

Planning Statement

Land South West of Sandwich Road, Sholden

March 2021

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Client

Richborough Estates

Our reference

PP0013

March 2021

1. Introduction

1.1 This Planning Statement has been prepared by Pinnacle Planning on behalf of our client Richborough Estates Limited (hereafter referred to as Richborough or “the Applicant”) and is submitted in support of an application for outline planning permission for residential development including access with all other matters reserved on land south west of Sandwich Road, Sholden (hereafter referred to as the “site”).

1.2 The description of development is as follows:

Outline application for the erection of up to 117 dwellings with associated parking and means of access (all matters reserved except for access)

1.3 This Planning Statement sets out the context for the development by providing a description of the site and its surroundings, details of the proposed development, and a review of the relevant planning history and policy framework. It also assesses the proposals against the identified policy framework and presents a clear case for the granting of planning permission.

The Application

1.4 The application is accompanied by a full suite of technical supporting documentation and illustrative scheme drawings, as listed at Appendix 1.

Background

1.5 Richborough Estates is a privately owned land promotion company operating nationally. The business works in partnership with landowners, councils and stakeholders to secure residential planning permission on suitable sites, which are then delivered by an appropriate partner. At present, 10 different housebuilders are developing out consented sites acquired from Richborough, all of which have been delivered in an expedient manner following the grant of planning permission.

1.6 Richborough Estates work with private individuals, companies, charities, trusts and estates departments at public sector bodies. They typically promote sites of 100 to 500 homes. Richborough’s role in promoting land through the planning system, with all its attendant complexities and risks, is an important step along the way to the delivery of much needed new homes. Land promoters like Richborough are responsible for 41% of homes secured through outline planning permission; providing an important source of ‘oven ready’ land with planning permission for housebuilders to acquire and build-out. Richborough has brought forward sites for 3,000 new homes, including over 700 affordable dwellings. Richborough is a strong advocate of a plan-led system and is committed to promoting land for residential development through local and neighbourhood plans.

Structure

1.7 This remainder of this Planning Statement is structured as follows:

- Chapter 2 considers the Site and surrounding areas
- Chapter 3 examines the relevant planning history
- Chapter 4 describes the proposed development.
- Chapter 5 discusses the relevant planning policy context
- Chapter 6 comprises the Planning Appraisal
- Chapter 7 provides an Affordable Housing Statement
- Chapter 8 provides an Economic Benefits Statement
- Chapter 9 provides draft Heads of Terms
- Chapter 10 concludes this statement.

2. Site and Surroundings

Site Location

- 2.1 The application Site is located within the jurisdiction of Dover District Council (DDC), to the west of Sholden and north of Upper Deal.
- 2.2 To the northeast, the Site is bound by the A258, where an existing access into agricultural fields is located (from the north-east corner). The remainder of the eastern boundary runs along the existing residential development of Sholden. The recent residential development of Sholden Fields is located opposite the Site on the eastern side of the A258, with further residential properties plus the Hull Park Sports grounds forming the remainder of Sholden to the east. The Site's southern, western and northern boundaries adjoin other arable fields.
- 2.3 The adopted Core Strategy identifies Deal as a District Centre, and the 'secondary focus for development in the District; suitable for urban scale development'. The Deal urban area comprises urban wards and the built-up parts of the parishes of Walmer, Sholden and Great Mongeham, which form a continuous urban area.

Application Site

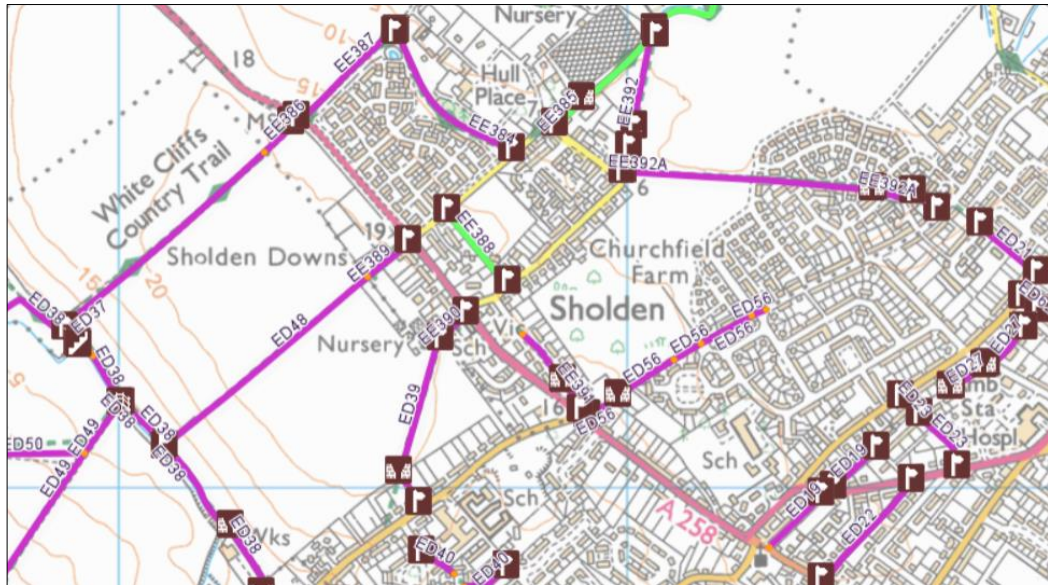
- 2.4 The Site extends to approximately 4.99 hectares (12.3 acres) and comprises an arable field bounded by hedgerows and some improved grassland.
- 2.5 Topographically, the majority of the Site occupies a local plateau of 20m AOD, which is typical of the character of the area, whilst the land falls to the south and west.

Historic Designations

- 2.6 The site is not subject to any heritage designations.
- 2.7 There are two listed buildings located at the junction between Mongeham Road and London Road, including the Grade II listed Sholden Hall and Grade II* listed Church of St Nicholas.

Public Rights of Way (PRoWs)

- 2.8 The figure below provides an extract from Kent County Council's (KCCs) Definitive Map.



2.9 The site is bounded to the north by footpath ref 0227/EE386/1, and to the south by footpath ref 0227/EE389/1, which runs along the southern field boundary.

Tree Protection Orders

2.10 The site is not subject to any TPO's.

Surroundings

Services and Facilities

2.11 The site is in a sustainable location within walking distance of the following services and facilities:

- 450m of Sholden C of E Primary School and 1.1 km of Hornbeam Primary School;
- 350m of Walmer Cricket Club;
- 500m of Sholden Village Hall;
- 600m to the Sportsman Pub and 1.3km to the Leather Bottle;
- 700m of St Nicholas Church;
- 1.2km to Londis, 2KM to Co-operative;
- 1.2km of Paydens Pharmacy;
- 1.5km to Manor Road Doctors Surgery and 1.9km to St Richard's Road Surgery;
- 1.9km to Betteshanger Park; and
- 2.2km to Goodwin Academy.

- 2.12 The site is also within 3km of Deal Town Centre and the jobs and additional services this centre provides.

Accessibility

- 2.13 There are two bus stops within 300m of the site entrance which provide regular services to Dover, Deal and Sandwich.

- 2.14 There are segregated cycle paths along sections of the A258 (known as Miner's Way Trail), off which the site is accessed. These cycle ways feed into the wider network. The site is bounded to the north by 0227/EE386/1 which connects into the wider footpath network.

- 2.15 Deal Railway Station is located approximately 2.4km to the east of the site and can be accessed via the number 80 bus service (approximate journey time of 15 minutes), by cycle (approximate journey time of 10 minutes) or by car (approximate journey time of 10 minutes). This station provides services to:

- London St Pancras International via Dover Priory and Ashford international
- Ramsgate continuing on to London St Pancras International via Faversham.
- London Charing Cross via Ashford.

Summary

- 2.16 The site is located in a sustainable location, with good access to existing local amenities and facilities, good public transport and pedestrian links.

3. Relevant Background

- 3.1 There are a number of matters which provide useful context and understanding to the proposed development. These are set out below.

Planning History

Application Site

- 3.2 The application Site has not been the subject of any planning applications. However, there have been several applications within the surrounding settlement which are of relevance and are considered within the remainder of this section.

Environmental Impact Assessment

- 3.3 A Request for an EIA Screening Opinion was submitted to DDC on 29 January 2021. As of the date of the submission of the planning application, no response has been received.

Relevant Planning Applications

- 3.4 The following applications are of relevance to the application Site and are considered in turn below:



- 3.5 **Land at Churchfield Farm, Sholden (Application reference: 17/01345)**
The Land at Churchfields Farm site is located approximately 1km to the east of the application Site. Application reference: 17/01345 was submitted by Greenlight Developments Limited on 6 November 2017 for:

“Outline application for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), up to 64 bedroom care home (C2 use), publicly accessible

open space (including children's play area), attenuation pond, and creation of vehicular access (two dwellings to be demolished) (appearance, landscaping, layout and scale of development to be reserved). Proposed amendments to highway arrangements - The Street. (new highways information) (re-advertisement)."

- 3.6 The application was refused by DDC on 31 August 2018 and was subsequently allowed at appeal (reference: APP/X2220/W/18/3213086) on 4 July 2019. The Inspector identified that although the development was contrary to DM 11 and DM 15 of the Core Strategy the tilted balance should be applied as DDC accepted that Policy DM 1 was out of date. In concluding on the planning balance, the Inspector states (emphasis added):

"38. There would be commensurate local economic benefits derived from the scheme, both from its construction and future occupation supporting local services. In terms of its location, the housing would offer future occupiers the opportunity to meet a wide range of needs without undue reliance on private car use. Therefore, this scheme benefits from supporting the Framework objective to promote walking, cycling and public transport. There would be the further environmental benefits provided by the relatively large amount of open space secured through this development, which would offer local well-being opportunities as well as establishing a permanent green wedge helping to retain the physical identity of Sholden.

