes is limited and its loss would not be significant in Framework terms (Framework 174)
- The site has a low ecological value and on the basis of the evidence submitted with the application (Ecological Appraisal prepared by FPCR). The loss of habitat would therefore not be significant and ecological mitigation and net biodiversity gains can be readily achieved
- The application site falls within the EA Flood Risk Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability, or <0.1% chance of flooding)

- There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any listed buildings

4.2.9 The DAS prepared by Gladman and submitted in support of the application sets out how the site can accommodate the quantum of development proposed in a manner which reflects the local landscape character of the site's settlement edge location.

4.2.10 In summary the application site presents an opportunity for the sustainable growth of Deal:

- The land to which the development proposals relate is not of high environmental value.
- The site is suitable for residential development in terms of its general location and characteristics.

## 5 THE DEVELOPMENT PLAN

### 5.1 Introduction

5.1.1 At the time of writing, the adopted Development Plan applicable to the site comprises:

- The Dover District Core Strategy, adopted February 2010
- The Land Allocations Local Plan, adopted January 2015

5.1.2 This section describes the adopted and emerging Development Plan for the site and considers the relevance and weight that should be attributed to the policies contained within it.

## 5.2 The Development Plan: Weighting

5.2.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

5.2.2 The Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. Paragraphs 2 and 12 of the Framework confirm:

- 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.**
- 12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.**

5.2.3 Further, in determining the weight to relevant policies the guidance at paragraph 219 of the Framework confirms:

**“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”**

5.2.4 The planning application should be considered in this context.

### 5.3 **The Framework 11(d) ‘Tilted Balance’**

5.3.1 Paragraph 11 and footnote 8 of the Framework states:

**“Plans and decisions should apply a presumption in favour of sustainable development.**

...

**For decision-taking this means:**

**c) approving development proposals 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-date<sup>8</sup>, 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 proposed; or**

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

...

**“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional**

**arrangements for the Housing Delivery Test are set out in Annex 1.”**

5.3.2 The Council has acknowledged for some time that the statutory development plan no longer provides an effective planning policy framework for the delivery of local housing needs in the district. In this context, it is acknowledged that the tilted balance in favour of sustainable development is engaged and those policies that are restrictive of housing development should be applied more flexibly in order to release more land for housing. There is a need for development plan policy intervention in order to meet the local housing need in the district and defined settlement boundaries are required to flex as a consequence of this.

5.3.3 The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Dover and Deal and assist the Council in meeting local housing needs on a sustainable site.

#### 5.4 The Dover District Core Strategy

5.4.1 The Core Strategy was adopted in February 2010 and was intended to guide development in the district until 2026. It incorporates a number of development management policies designed to replace a number of the policies of the 2002 Local Plan. The policies of the Core Strategy give effect to the housing requirements of the revoked South East Plan and were prepared in the context of a different national planning context. The Land Allocations Local Plan (LALP) was later adopted to give effect to the Core Strategy, allocating sites to meet housing and employment requirements. The strategic policies of the Framework do not reflect local housing needs as required by the Framework (para. 61)

### **Policies DM1 and DM15**

- 5.4.2 The application site is not an allocated site within the adopted Core Strategy and it lies within the countryside, by virtue of it being located beyond the currently defined settlement boundaries. Policy DM1 of the Core Strategy states that development will not be permitted on land outside the development boundaries unless specifically justified by other development plan policies. Policy DM15 provides clarity on which forms of development might be justified in the countryside. As it comprises residential development, the application proposal does not fall within the description of any types of development listed by DM15. The application proposal, which is for a large scale residential development that would form an extension to the built up area beyond the defined settlement boundaries is therefore, in principle, contrary to policies DM1 and DM15.
- 5.4.3 Whilst the general thrust of policies DM1 and DM15 of the Core Strategy recognise that the intrinsic character and beauty of the countryside is consistent with the general approach of the Framework, the blanket restriction they impose does not align with the more balanced approach required by the Framework and the requirement to boost significantly the supply of housing.
- 5.4.4 Consequently, Policies DM1 and DM15 carry limited weight in the determination of the application proposal. This position was confirmed by inspector Major in his decision relating to an appeal at Dover Road, Walmer. In respect of CS Policy DM1, Inspector Major concluded at paragraph 16:

**“The policy may be said to pay heed to the NPPF aim to have regard to the intrinsic character and beauty of the countryside, but it does not suggest how this might be approached in a balanced manner. The NPPF taken in context seeks a balance between development and the stewardship of important interests throughout its content. In addition the fact that it is agreed that the development plan is out of date in respect of**



**housing requirement, coupled with the Council's acknowledgement that the proposal does not conflict with CS Policy CP1 relating to the settlement hierarchy, lead me to afford limited weight to the conflict with Policy DM1."**

5.4.5 In respect of CS Policy DM15, Inspector Major concluded at paragraph 17:

**"Given that housing need is now greater, as set out below, and in light of my comments above relating to Policy DM1 I also afford limited weight to the conflict with DM15."**

5.4.6 As a consequence of the out-of-date nature of the development plan, specifically its inability to deliver the minimum local housing need, it is clear that the 'tilted' balance provided by paragraph 11d of the Framework applies to the application proposal and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Policy CP2**

5.4.7 The housing requirement set out at Policy CP2 of the Plan was not based on a local assessment of housing needs conducted using the standard method set out in national guidance, as required by paragraph 61 of the Framework and as such it provides for housing needs from a previous era. Policy CP2 is therefore out-of-date and inconsistent with the Framework, a position that had been accepted by the Council in its evidence to previous appeals and subsequently confirmed in the decision of Inspector Major relating to an appeal at Land off Dover Road, Walmer<sup>1</sup>.

5.4.8 The settlement boundaries in the Core Strategy were tightly drawn to accommodate the level of growth envisaged by the Core Strategy and its non-Framework compliant housing requirement only. They have not been drawn to meet the current local housing needs of Dover District. The unintended

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<sup>1</sup> APP/X2220/W/17/3183959 – Land off Dover Road, Walmer, Deal – April 2018

consequence is they are acting as a constraint to development that would otherwise be considered sustainable.

- 5.4.9 Settlement boundaries must inevitably change in order to accommodate objectively assessed needs and sustainable development. Indeed, the Council has accepted this position in relation to previous appeal in the district and are currently adopting this approach to planning applications with the same planning context as the application site. The site's location in the open countryside immediately adjacent to existing residential development cannot therefore be a reason in principle for restricting development.

#### **Policy CP5**

- 5.4.10 Policy CP5 (Sustainable Construction Standards) provides that development should meet the relevant standards in sustainable construction methods set out in the Code for Sustainable Homes. However, the Code for Sustainable Homes has now been revoked by the Government, with some of its elements incorporated in to building regulations. The application proposal will meet at least the minimum relevant standards in sustainable construction. As such, it is considered that the proposals are in conformity with the broad purpose of Policy CP5.

#### **Other Relevant Core Strategy Policies**

- 5.4.11 It is also considered that the proposal accords with all other relevant development plan policies, including those that relate to; landscape character (DM16); Affordable Housing (DM5); Design (CP4); Transport (DM11); Access (DM12); and Open Space (DM25). Gladman considers these policies to be broadly up-to-date in that they accord with the Framework.

## 5.5 Summary of the Development Plan

5.5.1 In the light of the above, it is clear that the development proposal accords with all parts of the Development Plan that are up to date.

5.5.2 Where a conflict arises, those policies are either out of date or should be accorded limited weight due to their conflict with the more up to date provisions of the Framework. As a result, the conflict with those policies should be accorded corresponding limited weight.

## 5.6 Other Material Considerations

### **The Draft Dover District Local Plan 2020-2040**

5.6.1 Dover District Council is currently preparing a New Local Plan that sets out development guidelines for the district 2020-2040. Land off Cross Road is an emerging housing allocation in the New Dover Local Plan draft under reference DEA008, and was allocated as such due to its suitability and sustainability as shown in the Council's own evidence base.

5.6.2 In terms of weight, paragraph 48 of the Framework confirms that weight may be given to relevant policies in emerging plans according to the stage of the plan's preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections, and the degree of consistency with policies in the Framework.

5.6.3 In this context it is clear that the emerging Dover District Local Plan 2020-2040 is approaching the latter stages of its development and as such, its policies and site allocations should be afforded some weight when considering the proposal for development at land to the west of Cross Road.

