

24/00257

Land South East Of Great Cauldham Farm, Cauldham Lane, Capel
 CAPEL-LE-FERNE

Scale: 1:2,000

Dover District Council
 Honeywood Close
 White Cliffs Business Park
 Whitfield
 DOVER
 CT16 3PJ



- a) **DOV/24/00257 – Outline planning application for the erection of up to 90 dwellings with associated parking and infrastructure following demolition of existing dwelling, with all matters reserved except access - Land South-East of Great Cauldham Farm, Cauldham Lane, Capel-le-Ferne**

Reason for report – Number of contrary views (109)

- b) **Summary of Recommendation**

Outline Planning permission be granted.

- c) **Planning Policy and Guidance**

National Planning Policy Framework (NPPF) (2023): Paragraphs 2, 7, 8, 11, 38, 47, 54, 55-58, 60 – 66, 89, 96-97, 104, 108-109, 114-117, 123-124, 128, 131, 135-137, 139-140, 157, 159, 162, 164-165, 167-175, 180, 182-184, 185-186, 188-194, 195, 200, 209

National Planning Practice Guidance & Kent Design Guide

National Design Guide & National Model Design Code (2021)

SPG4 Kent Vehicle Parking Standards

Countryside and Rights of Way Act 2000 Section 85, as amended by the Levelling-up and Regeneration Act (2023)

Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026

Dover District Local Plan to 2040: Policies SP1, SP2, SP3, SP4, SP5, SP11, SP12, SP13, SP14, SP15, SAP44, CC1, CC2, CC3, CC4, CC5, CC6, CC8, PM1, PM2, PM3, PM4, PM5, PM6, H1, TI1, TI2, TI3, TI5, NE1, NE2, NE3, NE4, NE5 and HE3 are considered most relevant to this application.

- d) **Relevant Planning History**

No relevant planning history for the site.

- e) **Consultee and Third-Party Responses**

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

Capel Le Ferne Parish Council – do not agree with development of the site and its access points, request planning committee members carry out a site visit before determining the application. Concerns regarding:

- Scale of development in and relative to the village (high and mainly concentrated in one area such that local plan is unsound and unjustified), number of dwellings (increase in plan from 50 to 70 and now up to 90 proposed), density
- Limited services/facilities and public transport, many residents drive to services in Folkestone (at odds with Policy SP1). Transport Assessment provides walking/cycling travel times but because of geological position

- 500ft above sea level, unlikely residents would walk or cycle to facilities (2019 survey showed only 8% of Capel residents used local bus service)
- Traffic (increase in volume of approximately 65% in Capel Street; currently 240 existing dwellings and traffic increases at school opening/closing times) contrary to Policy SP3. Access points linked to inadequate highway infrastructure. Restrictive traffic flow, access will be difficult for refuse collection/large vehicles to negotiate. Concerns regarding visibility splays/safety. 7 day automatic traffic count (ATC) survey commissioned (1/3/24 to 7/3/24) showing 85th percentile speed for southbound vehicles was 29mph and northbound was 27mph; indicates 20mph speed limit not adhered to (full ATC and transport technical note, highways assessment submitted). Data supported by results of speedwatch session opposite site entrance. Concerns regarding surface water runoff onto Capel Street/flooding and car headlights shining into properties due to downward gradient of access road. Single land width of Cauldham Lane (with no passing places) often blocked and used by heavy vehicles, inadequate for emergency service entrance. Safety of New Dover Road (B2011)/Capel Street/Cauldham Lane junction, substandard visibility and speed of traffic. Scrutiny needed, aware of 3 accidents in vicinity in past 5 years. Request KCC Highways consulted. Note recent safety audits raised many of these issues, junction proposals do not sufficiently mitigate dangers of current junction layout. Transport assessment submitted includes trip generation derived from TRICS and junction 9 model produced however doesn't include Cauldham Lane and should be re-run. Pedestrians will have to cross Capel Street near New Dover Road junction due to paving on only one side which stops short of Cauldham Lane. Capel Street is main access to primary school, no further development should be approved for this part of Capel with the current junction layout. Previous concerns raised about junction by DDC and historically traffic collisions exacerbated by blind entrance/exit to New Dover Road from Cauldham Lane (often in fog/poor visibility due to height above sea level).
 - Impact on national landscape/AONB, heritage coast to south of Capel (site in prominent position, development does not sit well with Policy NE2)
 - Wildlife impact
 - Loss of green field site/ valuable arable land, contrary to NPPF
 - Residential amenity, positioning of dwellings relative to existing properties, privacy, insufficient buffer which is poorly designed and difficult to maintain.
 - Attenuation basin too close to property boundaries and outside site boundary illustrated in local plan. Biodiversity net gain should be restricted to site identified in local plan.

In response to revised plans, were not sure what some of the amendments were or how they affected the application (requesting details of the amendments to help understanding of what conditions they relate to). Surface water drainage deep soakaways no longer shown but unsure of impact. Had no further comments and referred to previous representation. Assume DDC are satisfied all planning and buildings regulations are met and neighbours comments and reactions considered.

KCC Highways and Transportation – Transport assessment (TA) confirms the access onto Cauldham Lane would be for use of emergency vehicles only in the event of an incident making the main access unusable and would be blocked by droppable bollards and not used for daily traffic. Traffic generation and its impact are explained in the transport assessment; projected traffic generation from the development has been provided using TRICS database, detailing a combined two-way generation of

46 movements in the AM peak (15 arrivals and 32 departures) and combined two-way trip generation of 51 movements in the PM peak (33 arrivals and 18 departures). To inform the supporting junction assessment, a traffic survey was carried out at the New Dover Road / Capel Street/ Cauldham Lane junction that counted the number of vehicles and their direction of travel (results in figure 6.1 of Appendix H of the supporting TA). The above traffic from the proposal site, plus the surveyed existing traffic, other approved developments in the area and background traffic growth to the year 2029 has all been combined to test the operation of the Capel Street junction with New Dover Road. The Capel Street junction with New Dover Road would still operate well within capacity. Although the proposed development would uplift traffic in the immediate area, it's impact cannot be considered severe in nature and as such the traffic impact does not warrant a recommendation of refusal. The proposed site access off Capel Street is of adequate dimension and has demonstrated visibility splays inline with the speed limit. Following the receipt of additional information and amendments to address comments, raised no objection subject to conditions being imposed (relating to highways condition surveys; provision of construction vehicle loading/unloading & turning facilities prior to commencement; parking facilities for site personnel & visitors prior to commencement; wheel washing facilities & contingency working protocol for action taken should the wheel washing be ineffective; provision & permanent retention of vehicle parking spaces; EV charging; cycle parking facilities; measures to prevent surface water discharge onto the highway; provision of roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins etc to be laid out and constructed in accordance with details to be submitted; completion of footways &/or footpaths & carriageways (with the exception of the wearing course) between a dwelling and the adopted highway prior to first occupation of a dwelling; provision & maintenance of the visibility splays shown with no obstructions over 1.05m above carriageway levels; offsite highway improvement works as shown on the plans).

KCC Public Rights of Way and Access Service – application does not affect public rights of way (PROW) but request a contribution to the overall network by improving a short section of public footpath ER242; upgrading an approx. 120m long grassed surface to tarmac (to meet the remaining tarmac surface leading to the recreation ground).

Kent Fire and Rescue Service – confirm means of access for fire and rescue service would be satisfactory subject to the details within the design and access statements being implemented as proposed in the final design. Access roads required to have a minimum width of 3.7m, and no less than 3.1m in width at any pinch point on route so appliances can access the premises and the road base (hard standing) must also meet the minimum weight load capacity requirement for appliances. Emergency access, as required under Building Regulations would need to be established.