*39. On the basis of the evidence before me, I have found that there would not be an unacceptable impact on highway safety as a consequence of this proposal and that the residual cumulative impacts on the local road network would not be severe. Any adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits identified, when assessed against the Framework policies taken as a whole. Giving due weight to this in the context of the tilted balance, I **conclude that the material considerations exist which would indicate that this proposal should be determined other than in accordance with the development plan and CS policies DM1, DM11 and DM15.**"*

- 3.7 The appeal was subsequently allowed.

Stalco Engineering Works and Land Rear of and including 126 Mongeham Road (Application reference: 18/00764)

- 3.8 The Stalco Engineering Works site is located to the south west of the application site. Application reference: 18/00764 was submitted on 17 July 2018 by Grange Development Ltd for:

"Erection of 35 houses, formation of new access road, associated landscaping including demolition of Stalco Engineering Buildings, former squash courts and no. 126 Mongeham Road. Off-site highway works to include a pedestrian build-out."

- 3.9 The application was heard at Planning Committee on 20 June 2019 with a recommendation for approval and the resolution was approved, subject to a Section 106. Planning permission was granted on 22 November 2019.

Land North West of Pegasus, London Road, Sholden (Application reference: 19/00216)

- 3.10 The Land North West of Pegasus site immediately adjoins the application site to the north east and comprises HELAA reference: SHO004. An outline application (all matters reserved except access) for the erection of up to 42no. dwellings was submitted on 18 February 2019 by Millen Homes Ltd.
- 3.11 The application was heard at Planning Committee on 12 March 2020 where a resolution to grant permission was approved subject to a Section 106 Agreement. Planning permission was granted and the decision notice issued on 17 February 2021. The Committee Report identified that development on the site would be contrary to DM 1 and DM 11 of the adopted Core Strategy, but concluded at paragraphs 2.8 and 2.9 that these policies were out of date:

“2.8 The current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council’s 2010 Adopted Core Strategy. In accordance with the Government’s standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.”

2.9 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11’s blanket approach, despite the site being in a location which has good access to facilities and services, including bus stops and Sholden train station. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is out-of-date and should attract only limited weight.”

- 3.12 Paragraph 2.10 of the committee report confirms that the ‘tilted balance’ identified in paragraph 11 of the NPPF is engaged and therefore goes on to undertake an assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The report subsequently concluded the following:

“3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be acceptable in principle and is in accordance with policies DM11, DM25 and DM16 of the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal.

3.2 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the benefits of the development identified in the report, although there is a large proportion of local objection to the proposed development, there are no clear planning reasons that would significantly

and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposed development of 42 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education and open space contributions.”

Land off Church Lane, Deal (Application reference: 19/01260)

3.13 The Land off Church Lane, Deal is located approximately 1km to the east of the application Site and adjacent to the Churchfields Farm site. An outline application (reference 19/01260) was submitted by Quinn Estates on 14 October 2019 for the erection of up to 14 dwellings with all matters reserved except access.

3.14 The application was heard at planning committee on 3 September 2020 but was deferred to allow the applicant to provide further information. A resolution to grant the application was subsequently approved on 21 January 2021. The application was recommended for approval and the Committee Report confirms that the tilted balance was applied:

“This is an application for the erection of 14 dwellings on a site that is in countryside outside the defined urban confines of Deal. Although this means that it is contrary to policies DM1, DM11 and, in some respects, DM15, those policies now carry reduced weight in the light of the NPPF and the need to provide increased numbers of homes within the District. Because the policies that are most important for the determination of the application are either out of date or otherwise in conflict with the NPPF, determination of the application rests on the application of NPPF paragraph 11. There are no considerations in respect of “assets of particular importance” that clearly point to refusal. Therefore the judgement that has to be reached is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”

Pre-application Consultation

3.15 Richborough is committed to ensuring that stakeholders and local people have the opportunity to learn about and shape the development proposals and as such has undertaken a variety of pre-application consultation with residents of Sholden, as summarised below.

3.16 Richborough has undertaken a pre-application consultation with local residents and stakeholders. The pre-application consultation programme included the following activities:

- Pre-application meetings with DDC;
- Pre-application discussion with KCC Highways and Education;
- Consultation with South East Design Review Panel;

- Pre-application meeting with local Parish Councils, including Sholden Parish Council;
 - Leaflet distributed to stakeholders and residents with freepost response form; and
 - A website with information relating to the proposals and the opportunity to provide written comments or complete a questionnaire.
- 3.17 The focus of the consultation was to encourage comments and suggestions on the emerging proposals and any other issues which respondents thought should be considered.
- 3.18 A Statement of Community Engagement (SCE) is submitted alongside this planning application and provide further details on the engagement which has been undertaken.
- 3.19 Overall, the feedback received was mixed. There was some support for the proposed development and a number of comments were received relating to different themes. The majority of comments concerned the impact on infrastructure and existing residents. The Applicant has considered and responded to the concerns as can be seen within the accompanying SCE.

4. Proposed Development

Proposals

4.1 The description of development is:

“Outline application for the erection of up to 117 dwellings with associated parking and means of access (all matters reserved except for access)”

4.2 The accompanying Design and Access Statement provides a detailed description and assessment of the proposed development. Whilst the proposals are submitted in outline, the Illustrative Layout provided within the Design and Access Statement includes a mix of house types and tenure, helping to meet the need for market and affordable housing in the local area and the wider Dover District.

4.3 The Design and Access Statement also explains how the design has evolved in response to an appraisal of the opportunities and constraints of the site, including its surroundings, as well as pre-application feedback from DDC and the local community. Further details are also contained within the accompanying technical reports.

4.4 The proposed development will create an enhanced community for Sholden, supported by existing connectivity and transport routes, coupled with cross-site connectivity, linking spaces and places and integrating into the existing settlement.

4.5 Access to green space and play space ensure a pleasant environment for people to live whilst improving health and wellbeing for new and existing nearby residents. Promoting access to nature will encourage walking, jogging, cycling and other recreational activities.

4.6 A summary of the proposal is provided below.

- Up to 117 residential dwellings (including 30% affordable housing delivered in accordance with current adopted planning policy);
- Structural landscape planting 1.9 ha of green infrastructure including general greenspace formal play space and new woodland planting; and
- New access arrangements including footway/cycle links and improvements to public rights of way; and

Design

4.7 The design concept is centred around the themes of connectivity, character and community, delivered through a high-quality, landscape-led proposal for Sholden.

4.8 An illustrative masterplan has been prepared to demonstrate one way in which the site could be developed, whilst considering the technical and environmental assessments that have been undertaken and consultation feedback that has been received. This is supported by a series of parameter plans which have been produced to illustrate the key

principles and which will provide a sound framework on which to secure the final design at Reserved Matters stage.

- 4.9 The design of the scheme will retain the local character of the area and existing residential properties. The homes will be high quality and the proposals will ensure that the site is not overdeveloped, and the local area does not lose its existing charm.
- 4.10 The submitted Illustrative Masterplan demonstrates how 110 dwellings could be accommodated on the site, 30% of which will be affordable housing. The housing mix is reflective of local housing needs and consists of a mix of apartments, detached, semi-detached and terraced homes. It is the intention that the affordable dwellings would be integrated throughout the development and be tenure blind to create an integrated community. The table below sets out the proposed mix in percentage terms.

Table 4.1: Proposed Dwelling Mix

Dwelling Type	Market	Affordable
1 bed flat/house	3.6%	3.6%
2 bed flat	0%	3.6%
2 bed house	14.6%	17.4%
3 bed house	38.2%	3.6%
4 bed house	13.6%	1.8%

- 4.11 The parameter plans indicate that dwellings along the western and southern edges would be set back from the boundary allowing for a landscaped green buffer, which provides space for ecological enhancements and new recreational walking routes. It is proposed that dwellings would face outwards, creating a new frontage, overlooking the White Cliffs Country Trail public right of way and onto the proposed play space.
- 4.12 The interface with Sandwich Road seeks to provide a gateway to the site, as well as Sholden, and forms a new settlement edge when approaching the site from the north. Planted attenuation basins create an attractive entrance feature whilst key buildings along the frontage to Sandwich Road respond to those opposite. Sustainable drainage is located largely along this north-eastern boundary, the lowest part of the Site. Through sensitive planting along the edges of the basins, there are opportunities for further habitat creation.
- 4.13 The development would be predominantly two storey in height with potential for up to two and a half storey development along the primary route.

Access

- 4.14 Vehicular access to the site is proposed directly off Sandwich Road, along the eastern frontage of the site. The proposed site access junction will take the form of a give-way junction and has been designed in line with the KCC Design Guide and guidance set out in the Manual for Streets (MfS). The site access road will be 5.5m in width, with 2.0m footways on both sides of the road to tie in with the existing footway provision on the western side of Sandwich Road.
- 4.15 The existing PRow network along the northern and southern edges of the site will be retained, linked by a new recreational walking route along the western edge of the site.
- 4.16 The Illustrative Layout shows that parking standards can be met for the development.