## 6 SUSTAINABLE DEVELOPMENT: THE NATIONAL PLANNING POLICY FRAMEWORK

### 6.1 Introduction

6.1.1 The Government published a revised Framework in July 2021.

6.1.2 This section of the Planning Statement sets out how the planning application meets with the objectives of the Framework in delivering sustainable development.

### 6.2 The Presumption in Favour of Sustainable Development

6.2.1 At the heart of the Framework is the 'presumption in favour of sustainable development' (paragraph 10). For decision-taking this means approving development where it accords with an up-to-date development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted (see paragraph 11).

6.2.2 The relevant technical reports that accompany this planning application demonstrate that there are no unacceptable adverse impacts that would significantly and demonstrably outweigh the benefits associated with the proposals. Further, the application site is not the subject of any of the designations cited within footnote 7 of the Framework and therefore policies do not apply which indicate the presumption should be disapplied.

6.2.3 This section describes how the development proposals meet the relevant objectives of the Framework.

## 6.1 Building a Strong and Competitive Economy

6.1.1 The Framework is clear that the government is committed to delivering sustainable economic growth identifying that planning policies should, “positively and proactively encourage sustainable economic growth.” (paragraph 82).

6.1.2 Housing development is a key component of economic growth and this is fully recognised in Government policy and in the former White Paper – Fixing our Broken Housing Market (2017), which states on page 15:

**“If we fail to build more homes, it will get ever harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse.”**

6.1.3 Through the development of the site a significant amount of investment will be made to the area in terms of the construction value of the project and associated spend during the construction period. The construction industry and house building in particular make an important contribution to both the local and national economy in terms of job creation. The accompanying Economic Statement estimates the following key benefits arising from the proposal:

- Construction spend - £17,412,971.00
- GVA over the build period - £6,567,085
- Resident annual expenditure - £5,109,000
- Council tax - £2,300,000 per year
- New Homes Bonus - £700,000
- The creation of 311 direct and indirect jobs

6.1.4 The provision of quality housing in Walmer, Deal is central to the achievement of sustainable economic growth across Dover and is fully supported by the requirements and advice of the Framework; indeed, paragraph 81 is clear that,

“significant weight should be placed on the need to support economic growth through the planning system”.

## 6.2 Promoting Sustainable Transport

6.2.1 At paragraph 104, the Framework requires LPAs to consider transport issues from the earliest stages of the plan-making process and development proposals, encouraging:

**“...opportunities to promote walking, cycling and public transport use...”**

6.2.2 At paragraph 105, the Framework requires significant development to:

**“...be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”**

6.2.3 Walmer, Deal has a number of services and facilities which are within easy walking and cycling distance from the site, with additional services located in the town centre and beyond which are accessible by bus.

6.2.4 The nearest bus stops are located on Court Road, approximately 400m from the centre of the site. As set out above, frequent bus services operate from this stop throughout the day connecting the site with Deal town centre and the highest order settlement of Dover.

6.2.5 The site is also located approximately 400m by foot from Walmer Railway Station, from where rail services to London, Dover, Ramsgate and Ashford can be accessed. Services operate regularly throughout the day, allowing residents to easily commute to nearby large employment centres.

6.2.6 To support the application a Transport Assessment (TA) has been undertaken which confirms that the site is well located in relation to sustainable transport

options and is well positioned in relation to the local and strategic highway network.

6.2.7 Access will be achieved via a simple priority junction from Cross Road. The TA explains how the proposed access arrangements link in with highway improvement works to Station Road and Cross Road, approved as part of the permission for housing development to the east of Cross Road (planning permission ref. 20/01125). The works deliver a continuous footpath connection between the site and Walmer Station. Further details of how this will be achieved are set out in the TA.

6.2.8 The TA confirms that the package of measures proposed offers accessibility enhancements to encourage more sustainable means of travel in the area and will mitigate any significant impacts on the highway.