Environment Agency – assess the proposal as low risk due to the scale, nature and setting and do not have any specific comments but provide standing advice in relation to groundwater, contamination, drainage and infiltration and discharge of treated sewage.

Kent Downs National Landscape Unit – application site is a proposed housing application in the emerging local plan and Inspectors have not raised an issue with the allocation in their initial findings. NL did not raise an objection to the allocation and have no objection in principle to an appropriately designed scheme. Supports the approach of a mixed species native hedgerow and woodland belt to contain the site from sensitive views, however, are concerned this buffer is not included in the parameter plans and consider this essential. Provide additional advice on relevant

legislation (Levelling-Up and Regeneration Act 2023, Countryside and Rights of Way Act 2000 Section 85), NPPF (paragraph 182) and Kent Downs Management Plan (MMP2, SD8).

Environmental Protection – accept the content of the air quality and noise assessments. Consider a dust management plan is required. Concerned that noise and vibration may be an issue with the development and request this is upgraded to a demolition and construction management plan (to be secured by condition). The contaminated land report is acceptable and demonstrates proposals are likely to be viable in principle, a three part contamination condition (investigation and risk survey, remediation if required and verification report) and condition dealing with any other contamination which may be found is suggested.

KCC County Archaeology – application is accompanied by desk-based assessment which provides reasonable assessment of known archaeology in the vicinity and potential for archaeological remains to be present. Suggests the site has moderate to high potential for prehistoric archaeology and high potential for Romano-British date archaeology. Suggests any archaeology present likely to be of local or regional significance but higher significance cannot be ruled out. A condition for archaeological investigation is recommended.

KCC Strategic Development and Place – request financial contributions in relation to secondary education; special educational needs and disabilities (SEND); community learning and skills; integrated children's services; library, registrations and archives service; adult social care and waste. Request all homes built as wheelchair accessible and adaptable dwellings in accordance with building regs part M 4 (2).

Designing Out Crime Officer – provide guidance in relation to boundary treatments, pavements/shared surfaces, location of parking for natural surveillance, bicycle storage, lighting, door set and window security specifications, trees/hedges and site security.

KCC Flood and Water Management – generally accept principle proposed for infiltration to manage surface water. Initially raised a holding objection, however on receipt of further information, advised this addressed their previous concerns and removed their holding objection. Recommend the imposition of four conditions relating to surface water drainage, verification report and infiltration of surface water.

Southern Water (SW) – can facilitate foul sewerage disposal to service the development; a formal application for connection to the public sewer is required. Guidance is provided on sustainable drainage systems (SuDS) design, management and maintenance and when it will be adopted by SW as well as the drainage details required. Provide advice on the adoption of sewerage systems and when they would be adopted. Technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water. It is possible a sewer deemed to be public could be crossing the site and should any be found, investigation would be required to ascertain its ownership. Request a condition requiring details of surface water drainage and foul sewerage disposal. Further advised the amended plan appears to show the pumping station within 15m of the proposed units, meeting their requirements. Details need to be submitted within a S104 application (separate to this planning application) to finalise details to meet their specifications.

Affinity Water (AW) – site is not within groundwater source protection zone or close to our abstractions. Construction works and operation of the site should be done in accordance with relevant British Standards and Best Management Practices, thereby

significantly reducing groundwater pollution risk. The construction works may exacerbate any existing pollution and if pollution is found then appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (e.g. piling/ implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth which could impact the chalk aquifer (referring to CIRIA publication). Expect the development to include water efficient fixings and fittings and provide advice on measures reducing pressure for abstraction which in turn reduces carbon emissions associated with treating water. Advise the applicant contacts them to discuss asset protection or diversionary measures and regarding supply matters as AW will supply drinking water to the development.

Natural England – initially requested further information required in relation to European designated sites, however subsequently had no objection, considering the development would not have significant adverse impacts on statutorily protected nature conservation sites. Provided advice on protected landscapes (Kent Downs National Landscape and Dover-Folkestone Heritage Coast), relevant legislation and the NPPF as well as sites of special scientific interest impact risk zones and standing advice.

NHS – request a financial contribution of £77,760 (based on 90 units) towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises or new premises.

Planning Policy Team – request financial contributions towards accessible greenspace (if not provided on site), children's equipped play space, natural grass pitches, sports halls and swimming pools.

Senior Natural Environment Officer – ecological appraisal and badger surveys submitted which identify potential for ecological impacts and recommend approaches to mitigation. Initially requested further information in relation to hedgerows H3 and H7, area of grassland and ruderal vegetation which will be impacted by the proposed secondary access to demonstrate the location and route of the western access have been informed with consideration to avoiding and minimising ecological impacts. Off-site badger sett identified and assessed as an outlier sett – queried how detailed the survey was and sought commentary regarding the extent of search area for badger setts and why no badger signs were found on the development site. Additionally, a more detailed badger survey will be necessary, ideally including identification of the main sett, to get a better idea of how many badgers use the landscape, due to concerns that future residents of the development will come into conflict with badgers and measures to minimise this potential may be necessary (the additional survey information can be secured by condition if permission is granted).

Satisfied sufficient ecological information has been provided in respect to other potential ecological impacts. As this is an outline application, updated ecological assessments may be needed to inform the site layout, particularly if the current land uses change.

Advised further consideration needed to the proposed 5m vegetated buffer along the southern and eastern boundaries. Currently hedgerows with gardens beyond. Unclear how the buffer will be landscaped; line of trees indicated but query what will be beneath. Appreciate this is an outline application but uses indicated on the land use plan need to be realistic and achievable. Queried whether line of trees would be within gardens of proposed dwellings or if there would be fencing to gardens creating a corridor and if so, who would be responsible for managing the buffer.

Regarding the indicative layout, it is disappointing one of the areas of open space with proposed habitat creation to contribute to biodiversity net gain is entirely encircled by roads; would be preferable for greater habitat connectivity within the site to be achieved in the final layout if permission is granted. The achievability of the intended habitat condition is also a factor to consider.

Further clarification and justification required in relation to BNG. Intention to delivery 10% BNG on site is supported and further information requested will help to confirm this is feasible and realistic that will deliver an ecologically coherent scheme. Proposed creation of medium distinctiveness habitats is considered to meet the 'significant' threshold requiring management and monitoring to be secured for 30 years which will require a S106 agreement including regular submission of monitoring reports to DDC for scrutiny. Guidance provided on outline applications with proposed phased delivery where a site wide minimum 10% BNG should be achieved with each phase contributing as appropriate (would not support leaving the BNG to the last phases although this is not proposed for this application).

In response to a revised layout plan and further information, advised further information regarding the badger survey had been provided confirming the extent of the survey area. Further survey can be secured by condition if permission is granted (to avoid/minimise potential for construction stage impacts which could be included in a biodiversity method statement condition). Further information was provided regarding the western site access, confirming amending the location would not change the ecological impact as the hedgerows are of a consistent depth and quality, which adequately addresses the previous query and no further information is necessary at this time.

Housing Enabling Officer – Policy compliant level of affordable housing is 30% which is needed and has a demand across the district. Range of unit sizes required for affordable rent and advice provided on housing sizes for certain types of affordable housing. Advice provided on tenure split for the 27 affordable units, although this would need to be agreed under reserved matters. Encourage the developer to contact to discuss mixture of tenure required and identification of a registered provider to acquire and manage the properties.