5. Planning Policy

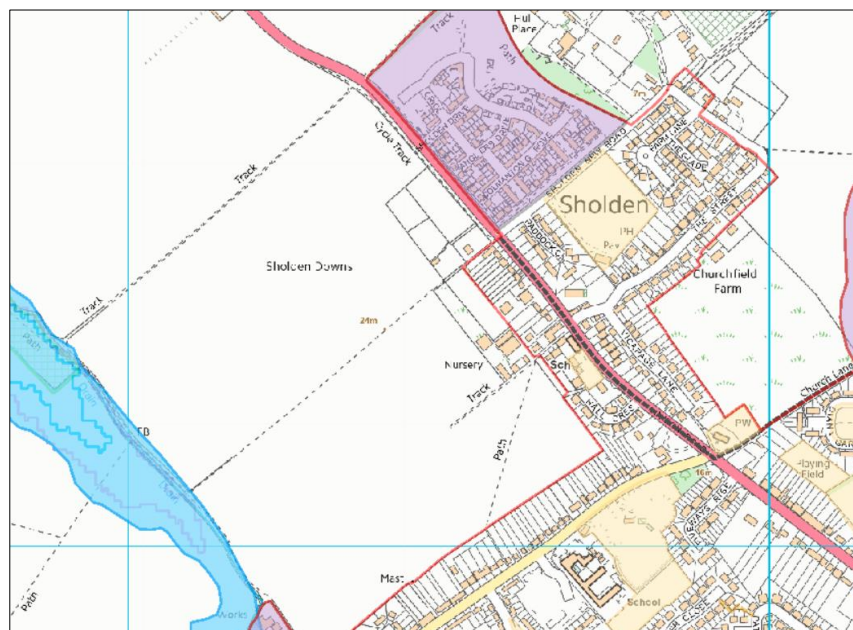
- 5.1 Section 38(6) of the Town and Country Planning Act requires that applications should be determined in accordance with the up-to-date adopted development plan unless material considerations indicate otherwise.
- 5.2 In this context, the planning policy of relevance to the determination of this planning application is contained within the following documents:
- Core Strategy (2010)
 - Land Allocations Local Plan (2015); and
 - Saved Policies (2002)
- 5.3 The strategic policies of the Development Plan should no longer be considered up to date at this time, given that they pre-date the 2012 National Planning Policy Framework (NPPF), and the subsequent 2018 and 2019 versions. In accordance with Paragraph 11 of the Framework strategic Local Plan policies need to be considered against their level of conformity with the policies of the NPPF before assigning a level of weight that should be applied to them. The NPPF is therefore considered to be an important material consideration in the determination of this application.

Development Plan

- 5.4 This section describes the relevant adopted and emerging development plan policies and considers the weight that should be attributed to the policies.

Site Specific Policies

- 5.5 The below provides an extract from the DDC Policies map:



- 5.6 There are no site-specific policies and it is evident from the above that the proposed development is outside the settlement boundary.

Core Strategy (2010)

- 5.7 The Dover District Core Strategy (DDCS) was adopted in February 2010 with a view to guiding development in the district up to 2026. The document pre-dates the NPPF and was prepared in the context of a different national planning context with the housing requirement based on the revoked South East Plan.

Policy CP 1 - Settlement Hierarchy

- 5.8 Policy CP 1 defines Deal (including the built-up parts of the parishes of Sholden, Walmer and Great Mongeham) as a 'District Centre'. This is the second tier of settlement within the District with its function being a 'secondary focus for development in the District', after Dover.

Policy CP 3 - Distribution of Housing Allocations

- 5.9 Policy CP 3 identifies that 10% of the total Housing requirement (1,600 dwellings) is to be delivered within Deal. The distribution identifies that 70% of housing is to be provided within Dover.
- 5.10 Paragraph 3.30 of the supporting text identifies that the figure for Deal could be varied upwards if justified by investigations in the Middle/North of Deal. It is identified in Paragraph 3.32 that the housing requirements within the DDCS should be taken as minimum targets rather than ceilings.
- 5.11 It is recognised within Paragraph 3.34 of the supporting text that the historic 90% delivery rate on brownfield land cannot be maintained and this will likely reduce to approximately 43% delivery on brownfield land. Figure 3.2 identifies that the majority of brownfield land in the District is located within Dover.
- 5.12 It is notable that the Housing Topic Paper¹ confirms that delivery in Deal since the beginning of the plan period has exceeded 30%, which is more than Dover.

Policy CP 4 - Housing Quality, Mix, Density and Design

- 5.13 Policy CP 4 sets out that housing allocations and planning applications for residential development for 10 or more dwellings should develop an appropriate housing mix and design. Policy CP 4 identifies that density should wherever possible exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings net per hectare.
- 5.14 The supporting text identifies that the purpose of housing provision in Deal is to reinforce and reflect the existing character in the area while taking opportunities to improve design standards.

¹ Figure 4, Housing Topic Paper (2020)

Deal Area description

- 5.15 The Deal Area description defines Deal as an urban area which consists of urban wards and includes the built-up parts of the parishes of Walmer, Sholden and Great Mongeham which form a continuous built-up area.
- 5.16 Paragraph 3.67 states that there is not a sufficient supply of brownfield land to maintain the current level of population and that the settlement is constrained by landscape, flood risk and wildlife. It is concluded that there is a need to overcome such constraints and release further potential.

Policy CP 6 - Infrastructure

- 5.17 Policy CP 6 states that development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Policy DM 1 - Settlement Boundaries

- 5.18 Policy DM 1 sets out that development will not be permitted on land outside the urban boundaries and rural settlement shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development uses.
- 5.19 It is considered that this policy is out of date and should be given limited weight, given the need to meet a new higher housing requirement has been established. It is acknowledged that this requires a new development strategy which brings forward further land for development beyond the defined settlement boundaries.

Policy DM 5 - Affordable Housing

- 5.20 Policy DM 5 identifies that the Council will seek applications of 15 or more dwellings to provide 30% of the total homes proposed as affordable housing. The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by a viability assessment having regard to site specifics and market conditions. This policy accords with the policies in the NPPF.

Policy DM 11 - Location of Development and Managing Travel Demand

- 5.21 Policy DM 11 states that planning applications for development that would increase travel demand should be supported by an assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise more sustainable transport modes.
- 5.22 Policy DM 11 also sets out that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.

Policy DM 12 - Road Hierarchy and Development

- 5.23 Policy DM 12 establishes that planning applications that would involve the construction of a new access or the increased use of an existing access on to a trunk or primary road (as set out in the Local Transport Plan for Kent) will not be permitted if there would be a significant increase in the risk of accidents or traffic delays. However, development will be permitted if appropriate mitigation can be implemented.

Policy DM 13 - Parking Provision

- 5.24 Policy DM 13 states that provision for parking should be a design led process based on the characteristics of the site. Provision for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor and provision for residential development should be informed by the guidance in the Table for Residential Parking.

Policy DM 15 - Protection of Countryside

- 5.25 Policy DM 15 sets out that development which would result in the loss of; or adversely affect the character or appearance of the countryside will only be permitted if it accords with allocations made in Development Plan Documents. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on the countryside's character.

Policy DM 16 - Landscape Character

- 5.26 Policy DM 16 identifies that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
- It is in accordance with allocations in the Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - It can be sited to avoid or reduce the harm and/ or incorporate design measures to mitigate the impacts to an acceptable level.

Land Allocation Plan 2015

- 5.27 The Land Allocations Local Plan (LALP) was adopted in 2015 to give effect to the DDCCS, allocating specific sites to meet housing and employment requirements.
- 5.28 The LALP allocated a total of circa 800 dwellings on sites at Land to North West of Sholden New Road, Land between Deal and Sholden and Land between 51 - 77 Station Road, Walmer.
- 5.29 The two allocated sites at Sholden benefited from planning permission, granted in 2012, at the time the LALP was adopted, and have subsequently been built out. The Walmer site has since gained consent but is yet to be built out.

Saved Policies in the Dover Local Plan

- 5.30 Whilst the majority of the Local Plan (2002) policies have been replaced by the DDCCS and LALP, some of the policies remain "saved" and continue to form part of the Development Plan.

TR9 - Cycling

- 5.31 Policy TR9 identifies that the Council, in conjunction with the Highways Authority, will seek the provision of the cycle routes shown on the Proposals Map and the safeguarding of routes which lie outside the limits of existing highways

CO8 - Hedgerows

- 5.32 Policy CO8 identifies that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists, suitable native replacement planting is provided; and future maintenance is secured through conditions or legal agreements.

Other Material Considerations

- 5.33 In light of the age of the DDCS there are several key documents and issues which are capable of being material considerations in the determination of this planning application. These points are considered in turn below.

A National Housing Shortage

- 5.34 Since the publication of the original National Planning Policy Framework (“the Framework”) in March 2012, the Government has repeatedly emphasised its commitment to boosting significantly the supply of housing. In order to do so, it has introduced a series of reforms aimed at speeding up and increasing the delivery of new housing.

- 5.35 Following the General Election in May 2017, the Queen’s Speech on 22 June 2017 set out the newly elected Government’s legislative programme for the next two years; confirming the Government’s pledge to take forward a series of commitments in the Housing White Paper (HWP) and *“to help ensure more homes are built”*.