### 6.3 Delivering a Wide Choice of High Quality Homes

#### **The Need for Market and Affordable Housing**

6.3.1 There is a wealth of evidence from figures at the highest levels of the Government, the Bank of England and internationally, within the European Commission and International Monetary Fund, which demonstrate that there is a consistent and pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable. In the foreword to the White Paper 'Fixing the Broken Housing Market', former Prime Minister Theresa May stated:

**"Our broken housing market is one of the greatest barriers to progress in Britain today. Whether buying or renting, the fact is that housing is increasingly unaffordable – particularly for ordinary working class people who are struggling to get by.**

**Today the average house costs almost eight times average earnings – an all-time record. As a result it is difficult to get on**

**the housing ladder, and the proportion of people living in the private rented sector has doubled since 2000.”**

6.3.2 The Government outlined its aim to build 300,000 homes per year in the Autumn Budget 2017, this requirement still stands today. Delivery of this site will contribute to this delivering the housing the country needs.

6.3.3 In addition to a pressing need for new market homes in the Dover District, there is a significant need for affordable housing, as outlined within the Strategic Housing Market Assessment 2016-2021 (SHMA).

6.3.4 The SHMA makes clear that:

**“...even full-time workers with earnings at the upper-quartile level in Dover District would just be unable to purchase an entry-level property in the authority, without additional income... Full-time workers with earnings at the lower quartile or median level would require substantial additional income or a capital sum to deduct from the purchase price to be able to afford a lower quartile property in the District<sup>2</sup>.”**

6.3.5 However, the delivery of affordable housing in Dover falls starkly short of the affordable housing need in the Dover District equating to 210 per year as identified in the adopted Core Strategy. Since the beginning of the plan period Dover have failed to reach their annual requirement of 210 affordable homes per year and have only delivered a total of 847 affordable homes. There is therefore a cumulative shortfall of 1,463 which should have already been delivered in the Dover District. This under delivery is leading to a chronic shortage of much needed new homes and many affordable homes are required for real people in real need.

6.3.6 The UK has a persistent problem with inadequate housing supply, which has led to low income and middle income families being priced out of the housing

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<sup>2</sup> Dover District Council Strategic Housing Market Assessment Part 2 (2017).



market. National Government recognise that house price inflation is getting to dangerous levels and that building new homes is necessary in order to address this issue. The delivery of 30% affordable homes should be given very significant weight.

### **Boosting the Supply of Housing**

6.3.7 The Framework sets out the Government's key housing objective, which is, "to boost significantly the supply of housing".

6.3.8 The proposals entirely accord with this national policy objective in so far as the application will deliver new housing development which will assist the Council to contribute towards the central government objective of boosting significantly the supply of housing now.

### **6.4 Achieving Well-Designed Places**

6.4.1 The DAS supporting the application demonstrates how the scheme will deliver a high quality residential sustainable development. The proposals are based on sound design principles that have taken into account site constraints and opportunities presented by the site.

6.4.2 Whilst design is a matter reserved for future determination, the DAS demonstrates the site could accommodate a scheme that would be in scale and character with its surroundings of Walmer, Deal through delivering dwellings of a suitable size and through utilising materials that reflect the local vernacular. It is demonstrated through the DAS and TA that the site would be accessible to people on foot, cycle and to those with disabilities. The illustrative master plan seeks to create an attractive place that responds to the attributes of the site and the local context.

6.4.3 The development has been designed taking into account the recommendations of the Landscape and Visual Assessment (LVA). The green

infrastructure within the built development will sit as an integral part of the framework and is key in creating an accessible, open and engaging place within which to live. The proposal provides a strong green framework comprising;

- The creation of a 4.54ha of Green Infrastructure comprising both formal and informal open space
- Reinforcement of existing hedgerows around the site boundary to improve the quality and connectivity of habitat
- Preservation and enhancement of on-site woodland
- Additional tree and hedgerow planting
- The creation of a dedicated habitat area
- A groundwater attenuation basin and drainage swales, creating additional habitats
- An equipped children's play area.

## 6.5 Conserving and Enhancing the Natural Environment

### **Landscape**

6.5.1 The site is not subject to any landscape quality designation and lies outside of the National Park, AONB and locally designated landscape areas. The site, nor the immediate landscape, contains any rare or unusual landscape features and so the LVA prepared for the application concludes the site does not comprise a valued landscape.

