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30 September 2020

Dear Lucinda

RE: LAND OFF CROSS ROAD, DEAL – Planning Justification

Outline planning application for the erection of up to 100 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access from Cross Road. All matters reserved except for means of access Ref: PP-09115622

We have today submitted an on-line ‘second go’ outline planning application for the above residential development. This application submission is identical to that submitted previously, under application ref. DOV/19/00642, albeit it now includes the additional information provided during the earlier planning application process.

This second application responds to the material change in circumstances that has arisen since Dover District Council [DDC] refused application ref. 19/00642 (against the officer recommendation to grant outline planning permission). In particular, it responds to the recent Planning Committee Member resolution that the previously issued reasons for refusing outline planning permission (for application ref. 19/00642) would not be defended at appeal. The logical corollary of this is that the second application should be approved. Whilst it is the intention to appeal against the refusal of application ref. 19/00642 imminently, the submitted ‘second go’ application provides the opportunity for permission to be granted, obviating the need for the appeal to run its full course.

The Submission

In terms of the application submission, we confirm that the following documents have been uploaded:

- 1.1 Application Covering Letter and Certificates
- 1.2 Site Location Plan 7572-L-01_C
- 1.3 Development Framework Plan 7572-L-03_M
- 1.4 Design & Access Statement
- 1.5 Landscape and Visual Appraisal
- 1.6.1 Transport Assessment
- 1.6.2 2243-F01 Rev P – Station Road Improvements
- 1.6.3 2243-F02 Rev J – Proposed Site Access Arrangement

- 1.6.4 2243-F03 Photographic Plan showing Station Road
- 1.6.5 2243-F01 Adopted Highway Plan
- 1.7 Level Crossing Impact Assessment and correspondence
- 1.8 Road Safety Audit – Stage 1 Designer’s Response
- 1.9 Travel Plan
- 1.10 Geo-environmental site assessment report
- 1.11 Flood Risk Assessment and Outline Surface Water Drainage Strategy
- 1.12 Air Quality Screening Report
- 1.13 Noise Screening Report
- 1.14 Archaeological Appraisal
- 1.15 Built Heritage Statement
- 1.16 Foul Drainage Analysis
- 1.17 Soils and Agricultural Land Quality
- 1.18 Socio-economic Report
- 1.19 Statement of Community Involvement
- 1.20 Planning Statement
- 1.21 Utilities Appraisal
- 1.22 Residential Dwelling Units – Supplementary information template
- 1.23 Ecological Appraisal
- 1.24 Arboricultural Assessment

We have enclosed a CD containing the application documents.

No application fee is due as this is a ‘second go’ application, made within 12 months of the earlier refusal of permission.

Statement of Community Involvement

Please note that the Statement of Community Involvement (1.19 SCI) contains complete copies of all correspondence received during pre-application consultation in 2019. Some of the correspondence includes personal details such as names, addresses and emails and have been provided in an unaltered form to ensure full transparency. DDC will of course need to handle this information in line with its own data protection policies.

The Planning Justification for the Proposed Development

The accompanying Planning Statement sets out the planning case for the proposed development, having regard to the statutory development plan and other material considerations. Perhaps the more pertinent assessment of the planning merits of the application proposal (as far as DDC as local planning authority is concerned) is provided in the various officer reports for application ref 19/00642. The consistent stance of officers on the earlier (identical) application is that outline planning permission should be granted for the proposed development (as is made clear in the officer reports to the January, February and July 2020 planning committees). It is not necessary to set out the full planning case of the proposed development within this letter. However, the following key points are made:

- The application proposal directs new housing development to the District Centre of Deal (incorporating Walmer), where urban scale development is appropriate, in accordance with the settlement hierarchy established by Core Strategy Policy CP1. It is clear that the application

proposal directs new housing to a sustainable location, close to a good range of services and facilities, including public transport. It will secure a sustainable pattern of development.

- In spatial terms, this is a logical site for housing development. It is well related to the existing built up area and very well contained by existing development and physical features. Whilst the site lies outside of (albeit contiguous with) the currently defined settlement boundary for Deal (and in this respect results in a technical breach of Policy DM1), DDC accepts that these boundaries are out of date and unable to accommodate current housing needs. They need to 'flex' to accommodate DDC's local housing need.
- The principle of housing development on the site is acceptable, having regard to the statutory development plan and other material considerations. The professional planning officers of DDC have consistently confirmed that this is their position in officer reports to planning committees on application ref. 19/00642, which all recommended that outline planning permission should be granted. We do not consider that there have been any material changes in circumstances that would justify an alternative recommendation.