- 5.36 The HWP reaffirmed the scale and significance of the national housing challenge:

“The housing shortage isn’t a looming crisis, a distant threat that will become a problem if we fail to act. We’re already living in it. Our population could stop growing and net migration could fall to zero, but people would still be living in overcrowded, unaffordable accommodation

If we fail to build more homes, it will get even harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse.”²

- 5.37 The implications of the housing shortage for economic growth are clear:

“Sky-high property prices stop people moving to where the jobs are. That’s bad news for people who can’t find work, and bad news for successful companies that can’t attract the skilled workforce they need to grow, which is bad news for the whole economy.”³

- 5.38 The Secretary of State is emphatic on what needs to change:

“We need radical, lasting reform that will get more homes built right now and for many years to come.”⁴

² Page 15, Housing White Paper: Fixing our broken housing market (DCLG, February 2017)

³ Page 11, Housing White Paper: Fixing our broken housing market (DCLG, February 2017)

⁴ Foreword by Rt Hon. Sajid Javid MP, Secretary of State, Housing White Paper: Fixing our broken housing market (DCLG, February 2017)

- 5.39 Whilst housing delivery across the country has increased, it is still well short of the Government target of 300,000 new homes per annum.
- 5.40 In 2017/18, net growth of 222,190 dwellings was recorded in England. Over the last available five-year period (2013/14 - 2017/18), average net growth amounted to 187,298 dwellings per annum (dpa).
- 5.41 The proposed reforms included within the HWP included the introduction of the Housing Delivery Test and a standard method of calculating local housing need. The Government subsequently revised the Framework; largely as a result of the continuing political commitment to increasing the delivery of housing in order to help 'tackle' the housing crisis.
- 5.42 Amongst other reforms, the revised Framework embodies the standard method for calculating local housing need and the Housing Delivery Test into national planning policy.

National Planning Policy Framework (NPPF)

- 5.43 The Revised NPPF was published on 19 February 2019. The NPPF sets out the Government's planning policies for England and how they are expected to be applied in decision-making and plan making. It does not form part of the statutory development plan but does provide significant guidance for Local Planning Authorities. The NPPF provides an up to date and comprehensive expression of national planning policy. It also confirms that the weight to be applied to local plan policy is related to the degree of consistency with the NPPF⁵.
- 5.44 Those elements of the NPPF identified as most relevant to this application are discussed in more detail below.

Achieving Sustainable Development

- 5.45 Paragraph 10 sets out that a 'presumption in favour of sustainable development' is at the heart of the Framework and should be applied to plan-making and decision-taking to ensure that sustainable development is pursued in a positive way.
- 5.46 Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with an up to date development plan.
- 5.47 The clear expectation running throughout the NPPF is that sustainable development should be positively embraced to deliver the necessary economic growth and housing needed to create inclusive and mixed communities. Local Planning Authorities (LPAs) are therefore encouraged to approach decisions on proposed developments in a positive manner and should apply a presumption in favour of sustainable development and approve development proposals that accord with an up-to-date development plan without delay⁶.

⁵ Paragraph 213, NPPF

⁶ Paragraph 11 and 38, NPPF

Development Plans

- 5.48 Paragraph 12 of the NPPF reiterates the status of the Development Plan as the starting point for decision making.
- 5.49 Paragraph 213 of the Framework identifies that existing policies should be given due weight should be given to policies in accordance with their degree of consistency with the Framework.

Housing Development

- 5.50 In order to support the Government's objective of "*significantly boosting the supply of homes*", paragraph 59 of the Framework reiterates the importance of ensuring that a sufficient amount of variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with planning permission is developed without delay.
- 5.51 Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 5.52 Paragraph 62 of the Framework sets out that where there a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 5.53 Paragraph 64 of the NPPF identifies that where major development involving new housing is proposed, at least 10% of the homes should be made available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 5.54 Paragraphs 73 to 76 of the Framework provide policy direction in regard to maintaining the supply and delivery of housing in order to assist the Government in significantly boosting supply. In particular, the Framework required LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating).

Promoting healthy and safe communities

- 5.55 Paragraph 11of the Framework identifies that development should aim to achieve, healthy, inclusive and sae places by promoting social interaction, creating a safe and accessible environment so that crime an disorder do not undermine the quality of life or community cohesion and enabling and supporting healthy lifestyles.

Achieving well-designed places

- 5.56 Paragraphs 126 and 127 of the NPPF confirms that the creation of high quality development is fundamental to what the planning and development process should achieve.

5.57 Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.58 Paragraph 127 reiterates that planning policies and decisions should ensure developments:

- Function well and add to the overall value of the area;
- Are visually attractive as a result of good architecture, layout and 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;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractively, welcoming and distinctive places to live, work and visit;
- 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
- 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.

Conserving and enhancing the Natural Environment

5.59 Paragraph 170 of the Framework states that development should help to improve local environmental conditions.

Other relevant chapters

5.60 Other chapters of the Framework seek to ensure that development:

- Builds a strong competitive economy;
- Promotes sustainable transport;
- Meets the challenge of climate change, flooding and coastal changes;
- Conserves and enhances the historic environment; and
- Facilitates the sustainable use of materials.

National Planning Practice Guidance

5.61 The National Planning Practice Guidance (PPG) has been issued by Government as a technical companion to the NPPF. The PPG is an online resource which is subject to ongoing review and update.

National Design Guide

5.62 Publishes by the Government in October 2019, the National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice.

5.63 The guidance sets out 10 key characteristics of well-designed places which all work together to create character; help nurture and sustain a sense of community, and address environmental issues affecting climate. These 10 characteristics are set out as follows:

- **Context:** enhances the surrounding. Understand and relate well to the site, its local and wider context. Value heritage, local history and culture.
- **Identity:** attractive and distinctive. Respond to existing local character and identity; well-designed, high quality and attractive; and, create character and identity.
- **Built form:** a coherent pattern of development. A compact form of development; appropriate building types and forms and, destinations.
- **Movement:** accessible and easy to move around. An integrated network of routes for all modes of transport; a clear structure and hierarchy of connected streets; and, well-considered parking, servicing and utility infrastructure for all users.
- **Nature:** enhanced and optimised. Provide high quality, green open spaces with a variety of landscapes and activities, including play; improve and enhance water management; and, support rich and varied biodiversity.
- **Public spaces:** safe, social and inclusive. Create well-located, high quality and attractive public spaces; provide well-designed spaces that are safe; and, make sure public spaces support social interactions.
- **Uses:** mixed and integrated. A mix of uses; a mix of home tenures, types and sizes.
- **Homes and buildings:** Functional, healthy and sustainable. Healthy, comfortable and safe internal and external environment, well-related to external amenity and public spaces.
- **Resources:** efficient and resilient. Follow energy hierarchy; selection of materials and construction technique.
- **Life Span:** made to last. Well-managed and maintained; adaptable to changing needs and evolving technologies.

Planning Guidance

Delivering Affordable Housing through the Planning System SPD (2007)

5.64 This guidance note on affordable housing was adopted on the 3rd September 2007 as a Supplementary Planning Document (SPD) to Policy HS9 of the Dover District Local Plan and forms part of the planning framework for the area.

Addendum to the Affordable Housing SPD (July 2011)

5.65 Section 3 of the Addendum to the Affordable Housing SPD identifies the following formula for securing a financial contribution:

- Ensure that the proposed scheme is based on a split of units which, as closely as possible, mirrors the recommendations contained in the Strategic Housing Market Assessment (SHMA).
- Take the OMV of each unit to work out the GDV of the proposed scheme.
- The financial contribution requested would be 5% of the total GDV.
- To ensure that reasonable figures are presented these will be reviewed by the District Council using comparable evidence.

Emerging Planning Policy

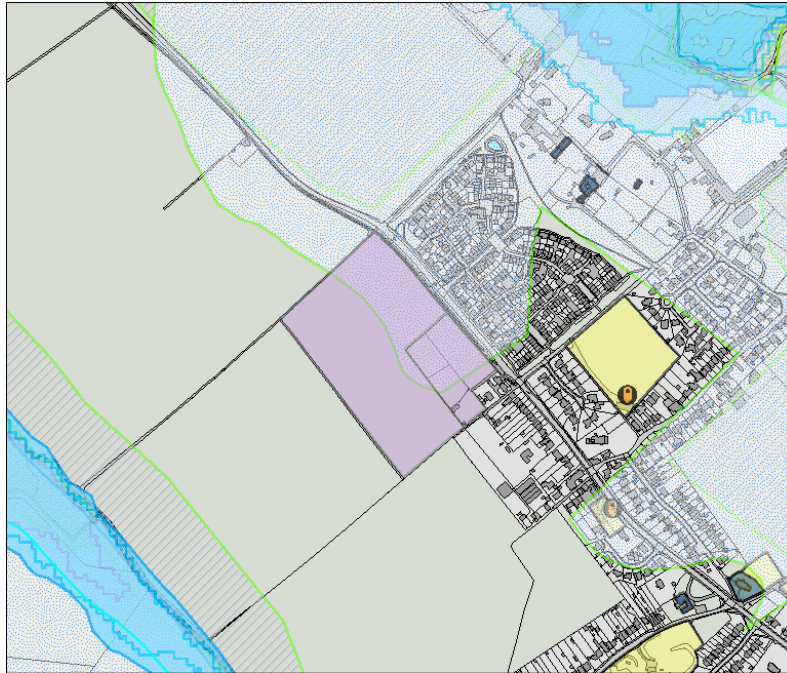
5.66 DDC are currently preparing a new District Local Plan (2020 to 2040) and once adopted, this will replace the current suite of Development Plan documents. The Council completed an evidence gathering stage through 2019 and 2020 and a consultation on the Regulation 18 Draft Local Plan (DLP) commenced on 20 January 2021, when the document was formally published. The consultation runs until 17 March 2021.

5.67 Despite the emerging Local Plan being at an early stage, DDC have already identified that there is a need to allocate additional housing sites. The Council's housing requirement has increased from 505 dwellings per annum (dpa) to 596 dpa due to the requirement in the NPPF to use the latest standard method calculation⁷.

5.68 Strategic Policy 2 confirms that it is proposed that provision is to be made for at least 11,290 net additional homes between 2020 and 2040. The policy also proposes that Deal is retained as a District Centre above Sandwich and Aylsham which are retained as Rural Service Centres.