6.5.2 Development will result in a permanent change to the character of the application site however the proposals will aim to retain notable existing landscape features where evident such as boundary hedgerows, mature trees and drainage ditches. As the proposal is well contained and adjacent to the existing urban context the effect on the wider landscape will be limited. It

therefore is considered that the proposed development will be appropriate within its landscape context and will not give rise to any unacceptable landscape or visual impacts

### **Ecology**

6.5.3 The Ecological Appraisal (FPCR) confirms that the proposal would not lead to a likely significant effect on the integrity of the nearby SPA, SAC and Ramsar sites identified in the report, subject to the provision of on-site green infrastructure including drainage swales, tree and hedgerow planting and a dedicated habitat area. With regard to paragraph 177 of the Framework, the 'tilted' balance is therefore not disengaged.

6.5.4 The area of the site proposed for development currently comprises land of little ecological value. The Ecological Appraisal confirms that following the completion of a comprehensive suite of surveys and subject to appropriate habitat creation, the development would not result in harm to any protected species.

6.5.5 Biodiversity enhancements will be achieved through the preservation and improvement of on-site woodland and hedgerows as well as the creation of new habitats in the form of attenuation basins, swales and a dedicated habitat area, amongst others outlined in the Ecological Appraisal. This will result in an overall net gain in biodiversity as a result of the development.

### **Flood Risk**

6.5.6 The FRA submitted in support of the application details how the scheme incorporates SUDS that will manage to outfall of water from the site to the 1 in 100 year flood event with additional allowance for climate change. It is noted that the LLFA was consulted in relation to the previous application and raised no objection on the grounds of flood risk and drainage.

## 6.6 Meeting the Challenge of Climate Change

6.6.1 Paragraph 152 of the Framework requires the planning system to “help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions...” The application proposal meets these criteria as it will be delivered to the relevant Building Regulations or equivalent standard applicable at the time of permission.

## 6.7 Conserving and Enhancing the Historic environment

6.7.1 Section 16 of the Framework provides policy guidance on the conservation and investigation of heritage assets. The Heritage Assessment (Pegasus) has confirmed that there no archaeological remains of concern within the site and that no harm will be caused to any heritage assets within the vicinity of the proposed development.

6.7.2 It is noted that the earlier application proposals for the development of the site were considered acceptable in terms of archaeology and built heritage and therefore no objections were raised in this respect.

## 6.8 Summary

6.8.1 From the above, it is clear that the application proposal complies with relevant provisions of the Framework. Accordingly, it can reasonably be concluded that the proposal is also in compliance with the broad planning objectives of the Framework.

6.8.2 The assessment against the relevant policies does not indicate any circumstances under which permission should be restricted which might result in the disapplication of the presumption in favour of sustainable development.

## 7 PLANNING BALANCE AND CONCLUSIONS

### 7.1 Summary of Case and Identified Benefits and Harm

7.1.1 The outline planning application is made in the context of the Government's requirement to boost housing land supply and the presumption in favour of sustainable development. The proposal responds positively to the identified need for both market and affordable housing in Dover.

7.1.2 The proposal is in accordance with the broad spatial strategy of the adopted Development Plan in that it directs growth to the sole "District Centre" in the settlement hierarchy, positioned second only to the town of Dover itself.

7.1.3 This proposal would be deliverable in the short term and increase the supply and choice of housing at one of the most sustainable settlements in the area. It would contribute towards economic growth and have wider social benefits to the local community, meeting a range of housing requirements, including affordable housing. The principles outlined within the DAS would secure a high quality scheme.

7.1.4 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations. Gladman is willing to enter into constructive dialogue with the Council to agree a list of conditions and Section 106 Heads of Terms that are necessary to make the development acceptable in planning terms. In order to commence this process, a list of suggested Heads of Terms for a Section 106 Agreement is enclosed at Appendix 1.

7.1.5 As with any greenfield site, the development will introduce changes to the area and some urbanising effects. Care has been taken to ensure that the perceived

impact on Walmer, Deal is minimised and acceptable, through careful design and the provision of extensive open space and green infrastructure.

7.1.6 The development of the site, as proposed, would be both suitable and sustainable, and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development.