It was demonstrated to the satisfaction of officers and professional consultees, through the application process on 19/00642 that there are no unacceptable impacts that arise from the proposed development. In particular, it is noted that:

- DDC's professional landscape advisors¹ have confirmed that the site can accommodate housing development as proposed without any unacceptable landscape and visual impact. The proposal includes areas of landscaping, which will further mitigate any impact and ensure that the proposed housing integrates well with its surroundings. We draw some further support for this position from DDC's own Housing and Economic Availability Assessment [HELAA], which is a technical study that provides an assessment of the suitability and availability of sites for development. The site has been assessed as part of the HELAA process. The assessment indicates that the appeal site is suitable and available for housing and includes an assumed site yield of 100 dwellings. The assessment states that the site forms a logical extension to the settlement and that any landscape harm could be mitigated with suitable screening.
- At the pre-application stage for 19/00642, the applicant's air quality consultants engaged in consultations with DDC's Senior Environmental Protection Officer. The process and the outcome of this engagement is summarised in the Air Quality Screening Report. The report demonstrates that, pursuant to a review undertaken in accordance with relevant guidance, the potential for air quality impacts during both construction and operational phases of the proposed development is not significant.
- Highways England and Kent County Council [KCC] as local highways authority confirmed during their consultation responses on application 19/00642 that the proposed access arrangements are safe and that any highways impacts are acceptable. It is reasonably expected that the same conclusions will be reached in respect of the current application.

¹ DDC appointed Douglas Harman Landscape Planning, during the planning application process for 19/00642. Douglas Harman is an experienced landscape planner and a Chartered Member of the Landscape Institute.

- Consultees and professional advisors to DDC confirmed during the planning application process for 19/00642 that there were no technical objections or unacceptable archaeology; flood risk and drainage; noise; ecology or any other impacts that arise. It is the reasonable expectation of the applicant that the same conclusions will be reached by consultees on this second application.

For the reasons set out in detail in the accompanying Planning Statement and in the officer reports to Planning Committee for application ref 19/00642, the NPPF paragraph 11(d) 'tilted balance' is engaged. We understand that this has been confirmed to DDC by its own legal advisors. This means that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. This is the basis on which the planning balancing exercise should be undertaken and is the appropriate test for determining this application. In this context:

- It is the reasonable expectation of the applicant that consultees will confirm that the findings of the accompanying documents are sound and that all technical issues have been addressed; and,
- There are no unacceptable harms that arise.

There are however substantial social, economic and environmental benefits that arise, including:

- The delivery of additional housing, boosting and providing diversity in the supply;
- 30% affordable housing, helping to address an acknowledged local need
- A range of economic benefits, boosting employment both directly and indirectly and making available additional local expenditure to support important local services and facilities;
- Extensive new areas of publicly accessible open, green space, including a community orchard and children's play facilities; and,
- Net biodiversity gains.

Any harm is extremely limited, whereas the public benefits are substantial. We therefore consider that the planning balance is tipped firmly in favour of a grant of planning permission. We draw some support for this position from the consistent position of officers to the earlier application, which was that planning permission should be granted.

Reasons for Refusal of Application Ref 19/00642 and the Material Change of Circumstances

Notwithstanding the consistent approach of officers, which was to recommend to Planning Committee that planning permission should be granted, the earlier application was refused by Members (against officer recommendation) for 2 reasons. In summary, these reasons related to:

1. Air quality, particularly at key road junctions; and,
2. Impact on character and visual amenity.

Neither of these reasons for refusal were supported by the advice and consultation responses from DDC's professional consultees or advisors. Moreover, following to the formal decision being issued, we understand that the legitimacy of the reasons for refusal has been further considered by Members at Planning Committee on 03 September 2020. As a result of this, we understand that it was formally resolved that DDC would not defend either of the reasons for refusal (air quality or visual impact) if an appeal were to be submitted.

We consider that the recent resolution of Members on 03 September represents a material change in circumstances. In particular, it equates to acceptance that the only reasons that Members departed from the officer recommendation to approve the application were (on reflection) misplaced; and, that neither air quality nor landscape and visual impacts are reasons for refusal that can be substantiated through evidence. The logical corollary of this is that outline planning permission should be granted. It is in this context that this second, duplicate application is submitted. It is hoped that this application can be approved expediently, avoiding the need for an appeal against the refusal of application 19/00642 to run its full course.

We trust the enclosed information is sufficient to enable our application to be validated at your earliest opportunity. Once validated we would welcome the opportunity to enter into further dialogue with DDC as required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PRoberts', with a long horizontal stroke extending to the right.

Paul Roberts
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30 September 2020

Dear Sir

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (England) ORDER
2015
NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION
Proposed development on land off Cross Road, Deal**

We give notice that Gladman Developments Limited are applying to Dover District Council for outline planning permission for the erection of up to 100 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point from Cross Road. All matters are reserved except for means of access.

Any owner* of the land or a tenant** who wishes to make representations about this application should write to Dover District Council, Council Offices, White Cliffs Business Park, Dover CT16 3PJ within 21 days of the date of this letter.



Signed.....

Paul Roberts | Project Manager
Gladman Developments

* 'owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

** 'tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

Statement of Owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.