Third Party Representations: 109 letters of objection have been received and are summarised below:

- Impact on environment and wildlife/biodiversity – DEFRA Countryside Stewardship Agreement Management Area applies to site designated as Countryside Stewardship (Higher Tier) permits land owner to apply for one off loan to maintain, protect, preserve or enhance environment – development does not constitute environmental protection. Scheme has been/is in the process of being superseded by Environmental Land Management Scheme but above criteria is still extant. Skylarks nesting, bats, badgers and protected/rare species, loss of flora and fauna, disruption to local ecosystems, destruction is unnecessary and irreversible, light pollution/loss of dark environment. Contrary to government commitments to environmental sustainability and conservation, inadequate assessment. Loss of trees and replacement with saplings which will take years to establish, loss of hedges. Biodiversity net gain area includes area outside of build area accommodating drainage potentially skewing the calculation, cannot be sure true net gain will be achieved.
- Highways – insufficient road structure for 90 houses and cars, traffic/congestion (and impact of fog), safety, access for emergency services, delivery/farm vehicles, narrow lanes in poor condition, damage to roads, issues with parking, disabled parking/access, school parking/traffic, speeding vehicles (evidenced by survey), width and location of access, concerns regarding changes to junctions (need

pelican crossings in village to ease road crossing and other traffic calming/management measures), construction (including mud on road, dirt/dust, noise, disruption), road calming measures ineffective, on street parking limits visibility and traffic flow, concerns will result in more vehicles using Alexandra Road and Lancaster Avenue to avoid junction, refuse/emergency traffic access along Cauldham Lane (has no footpath with no plans to mitigate this), general lack of footpaths, need to remodel junction to create roundabout, concerns regarding time of day of traffic surveys and not considering cumulative developments, increased need to travel contrary to NPPF and SP1, walk and cycle times do not consider height above sea level from facilities in Folkestone. Unsustainable. No overflow parking on site.

- Infrastructure - insufficient infrastructure, school not built for many more children/full, lack of post office/shop, no doctors surgeries, chemist, dentist, vet, no suggestion of improving utilities, water pressure/supply, drainage, power, limited services, lack of employment in village, public transport is limited resulting in needing cars. Flawed comment from KCC about local education provision and where children are schooled which should include Folkestone or Canterbury, affecting S106. Do not fit criteria of larger village. Loss of pathway during construction. Connections to utilities and construction phasing
- Contrary to local plan, local plan proposed 70 dwellings but this is 90. Scale of development, does not comply with windfall Policy SP4. No economic benefits to village. Outside of settlement. Not needed, village has met and exceeded target number of additional dwellings with existing permissions.
- Previous proposals for site refused, concerns remain valid
- Residential amenity – disturbance, noise, loss of privacy/overlooking, loss of light/overshadowing, dust, pollution, impact on quality of life/wellbeing, home security issues, impact of headlights from access, very small buffer zone between development and existing houses/too close, long walk from nearest bus stop, human rights impacts, sewage/drainage go onto neighbouring driveway which will be on the new road so concerned about access to this.
- Design – two storey houses proposed but property on Capel Street have been declined converting bungalows to two storeys as not in keeping with other properties. Out of character, urbanisation of rural area, overdevelopment of village. Area surrounded by AONB, proposals will negatively affect rationale for this designation and AONB as recognised in LVA. Does not complement architectural styles and landscape of village, area has heritage sites. Inadequate screening from existing dwellings, proposed dwellings should be moved further away. Density too high
- Flooding/drainage, water run off, altering natural landscape and drainage patterns, concerns that flood plain proposed behind existing properties which will affect property value, mortgage and insurance, risk of drowning (why not directly behind new builds instead), concerns regarding maintenance/responsibility of attenuation basins, impact on aquifer/water shortages
- Impact on bridleway crossing site, should be AONB, suggest alternative use of site as pet/human cemetery with woodland
- Loss of agricultural land/crop producing field, need to be more self sufficient in food, greenfield site, ancient farmland, contrary to government policy safeguarding farmland, impact on resources/food provision/resilience. Request submitted to Natural England for site to be designated AONB.
- Not affordable for local people to get on the housing ladder
- No benefits to village, not sustainable, no need, development already planned elsewhere in the district/ should be spread over wider area (uneconomic and unsustainable), should redevelop empty properties/brownfield sites, suggest allotments instead

- If approved for development, why wasn't community involved. Suggest a site visit
- Impact on character of the village, becoming busier, village atmosphere, lasting effect of development/overdevelopment on village, cumulative impacts, almost gated community, reference to development in Hawkinge and Whitfield, crime/anti-social behaviour and scale of development proposed, defined as large village in settlement hierarchy. Would lead to development of neighbouring fields. Should be built on field opposite other new development on the main road in Capel or near Royal Oak with access to main road or brownfield site. Support a retirement village instead due to bus service.
- Profit for Council/developer/landowner, viability, concerns regarding comments from developer at public meeting and SuDS not included. Should be assessed alongside other development in area, not yet completed so impact not known.
- Loss of a view, deterioration of value of property, council tax band should be reduced or compensation (**Officer Note:** these are not material considerations. References have also been made to the loss of greenbelt, however the area does not fall within this designation)
- Concerns regarding design of revised plans (change to roads)

2 representations received neither supporting nor objecting to the proposals

- Traffic/highways, parking, safety, speed limit should be reduced and traffic calming measures/remodelled junction, pedestrian crossings, insufficient parking for proposed dwellings and visitors/works vehicles, should not go ahead until other developments completed and traffic survey carried out
- Design – out of keeping with area (mostly bungalows), would dominate skyline
- Residential amenity – overlooking
- Flooding/drainage, climate change
- Infrastructure – water supply issues and extra demand, increased population putting further strain on facilities
- Wildlife – decrease in wildlife, losing habitats, increase in pests.
- Already large developments at Maxton and Whitfield

1 representation in support has been received

- support a retirement village. Well placed for bus service and those looking to downsize and give up driving

f) 1. The Site and the Proposal

- 1.1 The site relates to a plot of land measuring approximately 4.55ha (identified in Figure 1) on the north east side of Cauldham Lane and to the west of Capel Street, in Capel Le Ferne. The site comprises agricultural land and 11 Capel Street (which would be demolished). The site rises towards the south and is currently accessed informally via Cauldham Lane. The site is largely positioned to the rear of the single, 1 ½ and two storey dwellings fronting Cauldham Lane (to the south) and Capel Street (to the east).
- 1.2 This is an outline application for the erection of up to 90 dwellings with associated parking and infrastructure following demolition of the existing dwelling on Capel Street, with all matters reserved except for access. A design and access statement, as well as indicative plans (site layout plan – Figure 2, block plan, phasing plan, density parameter plan, land use parameter plan, landscape masterplan, surface water drainage strategy) have been submitted which demonstrate how 90 dwellings could be accommodated at the site. These documents include indicative details of the scale and design of dwellings and layout of the site, however as these matters

are reserved, this does not necessarily represent the finalised scheme; such details would be considered as part of a reserved matters application. Other documents, including an air quality assessment, arboricultural impact assessment, biodiversity net gain assessment, ecological appraisal and information on protected species, flood risk assessment, landscape and visual appraisal, land contamination assessment, residential noise assessment, archaeological assessment, planning statement, statement of community involvement, sustainability and energy statement, and transport assessment have been submitted in support of the application and will be addressed throughout this report.