5.69 The non-strategic housing allocations are set out Site Allocations Policy 1. The application site is identified as a housing allocation with the reference SHO002, as shown on the extract of the interactive emerging policies map below:

⁷ Paragraph 60, NPPF



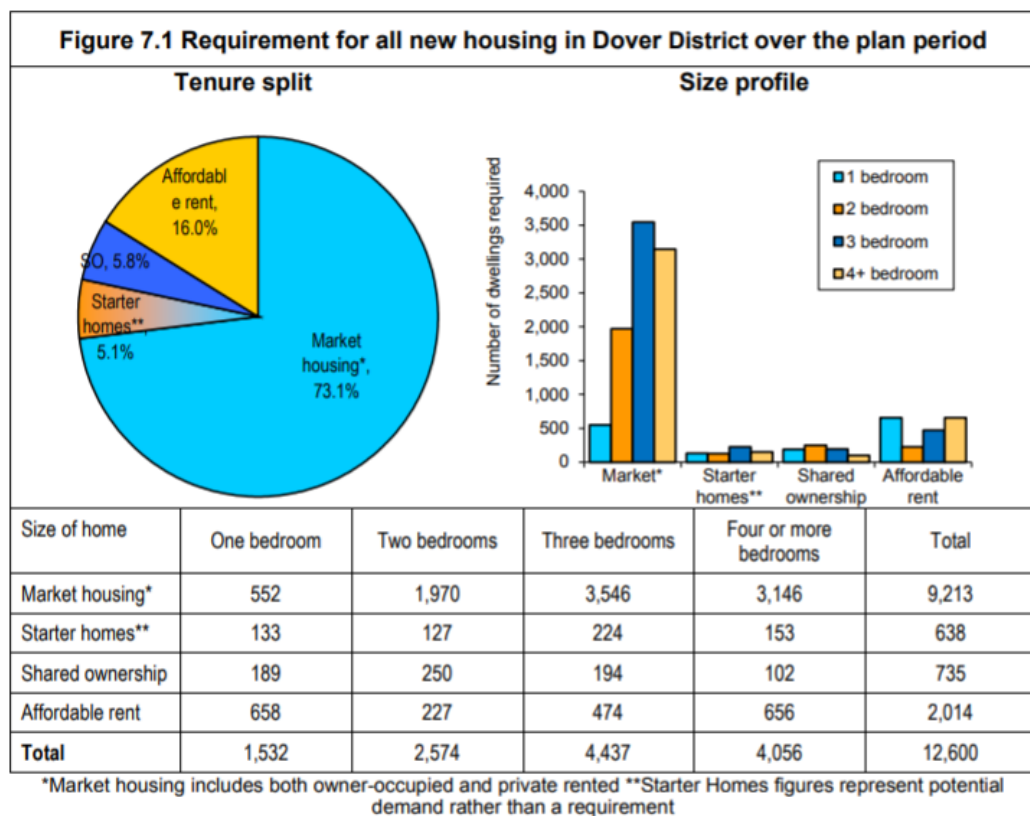
5.70 The site is identified as 'Land at South West of Sandwich Road, Sholden, Deal', and has an 'estimated dwelling number' of 100 dwellings. There are several identified 'key considerations' for the development of the site and these are identified as follows:

- Transport Assessment, Archaeological Assessment and Land Contamination Assessment required.
- Cumulative highways impact to be addressed.
- A generous landscaping scheme and landscape buffer is required.
- Given the relationship of this site with SHOO004 the Council will expect the landowners to work together to ensure a co-ordinated approach is taken to the development of these sites particularly in relation to access and landscaping.
- The HRA has identified the need for a wintering bird survey to be undertaken on this site as part of any future planning application.
- If the bird survey identifies that proposed new development will exceed the threshold of significance mitigation will be required.
- Environmental Assessment Study required to address any potential impact on the Sandwich Bay RAMSAR
- Mitigation required to address air quality issues identified in the Air Quality Study.

Supporting Evidence

Dover Strategic Housing Market Assessment Partial Part 2 Update (December 2019)

- 5.71 The update to the SHMA was published in 2019 and at that point identified the housing requirement as 12,600 dwellings (630 per annum) for the plan period (between 2020 and 2040). This figure has been overtaken by the update to the standard method for 2020.
- 5.72 Chapter 6 identifies that DDC an additional 576 units of housing for older people and 66 units of housing with care should be provided over the plan period within the identified local housing need. In addition, it is estimated that by 2040 there will need to be between 9,813 and 10,878 dwellings built to the lifetime homes standard in Dover District within the general housing stock.
- 5.73 The SHMA also re-assessed the type of housing that is required within DDC and Table 7.1 establishes the size and tenure requirements for new housing over the plan period and has been provided below.

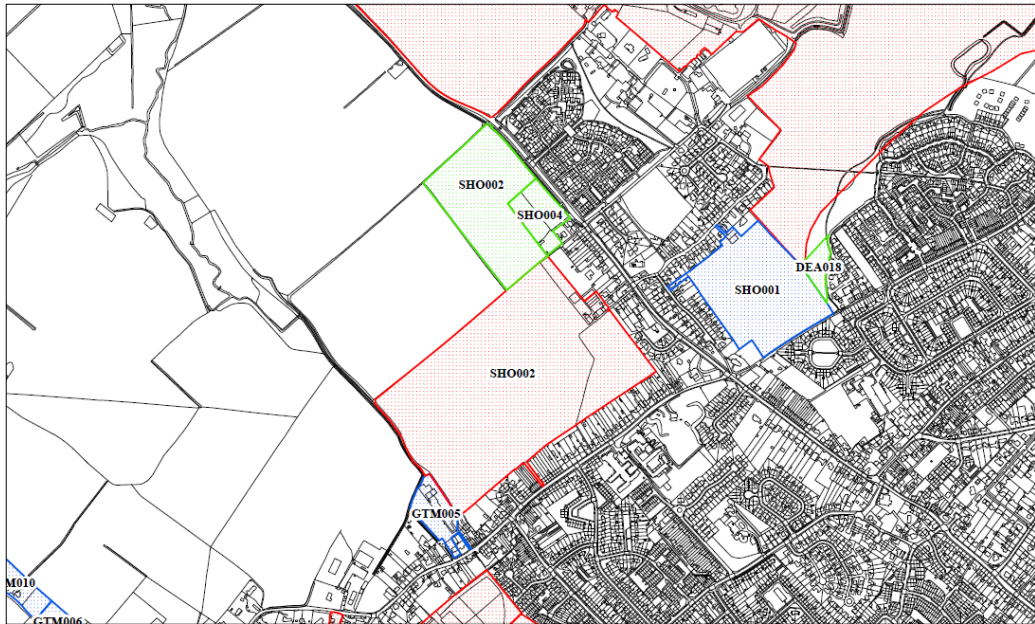


Source: SHMA, 2019 Update

Housing and Economic Land Availability Assessment (HELAA)

- 5.74 The HELAA was published in 2020 and sought to identify a supply of suitable, available and achievable sites for housing and economic development uses to 2040. It was informed by the sites submitted as part of the Call for Sites process in 2017.

5.75 The application site is identified within the HELAA as SHO002 and is divided into two parcels as can be seen in the extract below:



Extract from the HELAA

5.76 The site is identified within the table as 'Land at South West of Sandwich Road, Sholden' and it is concluded that whilst the site is available and achievable, in regard to suitability, the site is 'Part Suitable/ Part Unsuitable'. The following points are identified in the assessment:

- *To be taken forward with SHO004*
- *The development of the part of the site that fronts the Sandwich Road would be appropriate to mirror the recent development opposite, however the development of the whole site would have an adverse impact on the wider landscape.*
- *Development here should be sensitively designed and a generous landscaping scheme would be required to screen the development.*
- *Access likely to be achievable from Sandwich Road, however this would lead to the loss of a number of established highway trees which should be balanced when considering the merits of the potential allocation.*
- *There is concern over the ability of the local road network (particularly at Manor Road and Mongeham Road) to cope with increases in traffic resulting from Local Plan allocations. It is suggested that these junctions/links are assessed in more detail to ascertain the potential for positive mitigation in these locations, which will largely dictate the level of growth that can be accommodated from this or other sites in the locality.*
- *A Transport Assessment will be required.*
- *Contaminated land survey required.*

Authority Monitoring Report 2018/2019 (December 2019)

- 5.77 Table 3.1 of the Authority Monitoring Report (AMR) identifies that 446 dwellings were completed during 2018/2019. Figure 3.1 of the AMR identifies that on average DDC have completed 343 dpa between 2006 and 2019 against a minimum housing plan target of 505 dwellings per annum. This represents a shortfall of 2,106 dwellings since the beginning of the plan period.

Housing Supply Technical Paper (October 2020)

- 5.78 No AMR has been produced for the year 2019/2020, although a Housing Supply Technical Paper was produced around the similar time of year. Table 4.1 confirms that the total number of completions in 2019/2020 was 442, which was 70% of the target at the time of 629dpa.
- 5.79 Table 6.1 of the Paper provides the Five Year Housing Land Supply Calculation and concludes that the supply is 6.16 years. However, this figure is based on the Housing Delivery Test (HDT) result from 2019. If the HDT from 2020 is adopted (80%) for the calculation then a 20% buffer should be applied and the supply figure falls to 5.4 years supply, with a surplus of just 281 dwellings. It should be noted that of the claimed supply of 3,857 dwellings, 1,127 fall within the category where DDC are required to demonstrate clear evidence that dwellings will be delivered within five years⁸.

Housing Delivery Test

- 5.80 As noted above, the HDT result for 2020 was published on 19 January 2021. For DDC the result was 80%, which is below the threshold of 85%⁹, confirming there has been a significant under delivery of housing over the previous three years.