7.1.7 The relevant material considerations in this case are:

- Policies within the Dover District Local Plan are now out of date, as such a presumption in favour of sustainable development has been engaged
- Though the application site sits outside of Deal's development boundary within the adopted local plan, it is recognised by the Council that the tightly drawn adopted settlement boundaries must flex in order to meet current local housing needs
- The Council's own evidence base identifies Land off Cross Road as a suitable and sustainable location for development
- Land to the west of Cross Road is an emerging allocation within the Draft Dover District Local Plan 2020-2040, under reference DEA008 which, considering the stage of preparation should be afforded some weight
- The site is suitable for residential development in terms of location and characteristics and it is not of high environmental value
- Landscape features on-site will be preserved and enhanced to create a buffer between the development and surrounding countryside and provide a net-gain for biodiversity
- The provision of affordable housing, without subsidy, is a significant benefit in circumstances where the Council is clearly not delivering sufficient affordable homes to meet pressing needs

## 7.2 Benefits

7.2.1 The table below highlights some of the key benefits arising in respect of the application proposal:

|                                    |  |
|------------------------------------|--|
| <p><b>Market Housing</b></p>       | <p>It will help to deliver much needed new, quality, family homes, in a community where people wish to live, in a suitable and sustainable location close to existing public transport, shops and community services.</p>  |
| <p><b>Affordable Housing</b></p>   | <p>It will provide a wide range of homes including a policy-compliant provision of affordable housing (30%) in an area where there is an existing unmet need unlikely to be delivered through alternative means.</p>   |
| <p><b>Jobs and the Economy</b></p> | <p><b>Immediate Impacts</b></p> <p>The build cost for the development is expected to be around £13,325,935.00. Calculations suggest that this construction expenditure would support around 311 Full Time Equivalent (FTE) construction jobs over the period of the build.</p> <p>The development of new homes in the proposed development could help to address local unemployment in the industry, and provide apprenticeship and training opportunities for young unemployed people.</p> <p>Over the four years following the completion of the development, Dover District Council will benefit from circa £700,000 via the New Homes Bonus.</p> <p><b>Lasting Impacts</b></p> <p>It is anticipated that 185 of residents from the new development will be of working age and in employment.</p> <p>Household expenditure from the 380 new homes would be circa £5,109,000 per year.</p> <p>The scheme will supply new affordable rented and intermediate housing, helping to address substantial local affordable housing needs by providing opportunities for lower income households to own their own home or to secure rented accommodation.</p> |

|  |  |
|--|--|
| <b>Protecting and enhancing Vitality and Viability</b> | The new residents will increase demand for and use of local services and businesses and increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area.                  |
| <b>Public Open Space and Recreation</b>                | It will provide formal and informal public open space and green infrastructure and secure its long-term management for use by the new and existing community.  |
| <b>Environmental Benefits</b>                          | Biodiversity of the site will be protected, diversified and improved through new hedgerow and tree planting and delivery of new garden spaces and formal and informal green spaces. Overall, the proposal will achieve a net gain in biodiversity. |

### 7.3 Harm

7.3.1 The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the scheme.

7.3.2 As with any greenfield site, the development will introduce changes to the area and some urbanising effects and it will involve the loss of some agricultural land however, this is to be expected and the LVIA demonstrates the scheme can be delivered without unacceptable wider landscape and visual impacts.

7.3.3 Despite these changes, significant and demonstrable harm will not arise through development overall as proposed.

### 7.4 Planning Balance and Conclusions

7.4.1 The Framework policies on the delivery of sustainable housing development carry significant weight, and the delivery of the proposed development would support housing and economic development objectives and meet the aims



and objectives of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).

- 7.4.2 There are no technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and Development Plan do not indicate that development should be restricted.
- 7.4.3 In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'.
- 7.4.4 Further it is clear there are significant material considerations that justify the minor conflict with the Development Plan and the planning application should therefore be approved without delay.

## APPENDIX 1

## APPENDIX 1: SECTION 106 DRAFT HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with Dover District Council to agree Section 106 obligations for any obligations which, in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

### **AFFORDABLE HOUSING**

- i. The Agreement will provide for 30% affordable housing with a tenure split to be agreed with the Local Authority.

### **OPEN SPACE**

- i. The Agreement will require the Developer to provide onsite informal open space, dedicated habitat area and an equipped children's play area.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.
- iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

### **HIGHWAYS AND PUBLIC TRANSPORT**

- i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

### **OTHER**

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.



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