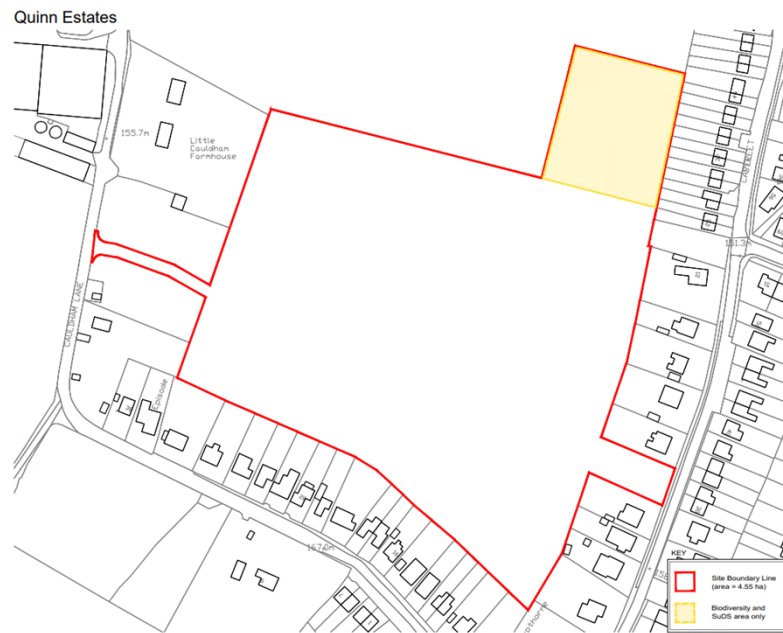


Figure 1. Site Location Plan

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity, countryside and landscape
- Impact on residential amenity
- Other material considerations

Assessment

Principle of Development

2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.

Development Plan

2.3 The Dover District Local Plan to 2040 was adopted in October 2024. Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel

and Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.

2.4 Policy SAP44 identifies the application site as being suitable for residential development with an indicative capacity of approximately 70 dwellings. The Policy sets out that development proposals for the site shall include the following:

- a) Design should take into account the topography of the site, including the relationship with existing residential properties. Development should be set back from the existing residential properties and be sensitively designed to respect the character of the area in relation to scale, form, materials and colour palette and to allow transition to the rural landscape;
- b) An appropriate landscape buffer determined by a Landscape Visual Impact Assessment is required to mitigate the impact of development on the setting of the AONB to the north-west;
- c) Consideration will be to be made regarding the quality and condition of trees and hedgerows within the site. Detailed proposals should aim to protect those of importance and incorporate them in the overall design of the development and to provide opportunities for biodiversity habitat creation and enhancement;
- d) Primary vehicular, pedestrian and cycle access to the site shall be provided from Capel Street. Secondary emergency vehicular access only should be taken from Cauldham Lane;
- e) A site-specific Flood Risk Assessment is required to address the issue of surface water flooding and consider the impacts of climate change over the lifetime of the development;
- f) An Archaeological Assessment for the site must be carried out in accordance with Policy HE3 Archaeology, the results of which should inform the layout and design of the development which is necessary to avoid or minimise harm to any archaeological assets identified through the assessment;
- g) Layout is designed to ensure future access to existing wastewater infrastructure for maintenance and upsizing;
- h) A Transport Assessment is required in accordance with Policy TI2 to identify off-site highway improvements and sustainable transport measures that are necessary to serve the development. The transport assessment must consider and identify mitigation for the Capel Street/Dover Road junction also taking into account the cumulative impact of other sites allocated in this Plan, and review the need for parking restrictions on Capel Street to enable sufficient turning space for service vehicles accessing the site; and
- i) Open space requirements in accordance with Policy PM3 shall be provided. However, due to the location nearby to existing open space infrastructure, off-site contributions to upgrade or enhance those facilities may be sought rather than on-site provision.

2.5 As this is an outline application with all matters apart from access reserved for future consideration, the layout, scale, appearance and landscaping would be considered further at the detailed design stage as part of a reserved matters application if outline planning permission is granted. Notwithstanding this, an indicative site layout plan has been submitted, which, together with the design and access statement, is considered to demonstrate how up to 90 dwellings could be accommodated on the site, whilst providing amenity space, landscaping, drainage and access. In respect of criteria a), whilst the detailed design would be considered at reserved matters stage, the indicative plans demonstrate the site could be arranged to take into account the topography of the site and to set dwellings back from the existing properties. A

landscape buffer is indicated along the northern boundary (discussed further at paragraph 2.10) which would be considered further in the landscaping details at reserved matters stage. Similarly, trees and hedgerows are discussed at paragraph 2.27 and would be considered further under the landscaping reserved matters stage. In accordance with criteria d, primary access would be taken from Capel Street, with a secondary emergency access from Cauldham Lane (discussed further in paragraph 2.17 onwards). A site specific flood risk assessment has been submitted in accordance with criteria e (discussed at paragraph 2.22 onwards). Archaeology is discussed at paragraph 2.33 and in line with Policy HE3, a desk-based assessment has been submitted. Flooding, drainage and the consultation responses of relevant stakeholders in relation to wastewater infrastructure are discussed at paragraph 2.24 and considered to accord with criteria g. Similarly, transport is discussed at paragraph 2.19 and in line with criteria h and Policy TI2, a transport assessment has been submitted. In line with criteria i, open space is discussed at paragraph 2.36, with off-site contributions being sought. It is noted the site boundary includes additional land to the northeast, beyond the site allocation boundary, which would include surface water drainage features.

Impact on Visual Amenity, Countryside and Landscape

- 2.6 The site is located outside of, but within proximity to the Kent Downs National Landscape (previously named Kent Downs Area of Outstanding Natural Beauty (AONB) and still referred to as AONB in the NPPF). The National Landscape (NL) is located to the south of the site (beyond the houses on the opposite side of Cauldham Lane and Cauldham Close), to the west (following the road boundary of Cauldham Lane) and further north.
- 2.7 Regard has been had to the objectives of the Kent Downs AONB Management Plan, NPPF Paragraphs 180 and 182 and the duties of the Countryside and Rights Of Way Act (2000) (as amended by the Levelling Up and Regeneration Act 2023). As this is an outline application with all matters reserved except for access, full details of the design (appearance), layout and scale of the dwellings and landscaping would be submitted at reserved matters stage. Notwithstanding this, indicative plans, which include the indicative site layout plan below (Figure 2), indicating the landscape and green infrastructure proposals have been submitted to demonstrate how the 90 dwellings could be accommodated within the site, with a vehicular access connecting to Capel Street to the east. A Landscape and Visual Appraisal (LVA) has been submitted to assess the likely landscape and visual effects of the proposed development.



Figure 2. Indicative site layout plan

- 2.8 The LVA notes the site is within the North Downs National Character area which forms a chain of chalk hills extending from Surrey and ending at the White Cliffs of Dover and is characterised by traditional small nucleated villages, scattered farms and large houses with timber framing, flint walls and Wealden brick detailing. It also notes the proximity of the NL and the sites' location within the East Kent Downs landscape character area and proximity of public rights of way (PRoW). The LVA assesses the site, considering it does not have any features of high landscape value due to its history as farmland, nor is it linked with any aspects of cultural heritage. The boundaries contain some established vegetation which helps to visually contain the site, although the site is more susceptible to views from the north due to the open boundary. Notwithstanding this, the topography of the area is considered to limit any long views from the south and west. The site is not crossed by any PRoW and does not have features which contribute to the wider purposes of the community or neighbouring NL and as such, is considered to be of limited (low) landscape value, although as a result of the medium susceptibility to the nature of change of the development, the overall site sensitivity is low/medium. Noting the proximity to the NL, the sensitivity of the sites wider setting is considered to be very high. The LVA, which takes into account a number of viewpoints, considers that whilst the development would have an impact on the site itself, due to the volume of surrounding arable land, the significance of the loss of this parcel of land is minimal to the wider landscape character and would not affect the wider field patterns. The proposals would have no impact on the semi-natural habitats associated with the wider landscape character area and the proposed plans indicate more areas of woodland and habitat supporting areas would be created within the site as part of the proposals. The report sets out that it is expected the development could be incorporated into this location without having a significant impact on the characteristics which comprise the wider landscape. Whilst visible from the viewpoints included, it is anticipated the proposed northern boundary planting will look like an extension of the planting to the

west and in the long term, the visual impact of which (including on the NL) would be mitigated by the continued establishment of the boundary treatments (the detail of which would be assessed further as part of the landscaping reserved matters). Due to intervening topography, vegetation and built form, the development is also considered to integrate well within the existing settlement edge and have no adverse effects upon the White Cliffs (Heritage) Coast.