Housing Delivery Forum (May 2020)

- 5.81 The Housing Delivery Forum document identifies that DDC's performance against the HDT is set to deteriorate unless a series of short term and implementable actions are undertaken.
- 5.82 Section 11 of this report identified that the Whitfield, DDCS allocation for 5,750 dwellings, had only delivered 100 completions up to 2018/2019. It is suggested that this is due to the land being controlled by a few landowners. Section 13 of the Housing Delivery Forum report identifies that there has been a historic reliance on single large strategic allocations to meet housing targets which have not delivered the required level of completions. The report also identified that the emerging development plan should provide a better mix of housing, with the focus on delivering more family housing in the District.
- 5.83 There are several actions identified within Section 14 of the Housing Delivery Forum report including the following:
- Review Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development;

⁸ Glossary definition of 'deliverable', NPPF

⁹ Paragraph 73, NPPF

- Work with developers on the phasing of sites, including whether sites can be subdivided;
- Offer more pre-application discussions to ensure issues are addressed early;
- Consider the use of Planning Performance Agreements;
- Carry out a new Call for Sites, as part of plan revision, to help identify deliverable sites;
- Revise site allocation policies in the development plan, where they may act as a barrier to delivery;
- Review the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;
- Engage regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;
- Establish whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites;
- Ensure evidence on particular sites is informed by an understanding of viability;
- Consider compulsory purchase powers to unlock suitable housing sites;
- Use Brownfield Registers to grant permission in principle to previously developed land; and,
- Encouraging the development of small and medium-sized sites.

6. Planning Assessment

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“If regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise”

6.2 This is a reiteration of the presumption in favour of development that accords with an up-to-date development plan in Section 54A of the 1990 Act; also reinforced by paragraph 47 of the NPPF.

6.3 The NPPF also makes clear that development plans should be kept up-to-date and in accordance with its policies and the presumption in favour of sustainable development. However, that presumption does not change the statutory status of the development plan as the starting point for decision making. Nevertheless, LPAs may make decisions that depart from an up-to-date development plan where material considerations in a particular case indicate that the plan should not be followed¹⁰.

6.4 Having identified relevant development plan policies and other material considerations in Section 5 of this statement, the following paragraphs go on to assess the development proposals against the policies of the development plan and reviewing against other material considerations.

Compliance with the Development Plan

Principle of Development

6.5 The DDCS was adopted to guide development in the district until 2026. The document pre-dates the NPPF and was prepared in a different national planning context with the housing requirement based on the revoked South East Plan. The LALP was later adopted allocating sites aimed at meeting the DDCS housing and employment requirements.

6.6 The application site lies within the countryside beyond defined settlement boundaries, and was not allocated in the LALP, as shown on the Policies Map. Policy DM1 of the DDCS relates to ‘settlement boundaries’ and states that development will not be permitted on land outside the urban boundaries unless specifically justified by other development plan policies.

6.7 Policy DM15 relates to the protection of the countryside and sets out criteria where certain forms of development might be justified. The application proposals for residential development do not fall within the description of any form of development listed in DM15 and are therefore, in principle, contrary to policy DM1 and DM15.

6.8 Policy CP2 of the DDCS establishes the housing requirement set out at Policy CP2 of the Plan, but this was not informed by a local housing need assessment, conducted using the standard method, as required by paragraph 60 of the NPPF. Policy CP2 is therefore out-

¹⁰ Paragraph 12, NPPF

of-date due to its inconsistency with the NPPF¹¹. This position has been consistently accepted by DDC in Committee Reports in recent years, as well by an Inspector¹².

- 6.9 The settlement boundaries referenced in the Policy DM1 and shown on the adopted Policies Map were a reflection of the revoked housing requirement and as a consequence tightly drawn around the urban area to accommodate the level of growth envisaged. The consequence is that they have acted as a constraint to development that would otherwise be considered sustainable.
- 6.10 DDCS established a housing requirement of 10,100 homes over a 20-year plan period. Housing delivery to date has seen 4,894 dwellings delivered over the 14-year plan period of the DDCS¹³. This equates to an average of 349 dpa against a requirement of 505 dpa. There has been just one year in fourteen when the housing target has been met.
- 6.11 There is evidence of a negative social impact of the failure to deliver sufficient housing in the DDC over this period, with the house price to income ratio in the District deteriorating from 6.1 in 2009 to 8.45 in 2018¹⁴. The under-delivery of housing has contributed to deteriorating affordability in the District. Affordability is a critical social component of sustainable development that acts as a barrier to local people being able to access housing. It should be accepted that there is an urgent need to boost housing delivery within DDC.
- 6.12 DDC are now required to plan for a figure of 596 dpa and settlement boundaries must inevitably change in order to accommodate the local housing need and sustainable development. The location of the site within the open countryside just beyond the settlement boundary cannot therefore be a reason in principle for resisting development.
- 6.13 Accordingly, whilst the general thrust of policies DM1, DM15 of the plan of recognising 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 NNPPF and the requirement to boost significantly the supply of housing. Consequently, Policies DM1 and DM15 should carry limited weight in the determination of the application proposal.
- 6.14 Policy DM11 seeks to locate travel generating development within the urban area and restrict development that would generate high levels of travel outside settlement boundaries. Similarly, the blanket approach to resist development which is outside of the settlement confines does not align with the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Consequently, Policy DM11 should also attract only limited weight in the determination of the application.
- 6.15 The need to provide further housing has been acknowledged by DDC in recent decision taking. As highlighted in Section 3 the Committee Report¹⁵ for 42 dwellings at the site

¹¹ Paragraph 213, NPPF

¹² APP/X2220/W/17/3183959 - Land off Dover Road, Walmer, Deal - April 2018

¹³ AMR 2018/19 and Housing Supply Technical Paper 2020

¹⁴ House price to residence-based earnings ratio, ONS 2020

¹⁵ DOV/19/00216 - Land north-west of Pegasus, London Road, Sholden – 12 March 2020

adjacent to the application site, there is a need to provide additional housing sites in the new Local Plan. The same report also highlights that whilst Policies DM1, DM11 and DM15 were the most important for determining the application, reduced weight should be applied, and the tilted balance identified in paragraph 11 of the NPPF is engaged.

- 6.16 The applicant is of the same view, that reduced weight should be applied to the policies which are most important for determining the current application and the tilted balance is engaged in accordance with paragraph 11d of the NPPF. Accordingly, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is irrespective of the housing land supply situation, which is a separate consideration.
- 6.17 Policy CP3 establishes the distribution of development and seeks to direct housing development to Deal as the sole District Centre (second only to Dover itself). It is considered that the application proposals accord with the broad spatial strategy.
- 6.18 In the light of the above, it is clear that the development proposal broadly accords with all parts of the development plan that are up to date. Where a conflict arises, those policies are either out of date or should be afforded limited weight due to their conflict with the more up to date provisions of the NPPF. As a result, the conflict with those policies should be reduced in weight.

Technical Matters

- 6.19 Having considered the principle of development, this section considers whether the proposed development is compliant with other relevant Development Plan Policies and the NPPF.

Design

- 6.20 The accompanying Design and Access Statement demonstrates how the scheme will deliver a high-quality landscape-led development as well as how the design has evolved in response to an appraisal of the opportunities and constraints of the site, including its surroundings.
- 6.21 Whilst the proposals are submitted in outline, the Illustrative Layout shows how the proposed site could accommodate a scheme that would retain the local character of the area and existing residential properties. It will create an enhanced community for Sholden, supported by existing connectivity and transport routes, coupled with cross-site connectivity, linking spaces and places and integrating into the existing settlement.
- 6.22 The development has been designed to take into account the recommendations of the Landscape and Visual Impact Assessment (LVIA) with green infrastructure an integral part of the framework. Dwellings along the western and southern edges would be set back from the boundary allowing for a landscaped green buffer. The interface with Sandwich Road seeks to provide a gateway to the site with planted attenuation basins creating an attractive entrance feature. The submitted parameter plans establish the key principles and will provide a structured framework for securing the final design.
- 6.23 The design of the scheme accords with the requirements of Policy CP4 of the DDCS and paragraph 124 of the NPPF.

Housing Mix

- 6.24 Policy CP4 of the DDCCS requires new proposals to develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment. The proposed indicative mix is wholly in line with Policy CP4 and the recommendations in the 2019 update to the SHMA.
- 6.25 Policy CP4 seeks to ensure that development density should wherever possible exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings net per hectare. The developed element of the site comprises 3.1 hectares of land therefore the site calculates a net density of 37 dwellings per hectare, based on a scheme of up to 117 dwellings.
- 6.26 Given the character of the local area it would not be appropriate for the site to exceed 40 dwellings per hectare, and therefore the figure of 37 dwellings per hectare is considered to be appropriate and compliant for its location. The proposals are therefore in accordance with policy CP4.

Landscape and Visual Impact

- 6.27 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Tyler Grange. The assessment established the current baseline conditions and considered the sensitivity of the landscape as well as visual receptors to understand the nature of the changes that will arise as a result of the proposed development. This process has enabled the landscape-led approach.
- 6.28 The assessment confirms that the established settlement edge of Sholden is open in nature (through the lack of evident features) and not of recognised quality. The site overall contains no rare, notable or unique landscape features and would not be considered to represent a 'Valued Landscape' in terms of paragraph 170 of the NPPF. Neither is it covered by any local or national qualitative landscape designations. Therefore, clear opportunities exist to improve the structure, condition, variety and the contribution that the site makes to the local landscape.
- 6.29 Despite the open nature of the fields locally, a visual sieving exercise has demonstrated that the gently undulating topography limits the visibility of the Site. The LVIA confirms that there will be no discernible change as a result of the development, with the prevailing slope remaining, the proposed development will predominantly occupy the defined plateau area. The proposed development will therefore result in the long-term loss of a small portion of arable land with the overall effect on the landscape considered to be localised and minor adverse.
- 6.30 The visual receptors affected by the development would be localised and limited principally to the local footpaths. The assessment concluded that the proposed development will be visible, but not prominent or conspicuous, and the effects would be minor adverse at worst. The visual context would remain intact, with scattered settlements occupying plateau locations and no sense of merging nor the introduction of uncharacteristic and incongruous features.
- 6.31 In response to the opportunities and constraints that have been identified through the assessment work, a landscape strategy has been developed which has incorporated a

substantial landscaped buffer, which can function as open space and provide linkages to the established footpaths.