- 2.9 Kent Downs National Landscape Unit have been consulted, advising on relevant legislation, guidance and policies MMP2 and SD8 of their management plan. They advise they did not raise an objection to the proposed allocation and have no objection in principle to an appropriately designed scheme, noting the scheme is in outline only, albeit they have no objection to the proposed uplift with the indicative plans showing how a scheme might be developed incorporating 90 dwellings rather than 70. Noting the requirements of criteria (b) of Policy SAP44, the indicative landscape masterplan proposes a substantial mixed species native hedgerow and woodland belt which will appear as an extension of existing woodland to the northwest; this approach is supported. They raise concerns this buffer is not included in the parameter plans.
- 2.10 As identified, criteria b of Policy SAP44 requires an appropriate landscape buffer to mitigate the impact of development on the setting of the NL. The indicative plans show a landscape buffer to the northwest can be accommodated within the site area. Whilst the above concerns have been raised by Kent Downs NL Unit that the buffer is not within the red line boundary, given that buffer planting would be further addressed under the landscaping details at reserved matters stage and could be accommodated within the site, the proposals are considered acceptable in this respect.
- 2.11 It is considered appropriate to suggest a condition is imposed requiring samples of the external materials to be used in the construction of the dwellings to be submitted for approval in the interests of visual amenity. Having regard to Policy PM1 and noting up to 90 homes are proposed, compared with the indicative capacity of 70 homes in Policy SAP44, the density of the development would be considered further at reserved matters stage, albeit the higher density suggested is not considered to be out of keeping with the wider area as open space is also indicated within the site and higher density is advocated by the NPPF. Subject to further details of the design (to be dealt with at reserved matters stage), based on the indicative plans and design and access statement submitted, it is considered that a reserved matters scheme for up to 90 dwellings could be submitted which would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area, as required by Paragraph 135 of the NPPF and Policy PM1, and could preserve the intrinsic character and beauty of the countryside and wider landscape area (including the setting of the NL), in accordance with the objectives of Policy SAP44, NE2, NPPF Paragraphs 180 and 182, the Kent Downs AONB Management Plan and having regard to the duty of the Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act).

Impact on Residential Amenity

- 2.12 The site is located to the west of Capel Street and north of Cauldham Lane, which contain predominantly detached bungalows or chalet bungalows with rear gardens adjoining the site. Whilst details of the siting, scale and design of the dwellings would be dealt with at reserved matters stage, the design and access statement provides an indicative site layout suggesting how the dwellings could be arranged, as well as areas of landscaping and open space at the site and footpaths. The indicative details

demonstrate that a development of this scale can be delivered in a manner which would ensure that impacts on neighbours can be limited, with no unacceptable loss of light, sense of enclosure or overlooking. At reserved matters stage, the design and scale of the dwellings (as well as any intervening boundary treatments) would be considered to ensure the development would result in no unacceptable harm to privacy or an overbearing impact and would accord with the objectives of Paragraph 135 of the NPPF and objectives of Policies PM1 and PM2.

- 2.13 Environmental Protection (EP) Officers have reviewed the land contamination assessment and residential noise assessment submitted (and regard has been had to NPPF Paragraph 180 and Policies NE4 and PM2). In respect of these reports (and the air quality assessment), EP accept the content of the reports and are of the opinion that a dust management plan is required. They are also concerned that noise and vibration may be an issue so request this is upgraded to a demolition and construction management plan (to be secured by condition). In respect of the land contamination report, they advise the report is acceptable and demonstrates that any development proposals are likely to be viable in principle. They recommend the imposition of a condition relating to contamination (3 part condition for further investigation, remediation if required and verification) and an additional condition dealing with any contamination not previously identified. Subject to these conditions, the development is considered acceptable in this respect.
- 2.14 Detailed guidance on the design of the development and specifications of lighting, doorsets and windows, amongst other matters, is provided by the Designing Out Crime Officer. As the detailed design would be considered further at reserved matters, it is not considered necessary to suggest a condition at this stage.
- 2.15 In respect of the amenity of the occupants, careful consideration would need to be given at reserved matters stage to ensure future occupants of the development would enjoy a high standard of amenity, as set out in Paragraph 135(f) of the NPPF and sought by draft Policy PM2. The Policy requires development to meet the nationally described space standards in terms of internal accommodation and on schemes of 20 or more dwellings, 5% of the development should be built in compliance with Building Regulations Part M4(3) (wheelchair accessible homes) with the remaining development built in compliance with Part M4(2). Other matters, such as provision of secured bicycle storage and refuse/recycling storage would be considered at reserved matters stage, however it is likely there would be sufficient space within the site to satisfactorily accommodate this.

Other Material Considerations

Impact on Travel and Parking

- 2.16 Policy TI1 seeks to secure sustainable transport and maximise sustainable transport modes and a transport statement has been submitted (in accordance with Policy TI2). Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in respect of parking space provision. Policy SAP44 requires the primary vehicular, pedestrian and cycle access to be provided from Capel Street, with only the secondary emergency vehicular access taken from Cauldham Lane (d). The Policy (h) also requires the submission of a transport assessment in accordance with Policy TI2, to identify off-site highway improvements and sustainable transport measures necessary to serve the development (which must consider and identify mitigation for the Capel Street/Dover Road junction, taking into account cumulative impacts of other sites in the plan and review the need for parking restrictions on Capel Street to enable sufficient turning space for service vehicles accessing the site).

- 2.17 During the course of the application, following the consultation responses of KCC Highways and Transportation, amended access details have been submitted and duly advertised. In accordance with SAP44, the main access to the development would be from Capel Street (with 11 Capel Street demolished to facilitate this – noting this is within a 20mph zone). The new access (shown in Figure 4) would allow vehicles to enter and exit at the same time, with tactile paving on either side of the junction to connect to the existing footpath. Double yellow lines would be painted either side of the junction and on the opposite side of Capel Street and four parking bays would be created within the site, near to the junction, to replace the on-street parking that would be lost as a result. A secondary, emergency access would be provided to the northwest onto Cauldham Lane.
- 2.18 Offsite highways works are also proposed, with tactile paving to be provided at the junction of Dover Road and Capel Street and at the junction on the southern side of New Dover Road. Sections of 3m wide shared footway/cycleway would be provided on both sides of New Dover Road (encouraging sustainable modes of transport) and the pedestrian refuge island in the middle of the road would be shifted 5m east to provide additional length for vehicles turning right into Capel Street from New Dover Road (see figure 5 below).

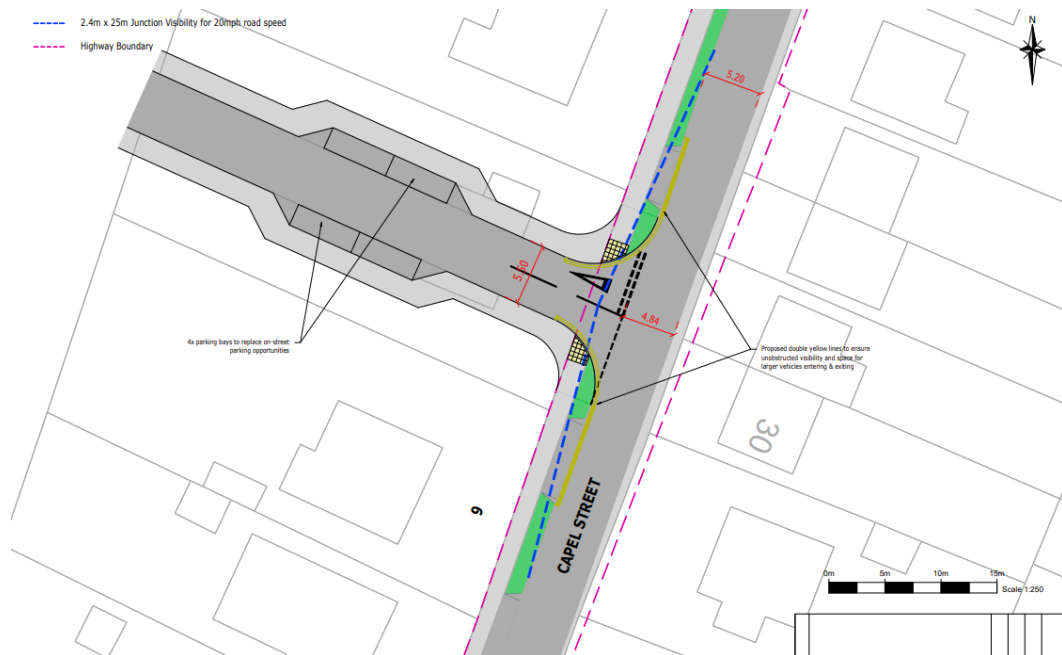


Figure 4. Proposed site access arrangement

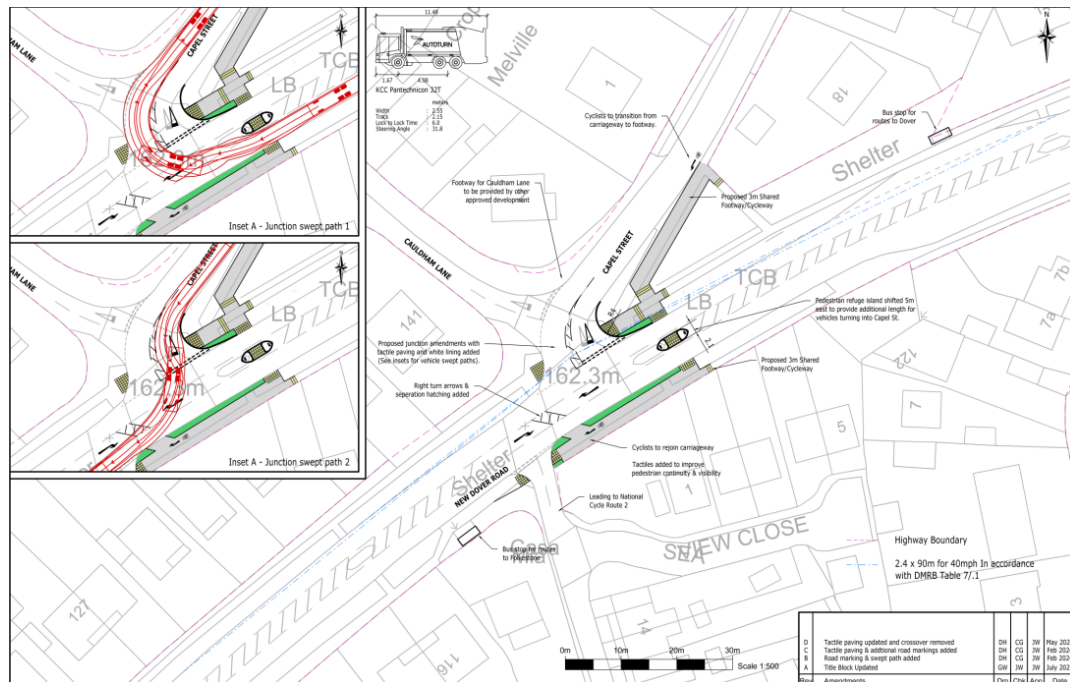


Figure 5. Proposed off-site highways works

2.19 The transport statement submitted considers the impact on highways (including road safety), as well as access for pedestrians and cyclists, other planned highways works in the vicinity and access to public transport and services. A classified traffic count was undertaken in 2019. It is noted traffic data has been provided by the Parish Council as part of their representation. Concerns have been raised in representations about the number of vehicles that would be generated by the development, the cumulative impacts of development and school traffic and the speed of vehicles, amongst other matters which are summarised in the representations section of this report.

2.20 KCC Highways and Transportation have reviewed this information, raising no objection. The transport assessment (TA) confirms the secondary emergency access to the west would be used by emergency vehicles in the event of an incident making the main access unusable and would be blocked by droppable bollards. In respect of traffic generation, the projected levels (based on TRICS data) result in a combined two-way trip generation of 46 movements in the AM traffic peak (15 arrivals and 32 departures) and a combined two-way trip generation of 51 movements in the PM traffic peak (33 arrivals and 18 departures). To inform the supporting junction assessment a traffic survey was carried out at the New Dover Road/ Capel Street/ Cauldham Lane junction which included a vehicle count and direction of travel. The traffic from the proposal site, plus the surveyed existing traffic, other approved developments in the area and background traffic growth to the year 2029 has all been combined to test the operation of the Capel Street junction with New Dover Road. KCC Highways advise that the Capel Street junction with New Dover Road would still operate well within capacity and although the proposed development would uplift vehicle movements in the immediate area, it's impact cannot be considered severe in nature and as such the traffic impact does not warrant a recommendation of refusal. Consequently, they have no objection provided that the following matters are secured by condition or planning obligation:

- Highways condition surveys (including photos for highway access routes to the site from A20 and inclusive of the junction between the

A20 and Capel Street, footways and verges in the vicinity of the site to capture any damage caused by deliveries or site personnel) before and after construction of the development with a commitment to fund the repair of any damage caused by vehicles related to the development.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement and for the duration of construction
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction and details of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway
- Provision and permanent retention of the vehicle parking spaces prior to the use of the site commencing in accordance with details to be submitted
- EV charging specification
- Provision and permanent retention of secure covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted.
- Provision of measures to prevent the discharge of surface water onto the highway
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted
- Completion of the footways and/or footpaths (with the exception of the wearing course) and carriageways (with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any) between a dwelling and the adopted highway prior to first occupation of the dwelling
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05m above carriageway level within the splays, prior to the use of the site commencing
- Offsite highway improvements as shown on the plans, to be completed prior to first occupation.

With the exception of EV charging (which is a requirement under building regulations), and highway condition surveys (given the highway is open to traffic and delivery lorries can lawfully use the highway without restriction, whilst damage could be caused by other lorries/vehicles using the road during construction) these conditions are considered reasonable, noting that further details of parking and cycle storage provision would be submitted at reserved matters stage. A condition is also suggested for details of the bollards or means of enclosure for the secondary emergency access to Cauldham Lane to the northwest to be submitted. Subject to this, the development is not considered to result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network, having had regard to NPPF Paragraph 115, and could accord with the objectives of parts d and h of Policy SAP44 and Policies TI1, TI2 and TI3.

- 2.21 Kent Fire and Rescue Service have also been consulted, confirming that the means of access for fire and rescue service would be satisfactory subject to the details listed

within the design and access statements being proposed in the final design. Fire service access is a requirement under Building Regulations.