- 6.32 The proposed development therefore accords with DM16 of the DDCS, and the relevant sections of the NPPF.

Highways

- 6.33 The application is supported by a Transport Assessment (TA) prepared by Hub Transport Planning. The TA demonstrates that the site is sustainably located, with access to active and sustainable transport options as well as being close to a range of local facilities which would support the day to day needs of future residents.

- 6.34 The TA also confirms that a safe and suitable vehicle and pedestrian access can be provided from Sandwich Road via the proposed site access junction. There are also several points of access available to pedestrians via existing and enhanced footpath links.

- 6.35 Detailed analysis estimates that the development proposals would have the potential to generate 64 vehicle movements in the morning peak hour and 65 in the evening peak hour. This equates to just over one vehicle movement a minute. The analysis within the TA, which has also considered the strategic traffic modelling study undertaken to support the Local Plan, concludes that a development of 117 dwellings on the application site would have a negligible transport impact and certainly no worse than a minimal transport impact.

- 6.36 A Travel Plan has also been prepared which sets out several measures and initiatives to build upon existing active and sustainable travel opportunities. Additional initiatives are also proposed including electric vehicle charging provision in order to further promote sustainable travel to and from the site.

- 6.37 The proposed development therefore accords with the requirements of transport related planning policies, including elements of Policy DM11 of the DDCS, the NPPF and the Kent Design Guide.

Flood Risk, Drainage and Utilities

- 6.38 The application is supported by a Flood Risk Assessment prepared by BWB. This confirms that the site is located entirely within Flood Zone 1 and is not at risk from any flood sources which would represent a potential barrier to development. However, it is recommended that the finished floor levels of any buildings should be raised to a minimum of 150mm above surrounding ground levels to mitigate any residual risk.

- 6.39 Surface water from the site is proposed to be discharged to the ground via infiltration techniques, in accordance with the first level of the drainage hierarchy. Further information is provided within the accompanying Sustainable Drainage Statement (SDS),

- 6.40 The supporting studies have therefore confirmed that the site is suitable for residential development without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site. The proposals therefore accord with the relevant section of the NPPF.

- 6.41 A Utilities Assessment has also been prepared by BWB to support the application. After an enquiry was made to Southern Water, they have confirmed to BWB that the foul water network within the vicinity of the site has adequate capacity in the local network to accommodate some of the additional flows for the development before reinforcement works is required.
- 6.42 Additional capacity supply responses have been procured by BWB for the electricity, gas and clean/wastewater networks, confirming capacity within the respective networks to supply the development.

Ecology

- 6.43 An Ecological Assessment has been prepared by Tyler Grange and is submitted with this application. This identifies that the application site is located 0.4km from the Thanet Coast and Sandwich Bay Ramsar Site and unit 62 of the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Sandwich Bay SAC are situated approximately 1.9km and 2.5km to the north-east respectively.
- 6.44 The Report identifies that the proposal would not lead to a likely significant effect on the integrity of the nearby SPA, SAC and Ramsar sites, subject to the provision of specified mitigation in the form of on-site green infrastructure incorporating a landscape strategy and securing the implementation of a Landscape and Ecological Management Plan. A Construction Environmental Management Plan (CEMP) will also be secured to prevent potential impacts from construction. A circular walking route and a financial contribution towards the management strategy for the statutory sites are also proposed in order to offset any potential recreational impacts.
- 6.45 Extensive survey work has been undertaken and confirmed that the application site principally comprises of an arable field with a small area of species-poor semi-improved grassland. There are small sections of scattered scrub and a larger area of ephemeral/short perennial habitats are also present whilst several sections of species-poor intact and defunct hedgerow are present along the site boundaries.
- 6.46 Further surveys were undertaken for several protected species including badgers, bats, wintering birds. The Wintering Birds surveys identified no species associated with the nearby protected sites and bat activity surveys indicated very low levels activity within the site. Whilst there are no badger setts present within the site, an outlier sett was identified adjacent to the site. However, no adverse impact on setts is expected as development will be more than 30m away and measures to prevent impacts will be implemented as part of the CEMP.
- 6.47 A Bio-diversity Net Gain calculation was undertaken to assess the measurable gains and losses for biodiversity for the proposed development. The metric returned a gain of 19.53% habitat units and a gain of 134.01% hedgerow units post-development.
- 6.48 It is considered that the mitigation and enhancement measures outlined within this application will ensure that the proposed development will be in conformity with policy CP7 of the DDCCS and the NPPF.

Arboriculture

- 6.49 The proposals outlined within this application have been informed by a Tree Survey and Arboricultural Impact Assessment (AIA) prepared by Tyler Grange.
- 6.50 The AIA confirms that the removal of some existing 'moderate quality' trees along the Sandwich Road frontage is proposed. Their removal is needed to facilitate the construction of the main highway site entrance and its associated visibility splays and is therefore unavoidable. No trees afforded protection by a Tree Preservation Order are to be removed as a result of the scheme.
- 6.51 The opportunities for new tree planting along the road frontage and within the site as part of the development is expected to provide a future net-gain in tree cover despite the tree loss predictions. The proposals are supported by a landscaping scheme which will enhance the quality of tree cover within the application site and mitigate for the trees proposed to be removed.
- 6.52 The AIA concludes that the development is in accordance with Policies DM15, AS1 and CO8 of the DDCS and Paragraph 175 of the NPPF.

Air Quality

- 6.53 The application is supported by an Air Quality Assessment (AQA) prepared by BWB. This confirms that the site is not located within, or in the vicinity of, an Air Quality Management Area.
- 6.54 A construction phase dust assessment was undertaken in accordance with the relevant guidance and it was concluded that with suggested mitigation measures the impact of dust emissions was to be 'not significant'.
- 6.55 In regard to the development phase, the impact of road traffic local air quality was also assessed. Predicted emissions were modelled accordingly and it was concluded that the development would not result in any new exceedances of air quality objectives and the overall impact would be 'negligible'.
- 6.56 The proposed development therefore accords with the requirements of the NPPF which relate to air quality and DM Policy 41 of the emerging Local Plan.

Noise

- 6.57 The application is supported by a Noise Assessment prepared by BWB.
- 6.58 This assessment has been undertaken based on the results of a baseline noise survey undertaken on the site, following consultation with DDC. The assessment shows that whilst no mitigation measures are required for garden areas, the provision of appropriate glazing and ventilation products is required to achieve the required standards within internal habitable rooms of dwellings which front Sandwich Road. These mitigation measures can be secured upon finalising the layout at reserved matters stage.
- 6.59 Based on the results of the assessment, it has been demonstrated that the site is suitable for residential development and therefore accords with the requirements of the NPPF which relate to noise.

Heritage and Archaeology

- 6.60 A Heritage Statement has been prepared by Pegasus Group and incorporates an assessment of both built heritage and archaeology. The report confirms that there are no designated heritage assets within the site and that an assessment of the significance of designated heritage in the surrounds of the site concluded that the proposed development will result in no harm to the heritage significance of the Grade II* Listed Church of St Martin, the Grade II* Listed Northbourne Court Park and Garden or the Grade I Listed Church of St Augustine, through changes to setting.
- 6.61 Whilst the potential for Palaeolithic, Mesolithic and Neolithic archaeological finds is considered to be low, aerial and geo-physical surveys were undertaken and identified linear features and a potential enclosure on the application site. The applicant would support the use of a condition which would ensure that an additional field evaluation is undertaken prior to the submission of a reserved matters application. Any harm resulting from the proposed development to any potential asset could be weighed against the public benefits of the proposed scheme at that point. This approach would accord with Section 16 of the NPPF and is the approach taken in determining the outline application at the adjoining site (DOV/19/00216).

Agricultural Land Quality

- 6.62 An Agricultural Land Classification and Soil Resources report accompanies this planning application. The survey carried out in relation to the site at Cross Road found that the site comprised 4.994 ha of agricultural land, of which 100% was of agricultural quality Grade 2 and therefore comprises entirely of Best and Most Versatile agricultural land.
- 6.63 However, the majority of the district constitutes high quality agricultural land and given that there is an identified requirement to release further greenfield sites in order to meet housing requirements, its loss is inevitable in this area. The loss of BMV land should only be afforded limited weight in the determination of the application.

Summary

- 6.64 In the light of the above, it is clear that the development proposals accord with all parts of the development plan that are up to date. Where a conflict arises, those policies are either out of date or should be afforded limited weight due to their conflict with the NPPF. As set out in section 3 of this Statement, DDC have previously acknowledged that policies DM1, DM11 and DM15 of the DDCCS are the most important policies for determining applications such as this and that this basket of policies carry reduced weight. In accordance with paragraph 11d of the NPPF, the tilted balance should therefore be engaged and planning permission granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.65 Whilst the emerging Local Plan is at an early stage, the technical assessment provided above demonstrates that the proposed submission has addressed all of the 'key considerations' identified in the draft allocation.

7. Affordable Housing Statement

Development Plan Policy

- 7.1 Policy DM5 of the DDCCS relates to the provision of affordable housing in DDC and states that for residential developments of 15 or more dwellings provision for 30% affordable housing will be sought. It also requires that affordable housing should be provided on the application site.
- 7.2 DDC'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 DDCCS position of seeking 30% affordable housing provision on developments of 15 or more dwellings.
- 7.3 The latest version of the SHMA was published in 2017 and updated in 2019. The document concludes that of the 12,600 new dwellings required in DDC across the plan period, some 73.1% should be market housing, 5.1% Starter homes, 5.8% shared ownership and 16.0% affordable rent.

Pre-application Discussions

- 7.4 As part of the pre-application process discussions, the Housing Development Manager at DDC was consulted on the mix and tenure of affordable housing required. The following advice was provided by email, dated 3 November 2020:
- The required split is 70% affordable rent and 30% shared ownership;
 - For affordable rented properties in the Sholden area there is a demand for properties of all sizes and types from 1 bedroom to 4 bedroom, but 1 and 2 bedroom flats;
 - Ground floor flats should be made suitable for wheelchair users;
 - For shared ownership, demand is principally for 2 bedroom starter homes which are focused at first time buyers.

Proposed Affordable Housing Provision

- 7.5 In accordance with adopted DDCCS policy and the Affordable Housing SPD, the application proposals make provision for 30% onsite affordable housing. Whilst the current application is made in outline the Illustrative Masterplan has been designed to accommodate the mix and tenure split suggested by the Officer, where possible. The tenure split of the affordable dwellings will be agreed with the Council during the course of the application and the final mix of affordable housing will be determined at Reserved Matters stage, reflective of the most up-to-date identified needs within DDC.
- 7.6 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. It is proposed that the on-site affordable housing provision can be secured by way of a Section 106 legal agreement.

8. Economic Benefits Statement

- 8.1 At the heart of the NPPF is the aim of achieving sustainable development and identifies three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that net gains can be secured.
- 8.2 In defining the 'economic' objective¹⁶, the planning system is required to:
- "... help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure."*
- 8.3 The 'social' objective¹⁷ is required to:
- "... to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."*
- 8.4 The economic and social benefits of development are therefore confirmed in the NPPF as a key dimension to achieving sustainable development. Paragraphs 7 to 217 set out the government's approach to delivering sustainable development through the planning system. Paragraph 80 states that:
- "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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."*
- 8.5 In decision-making, significant weight should therefore be given to the economic and social benefits of development and this is twinned with the need to boost the supply of housing. Locally, within Dover there is the aspiration to improve the performance of the economy in line with the wider region to help achieve economic growth as well as meet housing needs and maintain a five year housing land supply.
- 8.6 The key economic benefits of development which promote sustainability can be broken down into two principal phases:
- Construction phase: job creation - direct and indirect
 - Operational phase: economic expenditure of new residents and extra revenue raised for the local authority through taxation.
- 8.7 There are of course wider benefits of meeting the housing needs in Dover.

¹⁶ Paragraph 8a, NPPF

¹⁷ Paragraph 8b, NPPF

8.8 The development will comprise up to 117 homes and 30% will be affordable. It is anticipated that the development would be built out at a rate of at least 35 units per annum, equating to around 3 years in the current market. The general benefits of the development including the estimated value of potential economic outputs, based on other schemes in the local area is as follows:

- **Contribution to the delivery of housing at a local level** - The development would assist DDC in alleviating low delivery rates.
- **Improvements in housing mix and choice** - The proposed development will provide a balanced mix of dwellings, providing a choice of type and size, with an emphasis on improving the quality and quantum of family, affordable and housing for older persons in the Sholden area, in line with DDC's aims and the development plan spatial objectives and policies.
- **Development in a sustainable location** - The development is within close proximity to local shops and services.
- **Investment in the local area** - The construction of the scheme will lead to estimated investment of around £20 million of investment in the local area.
- **Creation of employment opportunities** - The construction phase of the development will directly create 70 Full Time Equivalent jobs plus 30 indirect Full Time Equivalent jobs.
- **Local Spending Increase** - The proposed development is likely to generate approximately £500,000 in leisure expenditure and £1 million in retail expenditure annually.
- **Increase in revenue for DDC** - The development will generate over £150,000 in Council Tax receipts annually and a New Homes Bonus Payment of over £500,000 over 4 years.
- **Economically active residents** - The proposed development will house approximately 200 economically active residents resulting in a significant uplift in gross annual income and expenditure.
- **Section 106 Contributions** - As highlighted in this Report the development will be dependent on payment of financial contributions to local facilities such as schools, parks and sports pitches.

9. Draft Heads of Terms

9.1 The applicant will enter into constructive dialogue with DDC in order to agree a Section 106 Agreement 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.

9.2 The following initial Heads of Terms are suggested:

Affordable Housing

- i. Provision of 30% affordable housing with a tenure split to be agreed with DDC.

Open Space

- i. Provision of onsite informal open space and children's play area.
- ii. Phasing triggers will be agreed with DDC as well as an appropriate scheme for the long term maintenance and management, including any off-site commuted sums as applicable.
- iii. Contribution to off-site outdoor sports facilities, as necessary.

Education

- i. Contributions towards the creation of primary and secondary school places, as necessary.

SPA

- i. Contribution towards the Thanet and Sandwich Coast Management Strategy.

Other

- i. Other contributions have been identified through pre-application discussions and subject to meeting the appropriate tests, these will be considered for inclusion.

10. Conclusion

- 10.1 This Planning Statement has been prepared in support of an outline application for up to 117 dwellings (Use Class C3) with all other matters reserved except for access. The application is submitted on behalf of Richborough Estates.
- 10.2 Richborough Estates is a privately owned land promotion company operating nationally. They work in partnership with landowners, councils and stakeholders to secure residential planning permission on suitable sites, which are then delivered by an appropriate partner - At present 10 different housebuilders are developing out their sites, all of which have been delivered in an expedient manner following the grant of planning permission.

Case for Development

- 10.3 This appraisal demonstrates that the proposals respond positively to the emerging and adopted Development Plan policies as well as those other material considerations identified. Where a conflict arises, those policies are either out of date or should be afforded limited weight due to their conflict with the NPPF, which represents a material consideration. In accordance with paragraph 11d of the NPPF, the tilted balance is engaged, and permission should be granted without delay.
- 10.4 Whilst the emerging Local Plan is at an early stage, the technical information submitted with the application demonstrates that the proposed submission has addressed all of the 'key considerations' identified in the draft allocation. There are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations.
- 10.5 The proposal is in accordance with the broad spatial strategy set out in the DDCCS which seeks to direct growth to the sole "District Centre" in the settlement hierarchy, below only the town of Dover itself.
- 10.6 The proposed housing would be deliverable in the short-term making a contribution to the five-year housing supply in one of the most sustainable settlements in the district.
- 10.7 The design concept outlined in the Design and Access Statement, alongside the submitted parameter plans would secure a high-quality development.
- 10.8 The development of the site would be both suitable and sustainable.

Benefits

- 10.9 Subject to planning permission being granted, there are numerous socio-economic and environmental benefits which would arise from the proposed development. These benefits are established and quantified throughout this Statement and can be summarised as:
- The provision of new high quality market housing in a sustainable location;

- The provision of a policy compliant level of affordable housing in an area where there is unmet need;
- The scheme would deliver formal/informal greenspace and play space for use by new and existing residents with its long-term management secured;
- The development will improve connectivity and access to PRoWs;
- The ecology of the site will be improved through the provision of new green infrastructure which will achieve a net gain in biodiversity;
- Creation of employment opportunities through the construction phase of the development;
- The proposed development will significantly increase the number of economically active residents, boosting income and local expenditure;
- Increase in revenue for DDC through the New Homes Bonus and increased Council Tax receipts.

Harm/Balance

- 10.10 Taken as a whole, the submitted application has demonstrated that there are no unacceptable adverse impacts associated with the scheme.
- 10.11 As with any site located on a green field, urbanising development will introduce changes to the area. However, the submitted LVIA demonstrates the scheme can be delivered without unacceptable wider landscape and visual impacts.
- 10.12 The development will result in the loss of some BMV agricultural land. However, the majority of the district constitutes high quality agricultural land and given that there is an identified requirement to release further greenfield sites in order to meet housing requirements, its loss is inevitable in this area.
- 10.13 A number of material considerations have been identified which clearly outweigh the limited harm and policy conflict. The proposal complies with the spatial strategy, housing policies and relevant 'development management' policies of the development plan. As set out above, subject to planning permission being granted, there are numerous benefits arising from the proposed development.
- 10.14 It is clear that the proposals represent sustainable development which will make a positive difference, creating an appealing neighbourhood which respects its context and caters for identified needs. Taking the above into consideration, there is a compelling case for the granting of planning permission at the earliest opportunity.

Appendix 1: List of Submission Documents

The application comprises the following documents:

- Location Plan (Drawing No. 275_L01)
- Illustrative Masterplan (Drawing No. 275_P01)
- Land Use Parameter Plan (Drawing No. 275_P02)
- Design and Access Statement
- Planning Statement (incorporating Economic Benefits Statement, Affordable Housing Statement, Draft Heads of Terms)
- Statement of Community Engagement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Sustainable Drainage Statement
- Ecological Assessment and Biodiversity Net Gain (incorporating protected species surveys)
- Arboricultural Impact Assessment
- Noise Assessment
- Air Quality Assessment
- Phase 1 Geo-Environmental Assessment
- Agricultural Land Classification
- Utilities Assessment
- Heritage Statement (incorporating Archaeological Assessment)
- Landscape and Visual Impact Assessment (LVIA)