Impact on Flood Risk/Drainage, Trees and Ecology

- 2.22 The site is located in flood zone 1 which has the lowest risk from flooding and part of the site is within groundwater source protection zone 3 (subject to Policy NE5). A flood risk assessment has been submitted in support of the application (in accordance with Policy SAP44 e and CC5), assessing the likelihood of flooding from a range of sources. The site passes the sequential test (carried out to inform the local plan), being in an area with the lowest probability of flooding and the residential use is considered to be appropriate, such that there is no requirement for the exception test.
- 2.23 The report contains a preliminary surface water drainage strategy, incorporating sustainable urban drainage systems (SuDS) to manage the increase in run-off from the site over the lifetime of the development, such that it will not place existing or proposed properties at risk of surface water flooding. Overall, the flood risk to the proposed development and surrounding area because of the development is therefore considered to be low and no specific flood risk management measures (other than routine maintenance) will be required.
- 2.24 KCC Flood and Water Management have been consulted, initially recommending a holding objection, however removing this upon receipt of further information. They recommend conditions are imposed requiring the reserved matters to demonstrate the requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout; for a detailed sustainable surface water drainage scheme (based upon the FRA) to be submitted prior to commencement; for a verification report to be submitted pertaining to the approved surface water drainage system; and requiring that where infiltration is to be used to manage the surface water from the development, it is only allowed within the parts of the site where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability. The Environment Agency have assessed the application as low risk and refer to their standing advice in relation to groundwater protection, land contamination risk management and good practice, drainage and infiltration, and discharge of treated sewage effluent. This information, together with their guidance on non-planning consents which may be required, would be included as an informative if permission is granted.
- 2.25 It is noted that public representations raise concerns in respect of water pressure; a matter dealt with under building regulations and by the supplier. Affinity Water have been consulted, advising the proposed development site is not within a groundwater source protection zone (SPZ) or close to their abstractions, however providing advice on the potential for contamination from construction works, water efficiency and infrastructure connections and diversions, advising the applicant contacts them regarding supply matters due to the increased demand for water in the area; this information would be included as an informative if permission is granted. Southern Water (SW) have also been consulted, providing advice on the design and adoption of sustainable drainage systems (SuDS) and sewerage systems and other agreements required directly with SW, particularly if the on-site drainage is to be adopted by SW. They are able to facilitate foul sewerage disposal to service the development and based on their comments, it is considered appropriate to impose a condition requiring details of the proposed means of foul sewerage and surface water disposal to be submitted by condition.

- 2.26 Subject to the imposition of the conditions suggested above, informatives (and submission of further details which could be dealt with at the reserved matters stage), the development is considered to be acceptable, having had regard to the objectives of the NPPF and Policies SAP44(e and g), NE5, CC5 and CC6.
- 2.27 An arboricultural impact assessment has been submitted, identifying 26 individual trees, 10 groups of trees/scrub, an agricultural hedgerow and 3 domestic hedgerows, as well as other trees and woodland within influence of the development. Whilst the application is in outline and therefore the layout is not fixed, the assessment considers how the development will potentially interact with retained trees. The report identifies the requirement for removal of a single low-quality tree, a collection of ornamental shrubs/trees, the partial clearance of a group of trees and the partial removal of three hedges, which are of low arboricultural value. Apart from these, which are required to facilitate the access to the site, it is envisaged that all other trees can be retained and integrated within the proposed scheme. The report includes measures for the safeguarding of trees and it is considered this could be addressed further at reserved matters stage when landscaping details are submitted. Furthermore, the provision of new tree planting (in light of the requirements of Policy CC8), would be considered in the assessment of the detailed design at reserved matters stage. Consequently, it is considered the development could accord with the objectives of policies SP13, CC8 and SAP44.
- 2.28 A biodiversity net gain (BNG) assessment and ecological appraisal have been submitted in support of the application, considering impacts on bats, wintering birds, badgers and great crested newts, as well as statutory designated sites nearby and priority habitats and any necessary mitigations. Following consultation with the Senior Natural Environment Officer (SNEO), a technical note was also submitted providing further information.
- 2.29 The SNEO has advised further surveys for badgers (identified off-site) can be secured by condition if permission is granted which would avoid/minimise potential for construction-stage impacts and can be included in a biodiversity method statement condition. In respect of hedgerow in the area of the secondary emergency access to the west of the site, the SNEO is satisfied no further information is necessary as amending the access location would not change the assessed ecological impact as the hedgerows are of a consistent depth and quality. In terms of the indicative layout and vegetated buffer adjacent to the existing properties surrounding the site, the technical note confirms the expectation is for the buffer area to comprise a wide hedgerow along with a management corridor, located outside of the property boundaries and under the control of a management company. The detailed landscaping and layout proposals would be required at reserved matters stage. The Ecological Appraisal states that *"The proposals incorporate the retention of the majority of the hedgerows within the site, with the only losses occurring for access (small sections of H3, H5 and H7)"*. This intention to retain and enhance existing hedgerow is in accordance with Policy SP14.
- 2.30 In respect of the indicative open space shown, the SNEO considers the revised layout (which was subject to consultation and re-advertisement), has improved the open space area. Whilst this is still separated from the northern open space land by an access road, measures are suggested that could provide wildlife connectivity (such as dropped kerbs, narrowing of the road, installation of a wildlife culvert beneath the road). If the detailed layout submitted for reserved matters includes an isolated area of open space, it is expected that wildlife connectivity measures will be incorporated into the proposals. Whilst it is suggested this could be secured by condition, given

these details would be assessed at reserved matters stage (where a different layout may be proposed), it is not considered necessary to impose a condition at this stage.

- 2.31 In respect of biodiversity net gain (BNG), the SNEO considers sufficient information has been provided to conclude that the applicants intention to deliver the mandatory 10% BNG onsite is achievable in principle. Greater detail, particularly with regards to the identification of the SuDS swale as 'other neutral grassland', will be required in order to discharge the general biodiversity condition, with the submission of the Biodiversity Gain Plan and supporting documents. Although in outline form, the proposed creation of medium distinctiveness habitats is considered to meet the 'significant' threshold, requiring management and monitoring to be secured for 30 years. The implementation of the BNG habitat creation and subsequent long-term management and monitoring, including regular submission of monitoring reports to DDC for scrutiny would be secured through legal agreement and conditions. Conditions are suggested for a biodiversity method statement (for the protection of biodiversity include but not limited to bats, badgers, reptiles, nesting birds, hedgehogs and brown hares during site, vegetation clearance and construction works, to be informed by up-to-date ecological surveys if necessary), and for the submission of a scheme of bat-sensitive lighting to be submitted for approval, as well as conditions in relation to BNG (to secure the provision of a minimum of 10% BNG, management and monitoring). Subject to these conditions, the development is considered to be acceptable, having had regard to the NPPF and objectives of Policies SP13, SP14, NE1 and NE2.
- 2.32 Natural England have been consulted on the proposals, initially requesting further information but subsequently raising no objection. In line with their comments, having had regard to The Conservation Of Habitats And Species Regulations 2017, it is considered the development will not have significant adverse impacts on statutorily protected nature conservation sites, noting that the site lies outside the 9km zone of influence of the Thanet Coast and Sandwich Bay Special Protection Area and contributions towards the mitigation and monitoring strategy identified in Policy NE3 would not be required as a result.

Archaeology

- 2.33 In line with the objectives of NPPF Paragraph 200 and Policies HE3 and SAP44 (f), a desk base archaeological assessment has been submitted, which considers the archaeological potential of the site. This has been subject to consultation with KCC County Archaeology, who advise it is possible the development might impact buried archaeological remains, particularly of later Prehistoric or Romano-British date. Accordingly, they recommend the imposition of a condition to secure archaeological investigations; archaeological field evaluation works in accordance with a written specification and timetable and any safeguarding measures required as a result to ensure perseverance in situ of important archaeological remains and/or further archaeological investigation and recording. Subject to the imposition of this suggested condition, the development is considered to be acceptable in respect of draft Policy HE3.

Contributions, Open Space and Other Matters

- 2.34 As set out above, 30% affordable housing (AH) is proposed in accordance with Policy SP5, with the siting and mix of units to be established at reserved matters stage (to accord with Policy H1). The Affordable Housing team have been consulted, advising there is a need and demand for AH across the district and a policy compliant level is 30%. A range of unit sizes are required, and they encourage the developer to contact

the team to discuss the identification of a registered provider to acquire and manage these properties. If permission is granted, a legal agreement would be required to secure the provision of affordable housing, with further details of this to be considered at reserved matters stage and as part of the legal agreement.

- 2.35 Policy SP11 seeks to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district. KCC have requested that, in order to meet the needs generated by the development, contributions are required to deliver education, community learning, youth service, library services, social care and waste services. No request has been received for primary education. Kent and Medway NHS has requested a contribution towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.
- 2.36 Policies PM3 and SAP44 i) require that open space facilities are provided and a request for contributions has been received from the planning policy team (also in respect of Policy PM4). These contributions are towards improvements and/or maintenance to facilities at Lancaster Avenue open space (if accessible greenspace is not secured on site through reserved matters), for improvements and/or maintenance to facilities at Lancaster Avenue play area and open space (in respect of Children's Equipped Play Space, Natural Grass Pitches contribution amount and Sports Halls contribution amount), and towards the Tides Leisure Centre project for a new swimming pool. The agent has confirmed that the applicant will meet the cost of such infrastructure, as necessary, to be secured within a legal agreement (which would also secure off-site highway works).

Matter	Contribution
Secondary Education	£5,329.27 per applicable house £1,332.32 per applicable flat
Special Educational Needs & Disabilities (SEND)	£559.83 per applicable house £139.96 per applicable flat
Community Learning and Skills	£34.21 per dwelling
Integrated Children's Services	£74.05 per dwelling
Library, Registrations and Archives Service	£62.63 per dwelling
Adult Social Care	£180.88 per dwelling
Waste	£52.00 per dwelling
Accessible Greenspace	£9,169.30 (total for 90 units)
Children's Equipped Play Space	£38,381.59 (total for 90 units)
Natural Grass Pitches	£28,502 (total for 90 units)
Sports Halls	£46,327 (total for 90 units)
Swimming Pools	£50,951 (total for 90 units)
NHS Kent & Medway	£77,760 (total for 90 units)

- 2.37 KCC Public Rights of Way and Access Service (PRoW) advise the proposals do not affect any public rights of way, however request that a contribution to the overall network is made by improving a short section of public footpath ER242 (which runs between the junction of Capel Street and Alexandra Road, to Lancaster Avenue (opposite the village hall and recreation ground). An approximately 120m section of this footpath has a grass surface, which they suggest is upgraded to tarmac (in line with the rest of the footpath). Given residents of the development, as well as existing residents, could use this route to access the village hall and recreation ground (which includes sports pitches and play area), this request is considered to be reasonable and has been agreed by the applicant.
- 2.38 In addition to the above public benefits (securing affordable housing and S106 contributions to be spent in the local economy), there would be construction jobs during the construction of the development and it is envisaged there would be biodiversity improvements from the proposed planting and that the development would incorporate sustainable design principles (such as energy efficiency measures, green infrastructure and SuDS) helping to minimise energy consumption and promote sustainable water management. Accordingly, a sustainability and energy statement has been submitted in support of the application in line with the objectives of Policy CC2 (and also having regard to the objectives of Policies SP1, CC1, CC4, CC5, CC6 and CC8). This suggests a number of measures, such as encouraging sustainable transport, minimising internal water consumption, incorporating low-impact materials, minimising waste production during construction, incorporating measures to improve site biodiversity, minimising energy demand through the specification of low U-values low air permeability and low thermal bridging to reduce heat loss, utilising electric only systems such as air source heat pumps and renewable technology such as rooftop photovoltaic panels, where achievable. Given the proposals are in outline at this stage, these matters would be considered further at the detailed reserved matters stage if permission is granted.

3. **Conclusion**

- 3.1 The site is allocated for development within the recently adopted Local Plan under Policy SAP 44. Indicative plans have been submitted showing how the 90 dwellings could be accommodated at the site, however as this is an outline application dealing only with access, the precise layout and arrangement of the dwellings would be considered further at reserved matters stage. The sustainability of the site, noting its' proximity to public transport and facilities and services available in nearby settlements, has been considered acceptable in allocating the site for development (with a strategic assessment carried out as part of the local plan process).
- 3.2 The application is for up to 90 dwellings, 30% of which would be affordable housing. Further public benefits would include construction jobs during the construction of the development and the Section 106 contributions to be spent in the local economy. At this outline application stage, matters such as appearance, landscaping, layout and scale are reserved. Notwithstanding this, it is considered that based on the indicative information provided and subject to the detailed design of the development, up to 90 dwellings could be accommodated at the site in such a way that would preserve the character and appearance of the street scene, countryside and landscape (including the setting of the Kent Downs National Landscape) and that would have an acceptable impact on residential amenity and other material considerations addressed in this report, having regard to relevant Local Plan Policies, the objectives of the NPPF and Kent Downs AONB Management Plan (and duties of the Countryside and Rights Of Way Act 2000 (as amended)).

g) Recommendation

- I OUTLINE PERMISSION BE GRANTED subject to completion of a S106 legal agreement to secure the required contributions and conditions:
- (1) approval of the reserved matters
 - (2) time condition
 - (3) list of approved plans
 - (4) samples of materials
 - (5) archaeological works
 - (6) demolition construction management plan
 - (7) 3 part contamination condition (investigation, remediation and verification)
 - (8) unexpected land contamination
 - (9) biodiversity method statement
 - (10) bat sensitive external lighting strategy
 - (11) construction vehicle loading/unloading and turning facilities
 - (12) parking facilities for site personnel and visitors
 - (13) wheel washing facilities and contingency protocol
 - (14) details of car parking to be submitted at Reserved Matters stage
 - (15) details of cycle parking to be submitted at Reserved Matters stage
 - (16) measures preventing surface water discharge onto the highway
 - (17) the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
 - (18) provision of footpaths and footways (with the exception of the wearing course) and carriageways (with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any) between the dwelling and adopted highway.
 - (19) provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
 - (20) completion of offsite highway works prior to occupation
 - (21) reserved matters for layout demonstrating requirements for surface water drainage for all rainfall durations and intensities can be accommodated
 - (22) sustainable surface water drainage scheme
 - (23) verification report pertaining to the surface water drainage system
 - (24) restricting infiltration of surface water drainage into the ground
 - (25) details of foul sewage disposal
 - (26) biodiversity gain plan to demonstrate at least 10% net gain
 - (27) submission of biodiversity gain plan
 - (28) habitat management and monitoring plan
 - (29) notice when the habitat management and monitoring plan has been implemented and when the habitat creation and enhancement works are completed
 - (30) completion report for habitat enhancements
 - (31) monitoring reports pertaining to BNG
 - (32) details of bollards/means of enclosure for the secondary emergency access to Cauldham Lane
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, legal agreements and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan