



AUGUST 2023

# Planning Statement

Land east of Church Lane, Lydden

Iceni Projects Limited on behalf of  
Quinn Estates

August 2023

ICENI PROJECTS LIMITED  
ON BEHALF OF QUINN  
ESTATES

## Iceni Projects

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

Edinburgh: 11 Alva Street, Edinburgh, EH2 4PH

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

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

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

t: 020 3640 8508 | w: [iceniprojects.com](https://iceniprojects.com) | e: [mail@iceniprojects.com](mailto:mail@iceniprojects.com)

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

Planning Statement  
LAND EAST OF CHURCH LANE, LYDDEN



---

## CONTENTS

1.	INTRODUCTION .....	1
2.	APPLICATION SITE AND BACKGROUND .....	3
3.	PROPOSED DEVELOPMENT .....	8
4.	PLANNING POLICY .....	11
5.	PLANNING ANALYSIS .....	24
6.	SUSTAINABLE DEVELOPMENT AND SCHEME BENEFITS .....	33
7.	PLANNING BALANCE AND CONCLUSION .....	35

## APPENDICES

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

APPENDIX 2 - DOVER DLP REG 19 REPRESENTATIONS IN RESPECT OF  
SAP47

---

## 1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Iceni Projects Limited ('Iceni') on behalf of Quinn Estates ("the Applicant") in support of a planning application for a residential development at Land east of Church Lane, Lydden ('the site').
- 1.2 This application is submitted in outline with all matters reserved for future consideration, except access. The proposed description of development is as follows:

*Outline proposal for the erection of up to 23 dwellings including affordable housing together with associated parking, infrastructure and open space; with all matters reserved except access.*

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

- The provision of up to 23 high quality dwellings;
- A valuable provision of new affordable opportunities, such as First Homes, within a settlement where limited opportunities for this form of tenure presently exist;
- On-site ecology enhancements which will provide conservation species with new opportunities for habitat creation, foraging and movement;
- A new area of public open space designed to be shared by new and existing residents within the settlement; and
- A scheme which is fully aligned with the Economic, Social and Environmental pillars of the NPPF.

### Submission Documents

---

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

Document title	Author
Site Location Plan	Clague Architects

---

<b>Document title</b>	<b>Author</b>
Indicative Masterplan	Clague Architects
Parameter Plans	Clague Architects
Design and Access Statement	Clague Architects
Landscape Strategy	Aspect Landscape Planning
Heritage Statement	Iceni Projects
Flood Risk Assessment Including Surface and Foul Water Drainage Strategies	GTA
Transport Assessment	Charles and Associates
Ecological Appraisal	Aspect Ecology
Arboricultural Impact Assessment	Aspect Arboriculture
Landscape and Visual Impact Assessment	Aspect Landscape Planning
Noise Assessment	Entran
Air Quality Assessment	Entran
Sustainability & Energy Statement	Iceni Projects
Geo-environmental Assessment	Idom
Archaeological Desk-based Assessment	Iceni Projects

---

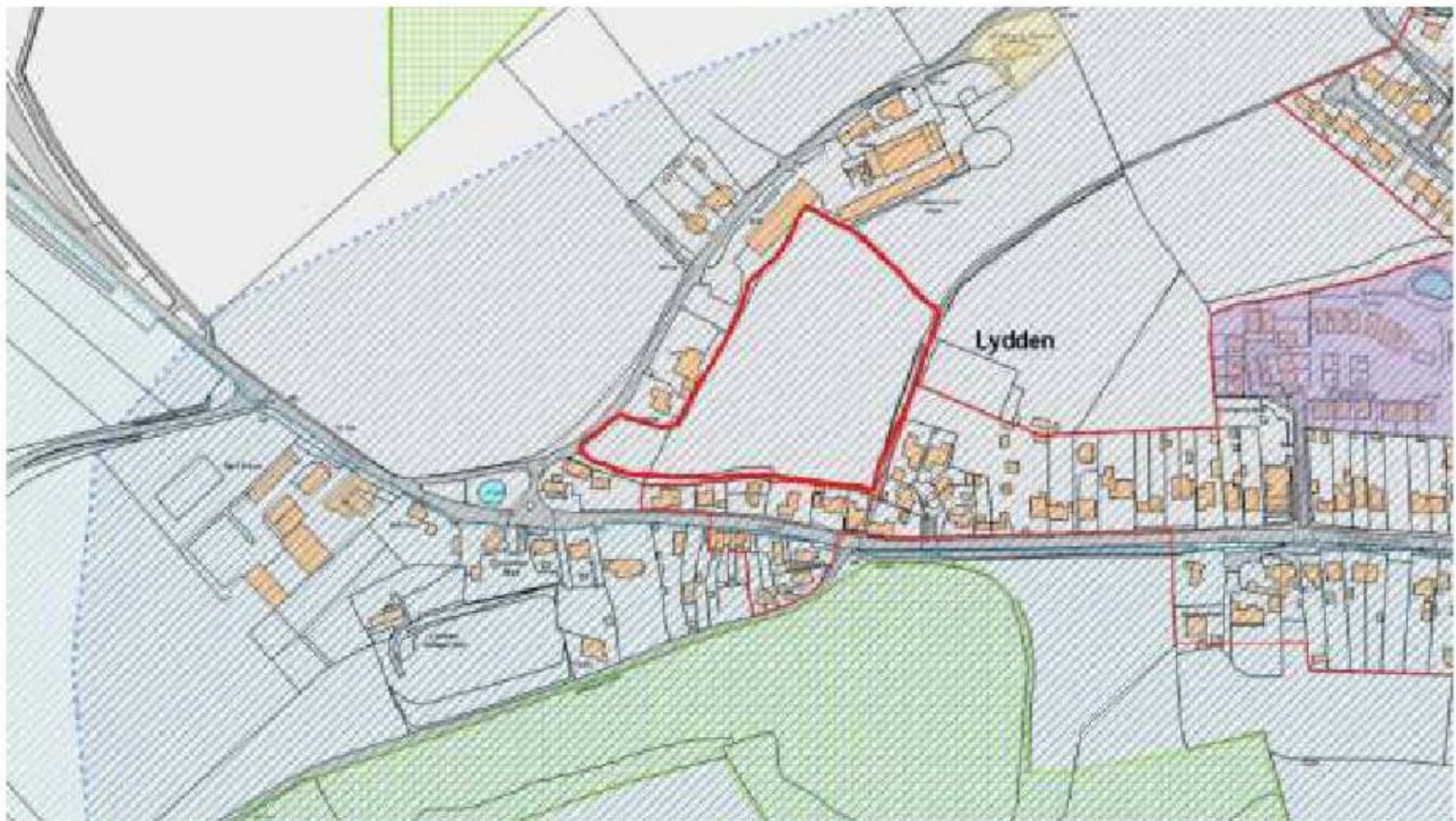
## 2. APPLICATION SITE AND BACKGROUND

### Site Description

---

- 2.1 The Site is located to the east of Church Lane, to the western edge of Lydden, and is approximately 1.77 ha in size.
- 2.2 The site accommodates agricultural land with no buildings, in addition to hedgerows and trees. The land is divided between one large open grassland field and a smaller field forming part of the residential curtilage of a residential dwelling ('Glebelands'). The site has frontages to Church Lane of approximately 41 meters and has a single vehicle access point from this lane.
- 2.3 The site is allocated within the Draft Dover District Local Plan for the development of 30 dwellings and is also located within a Groundwater Source Protection Area (Zone 2) and the Dover & Folkestone Cliffs & Downs Biodiversity Opportunity Area, but is not subject to any statutory ecological designations. The Kent Downs AONB is located to the south of the site beyond the residential dwellings fronting onto Canterbury Road.

Figure 2.2 – Local Plan Designations

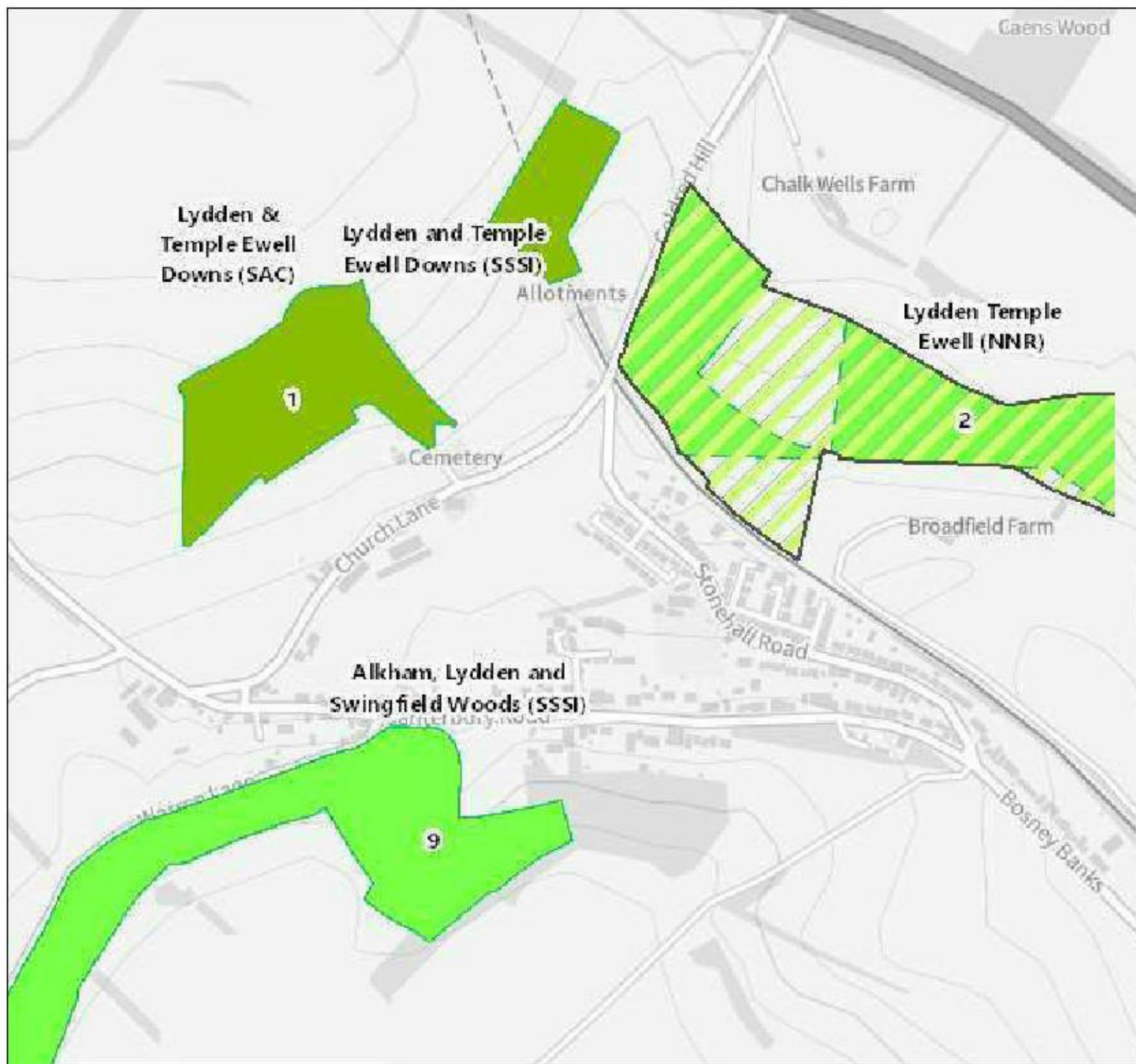


Source: Dover Core Strategy (adopted in 2010)

- 2.4 The site does not contain any listed heritage assets, nor is it located within a Conservation Area. Two listed assets lie to the north of the site; Lydden Court Farmhouse (Grade II), and the St Mary the Virgin Church (Grade II\*). A small amount of the site is also situated within an area of archaeological potential, owing to the Roman road which runs past the southern boundary of the site.

- 2.5 There are no statutory or non-statutory designated sites of nature conservation interest within or directly adjacent to the application site. A group of trees to the eastern boundary of the site are covered by Tree Preservation Order TPO/22/00001. The site is located within proximity to the Lydden and Temple Downs SAC, SSSI and NNR, in addition to the Alkham, Lydden and Swingfield Woods SSSI (outlined below).

**Figure 2.3 – Ecological Designations**



Source: MAGIC Maps

- 2.6 The site is located at the foot of a small valley and slopes upwards to the south. According to the National Flood Map for Planning, the site is located entirely within Flood Zone 1.
- 2.7 A Public Right of Way (PRoW) runs along the eastern boundary of the site and across the back of Lydden Court Farm towards the Church of St Mary further north.

---

## **Site Context**

---

- 2.8 The site is nestled within the settlement of Lydden, adjoining its settlement boundary and being surrounded by development on three sides. Lydden Court Farm, including the Farmhouse, outbuildings and open fields which front onto Church Lane lie to the north. Residential properties fronting onto Canterbury are to the east. In the south, the site is bound by further residential properties fronting onto Canterbury Road, whilst to the west are open 2 agricultural fields. The Lydden and Temple Ewell Downs SAC is located further to the north west.
- 2.9 The wider settlement of Lydden is situated within a rural context, being surrounded by agricultural fields beyond its settlement boundary in all directions. The settlement straddles Canterbury Road, which provides rapid access to a number of larger settlements including Temple Ewell and Dover. Westwards, residents can take the Lydden Hill road which adjoins the A2, enabling swift access to broader areas of Kent.

## **Lydden**

---

- 2.10 Lydden is a small but sustainable settlement located in the south of Dover. Policy CP1 of the Local Plan classifies Lydden as a 'Village', however, the draft local plan which has recently been submitted to examination promotes Lydden to a 'Large Village' by virtue of its excellent sustainability credentials (this is covered in Section 3 below). Many local services and facilities can be reached on foot in less than 15 minutes, including:
- Bus Stop outside the Lydden Bell (1 minute walking distance);
  - Lydden Bell Public House (1 minute walking distance);
  - Lydden Garage Vehicle Repair Shop (1 minute walking distance);
  - Lydden Village Hall (2 minute walking distance);
  - Lydden Recreational Field (2 minute walking distance);
  - Church of St Mary the Virgin (4 minutes walking distance);
  - Lydden Surgery GP (7 minutes walking distance);
  - Lydden Primary School and Childcare (7 minutes walking distance via PRow 0163/ER115/1)
- 2.11 There are also a number of industrial/commercial sites within close walking distance, providing residents with a local source of work. For residents that work in other sectors, there are regular bus services that provide residents with quick access to the coastal town of Dover and Canterbury:

- Number 15: Dover/Canterbury, several times per day
- Number 88: Dover/Sandwich school bus, once per day
- Number 96A: Dover/Chillenden school bus, once per day
- Number 981: Dover/Aylesham school bus, once per day

2.12 The Site is therefore in a highly sustainable location for appropriate residential expansion, with a large array of infrastructure to support the proposed development which would allow new residents to go about their daily lives without dependence on motor transport.

Figure 2.4 – Bus Routes



Figure 3.1 Map Illustrating District Settlement Hierarchy

Source: Dover District Core Strategy 2010, Figure 3.1

## Planning History

2.13 The site is not subject to any previous planning applications. In terms of noteworthy applications close to the site, a parcel of land to the east was granted planning permission for the erection of a single detached office building (app ref. 22/00924). The last residential development to occur in

---

Lydden was granted in 2016 at Land Rear Of 114 Canterbury Road (app ref. 15/01184), for the development of 31 dwellings. Overall, this demonstrates that development in this location has generally been supported by the Council and is not considered particularly sensitive.

#### **Pre-Application Discussions and Public Consultation**

---

- 2.14 The development potential of the site has been considered through the Dover Local Plan Review, having been submitted through the Council's call for sites. The site has been identified in Regulation 18 and Regulation 19 versions of the Plan as a suitable site for residential development, with the yield being reduced from 50 dwellings during the evolution of the Plan to "around 30" dwellings. This was in response to Quinn's submissions, which recommended the yield be reduced to respond to the market opportunity. Subsequently, the applicant has been able to work the scheme so that it makes better use of land and increase the maximum number of homes to 45, closer to that originally sought by the Council when allocating the site at Regulation 18 stage.

### 3. PROPOSED DEVELOPMENT

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

*Outline proposal for the erection of up to 23 dwellings including affordable housing together with associated parking, infrastructure and open space; with all matters reserved except access.*

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



Source: Clague Architects

- 3.3 The indicative layout is the result of an iterative masterplanning process that has been undertaken over the evolution of the Local Plan process. The scheme has evolved through its promotion in the various call for sites and local plan consultations that have taken place over the years. Principally, the scheme adheres to the Policy SAP47 of the Draft Dover Local Plan, which seeks to allocate the site for residential development.

---

### **Sustainability and Energy**

---

- 3.4 The proposed development will adopt a range of environmentally-friendly practices to ensure it aligns with the Council's vision and the growing importance of the climate change agenda. This includes using low-impact materials following the BRE Green Guide to Specification, minimising internal water consumption, enhancing site biodiversity with biodiverse planting, and reducing air, noise, light, and water pollution. During construction, efforts will be made to minimise waste production and divert waste from landfill. Energy efficiency will be prioritised by specifying low U-values, low air permeability, and low thermal bridging to minimize heat loss. The development will be fossil fuel-free, relying on electric-only systems like air source heat pumps (ASHPs) for space and water heating, and renewable technology such as rooftop photovoltaic (PV) panels to provide renewable electricity.

### **Affordable Housing**

---

- 3.5 The scheme will deliver 7 of the total 23 units as affordable housing, making up 30.4% of the overall tenure. The indicative mix is distributed between 3 x 3-bedroom dwellings, and 4 x 2 bedroom dwellings.

### **Vehicular, Cycle and Pedestrian Access**

---

- 3.6 The details of access are to be secured as part of this application. The development will be served by a singular dedicated access from Church lane which will achieve appropriate visibility to allow users to exit and enter the site safely. In accordance with draft allocation SAP47, the new access will physically prevent access from and egress onto Church Lane (North).
- 3.7 The proposed development will accommodate adequate car parking, cycle storage, and EV charging points for sustainable transportation options. The site's access layout can accommodate standard refuse collection vehicles.

### **Landscaping Strategy and Flood Risk Mitigation**

---

- 3.8 The landscaping strategy seeks to preserve a significant portion of the Site as open space to facilitate drainage, enhance the development's surroundings, and increase biodiversity in the area. To reinforce the field boundaries, native hedgerow species will be planted, along with introducing habitat characteristic of a dry chalk valley.
- 3.9 Within the open space, a mown circular pathway will be provided, offering seating along the route. The open space will primarily consist of wildflower species typical of a chalk valley habitat, with isolated islands of scrub and tree planting providing shelter for wildlife. The boundary planting will incorporate various chalk land species, including disease-resistant ash, oak, hornbeam, beech, yew, birch, and holly, with an understorey of hedgerow species such as hawthorn and blackthorn. Existing

---

boundary vegetation will be retained and supplemented as needed, complementing the existing field boundaries and protected woodland in the surrounding area.

- 3.10 Throughout the development, new tree planting will be implemented as street trees and in parking areas to soften building outlines and integrate the development into the village setting, where trees play a vital role in the village character. The planting strategy within the development will prioritize native species, complemented by ornamental shrub species for year-round interest. Hedges will define front gardens and open spaces, while ornamental shrubs will be used to provide seasonal appeal.
- 3.11 The landscape strategy aims to establish a cohesive plan that harmonises the Proposed Development with existing vegetation and planting in the immediate context and setting of the Site. This green strategy contributes to the Site's sustainability and creates a high-quality development that complements its landscaped surroundings.

---

## 4. PLANNING POLICY

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

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

4.2 Other material considerations include:

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

### **Dover District Local Development Framework Core Strategy (adopted 2010)**

---

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

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

4.5 As demonstrated in the Section 2, Lydden is (1) a highly sustainable settlement for its size, (2) is not affected by designations nor is seen to be a contentious location for development, and (3) is well located with respect to larger settlements and national vehicular transport routes.

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

Figure 4.1 – Adopted Policy Allocations



Source: Dover Core Strategy (adopted in 2010)

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

Table 4.1 Relevant Local Plan Policies

Policy Number	Policy Synopsis
Policy CP1	<b><u>Settlement Hierarchy</u></b> This policy sets out the development strategy for the District through a hierarchy of development locations. There are six tiers of settlements, by virtue of the sustainability and size of the settlement. Lydden is classed as a 'Village', or a tier 5 settlement, by virtue of this policy. The guidance to Policy CP1 (para 3.12) states that villages should receive a proportionate level of development 'dependent on their role as employment, retail and service centres, their level of accessibility and environmental and infrastructure constraints'.
Policy CP2	<b><u>Provision for Jobs and Homes between 2006 – 2026</u></b> This policy requires the provision of 14,000 homes over the plan period.
Policy CP4	<b><u>Housing Quality, Mix, Density and Design</u></b>

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

<b>Policy Number</b>	<b>Policy Synopsls</b>
<b>Policy DM16</b>	<p><b><u>Landscape Character</u></b></p> <p>Developments which would affect the landscape as identified in the landscape character assessment will only be permitted if it can be done so in a way that mitigates or reduces any resultant harm.</p>

### **Dover Draft Local Plan**

- 4.9 Paragraph 48 of the NPPF (July 2021) states that the LPA may apply weight to draft Local Plans depending on the current stage of preparation, the existence or extent of unresolved objections, and the degree of consistency of Policies in the plan with the national framework.
- 4.10 Dover District Council are in the late stages of the plan-making process for a new Local Plan which is intended to replace the current development plan comprising the 2002 Local Plan and 2010 Core Strategy.
- 4.11 At the time of submission, the Council's intended version local plan has been submitted to the planning inspectorate for examination and the appointed inspector's initial questions have been responded to by the Council (21st June 2023).
- 4.12 Given the site's allocation for residential development in the Plan throughout the Plan Review, there has been ample opportunity for representations to be made with respect to the allocation. In the Regulation 19 consultation, representations were received from 5 individuals and organisations, not including the applicant (outlined in Appendix 2). Notably, the application received support from the Kent Downs AONB unit who expressed that the site had limited intervisibility with the AONB and would be viewed in conjunction with the existing development in the village.
- 4.13 In terms of objections, all of the issues raised are considered to be surmountable. Kent County Council objected to the allocation, solely on grounds that improvements to the neighbouring PRowS should be secured as part of the site allocation. Further to this, Lydden Parish Council and 2 other individuals objected for the following reasons:
- Amenity impacts resulting from construction phase and operational lifespan of development;
  - Impact of development towards Grade 2\* Listed Church;
  - Issues relating to disposal of foul sewerage;
  - Lack of suitable access;
  - Insufficient amenities to support future residents;

- Flooding impacts; and
- Impact towards the Kent Downs AONB.

4.14 As such, in account of Paragraph 48, it is considered that moderate weight should be afforded to the Policies in the draft Local Plan given that the Local Authority have expressed their intentions for future allocations and development management.

#### **SAP47 – Land adjacent to Lydden Court Farm**

4.15 Importantly, the site is allocated in the draft Dover District Local Plan for residential development and the latest iteration of the Plan policy/allocation states:

**Table 4.2 Draft Dover Local Plan: SAP47**

<b>Allocation reference</b>	<b>Synopsis</b>
<b>SAP47</b>	<p><b><u>Land adjacent to Lydden Court Farm, Church Lane, Lydden (LYD003)</u></b></p> <p>The application site is allocated for the development of 30 dwellings. A number of considerations should be applied to the future application:</p> <p><b><u>Design</u></b></p> <ol style="list-style-type: none"> <li>1. Ensure that the development is sensitive to the setting of the adjacent historic buildings and active farmstead.</li> <li>2. To protect the setting of the Grade II* church, development should be focussed in the south and separated by a landscaping buffer.</li> <li>3. Meanwhile, the design and landscaping should be tailored towards minimising any potential harm towards the Kent Downs AONB.</li> <li>4. Care must be taken towards protecting the existing ecological features of the site, including trees and hedgerows, and opportunities for Biodiversity Enhancement should be explored.</li> </ol> <p><b><u>Transport</u></b></p> <ol style="list-style-type: none"> <li>5. Access must be provided from Church Lane. The access should prevent access and egress to the north.</li> <li>6. The applicant should contribute towards road enhancements at the two junctions at Canterbury Road.</li> <li>7. The applicant should contribute towards providing a zebra crossing where PROW ER116 joins Canterbury Road.</li> <li>8. A transport assessment should be provided with the application.</li> </ol> <p><b><u>Ecology</u></b></p>

Allocation reference	Synopsis
	<p>9. A wintering bird survey must be undertaken to determine the extent of mitigation required. The scheme of mitigation is required to be submitted with the planning application for the site.</p> <p>10. An Environment Assessment is required to give appropriate consideration to the nearby Lydden and Temple Ewell Downs SAC.</p> <p><b><u>Other site-specific considerations</u></b></p> <p>11. A flood risk assessment should be carried out in accordance with draft policy CC5. This should inform a sequential approach to inform the positioning of sensitive aspects of the proposals.</p> <p>12. A heritage assessment should be prepared to inform the proposal and provided with the application.</p> <p>13. The development should deliver air quality mitigation, identified by an Air Quality Assessment.</p> <p>14. As previous studies on play equipment facilities have identified a need in Lydden, the provision of, or contribution towards, play equipment facilities should be explored.</p>

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

**Table 4.3 Draft Dover Local Plan Policies**

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

<b>Policy Number</b>	<b>Policy Synopsls</b>
	Appendix E of the Draft Dover Local Plan outlines the settlement hierarchy, and designates Lydden as a Tier 5 Settlement, or 'Larger Village' which are identified to have <i>"limited services for residents where windfall development would be acceptable in principle in or adjoining"</i> .
<b>SP5</b>	<p><b><u>Affordable Housing</u></b></p> <p>Residential schemes of 10 or more dwellings (or sites over 0.5ha in size) should deliver 30% of its tenure as affordable housing. Such provision should be provided on-site and split between 55% affordable/social rent, 25% First Homes, and 20% other affordable home ownership products.</p>
<b>SP11</b>	<p><b><u>Infrastructure and Developer Contributions</u></b></p> <p>Should development generate a need for infrastructure, either due to strain upon existing infrastructure, or due to lack of an existing provision, this must be provided with the scheme. Depending on the circumstances, contributions will be made either through an on-site provision, or through a financial contribution towards an off-site provision or enhancement of an existing facility(s). The overall level of provision will account for viability.</p>
<b>SP13</b>	<p><b><u>Protecting the District's Hierarchy of Designated Environmental Sites and Biodiversity Assets</u></b></p> <p>This policy seeks to protect Dover's Natural Environment. In terms of this proposal, the scheme will need to demonstrate that it will not (either directly or in combination with other nearby development) adversely affect the nearby Lydden and Temple Ewell Downs SAC, nor the nationally designated SSSIs and NNRs.</p> <p>As outlined in site allocation SAP47, a wintering bird survey must also be undertaken to determine the extent of mitigation required. The scheme of mitigation is required to be submitted with the planning application for the site.</p>
<b>SP14</b>	<p><b><u>Enhancing Green Infrastructure and Biodiversity</u></b></p> <p>This policy seeks to promote green infrastructure provision and the creation of/integration with green infrastructure networks.</p>
<b>SP15</b>	<p><b><u>Protecting the District's Historic Environment</u></b></p> <p>Developments must conserve and enhance the setting of any heritage asset within proximity to the proposal location.</p>
<b>CC1</b>	<p><b><u>Reducing Carbon Emissions</u></b></p> <p>All buildings must seek to achieve high standards of energy efficiency. Residential applications must include an Energy Statement.</p>
<b>CC2</b>	<b><u>Sustainable Design and Construction</u></b>

<b>Policy Number</b>	<b>Policy Synopsls</b>
	This policy sets out a number of principles related to this aim. Development proposals must demonstrate compliance with these principles through a statement on Sustainable Desing and Construction.
<b>CC4</b>	<p><b><u>Water Efficiency</u></b></p> <p>This policy states that all new dwellings must be built to the higher water efficiency standard under Regulation 36(3) of the Building Regulations, to achieve a maximum use of 110 litres per person per day.</p>
<b>CC5</b>	<p><b><u>Flood Risk</u></b></p> <p>Developments on Flood Zone 2 and 3 must demonstrate compliance with National Planning Policy through the submission of a site-specific Flood Risk Assessment. Such proposals should not generate risk of flooding elsewhere.</p>
<b>CC6</b>	<p><b><u>Surface Water Management</u></b></p> <p>This policy requires an appropriate Surface Water Drainage Scheme to be incorporated into all proposals. The chosen strategy must be identified through a hierarchy of methods outlined within this Policy.</p>
<b>CC8</b>	<p><b><u>Tree Planting and Protection</u></b></p> <p>In terms of tree planting, residential developments should provide 2 trees per dwelling. Proposed trees should (1) be of a native Kent species, (2) aim to be planted on site, and (3) for major schemes, be outlined in a landscaping scheme and management plan.</p> <p>Developments affecting existing tree designations (TPOs) will not be allowed unless it can be demonstrated that the benefits outweigh the harm, there is no other option, or the tree is dead, dying, or diseased, and therefore represents a threat to public safety. In such instances, replacement trees should be provided.</p>
<b>PM1</b>	<p><b><u>Achleving High Quality Design, Place Making and the provision of Design Codes</u></b></p> <p>In order to achieve a positive sense of place, this policy sets out a thorough list of overarching design principles that should, where applicable, be embedded into the design of the proposed development. Proposals that fail to demonstrate consideration of these principles will not be supported.</p>
<b>PM2</b>	<p><b><u>Quality of Residential Accommodation</u></b></p> <p>This policy sets out a number of principles that residential developments should adhere to in order to ensure that future residents can enjoy a good quality of life.</p>
<b>PM3</b>	<p><b><u>Providing Open Space</u></b></p> <p>This policy outlines open space provision requirements for developments exceeding 10 residential dwellings.</p>

<b>Policy Number</b>	<b>Policy Synopsls</b>
<b>PM4</b>	<p><b><u>Sports Provislon</u></b></p> <p>Residential developments which provide over 10 dwellings are required to contribute to the provision of new, or enhancement of existing, indoor sports facilities and outdoor playing pitch and sports facilities, to meet the needs of the development, and maintenance of those facilities. The level of provision will depend on (1) existing deficiencies outlined on the Sports England facility calculators and (2) viability.</p>
<b>PM6</b>	<p><b><u>Community Facilities and Services</u></b></p> <p>New residential developments of 10 or more dwellings will be required to contribute, depending on the circumstances, towards the creation or enhancement of community facilities.</p>
<b>H1</b>	<p><b><u>Type and Mix of Housing</u></b></p> <p>Residential development of 10 or more dwellings must achieve an appropriate mix of housing which reflects the aspirations of the Council's latest housing need and market demand evidence.</p>
<b>TI1</b>	<p><b><u>Sustainable Transport and Travel</u></b></p> <p>Where appropriate, development should be located and designed to maximise all opportunities to encourage sustainable modes of travel. Where appropriate, financial contributions will be provided for off-site improvements to facilities to further promote sustainable travel.</p> <p>This policy also states that the Council will not support development which would adversely affect the use of PROWs or cycle routes and also support their enhancement and extension.</p>
<b>TI2</b>	<p><b><u>Transport Statements, Assessments and Travel Plans</u></b></p> <p>Developments which would result in unacceptable impacts towards the highway network will not be supported. Depending on the nature and scale of the development, a Transport Statement/Assessment, and/or a Travel Plan may need to be submitted as part of the application.</p>
<b>TI3</b>	<p><b><u>Parking Provision on new Development</u></b></p> <p>This policy outlines that parking provision should be based on (1) the Kent SPD and Kent Design Guide Review: Interim Guidance Note 3 (or subsequent guidance) and (2) the specific nature and circumstances of the development.</p>
<b>TI5</b>	<p><b><u>Digital Technology</u></b></p> <p>This policy requires all new development which utilise internet should be provided with gigabit-capable connections. Proposals should set out this provision within a Digital Infrastructure Statement.</p>

<b>Policy Number</b>	<b>Policy Synopsls</b>
<b>NE1</b>	<p><b><u>Biodiversity Net Gain</u></b></p> <p>This policy requires all development proposals to provide a minimum of 10% biodiversity net gain (BNG). When feasible/viable, BNG should be provided on site, provided above the agreed ecological baseline, and be secured for a minimum of 30 years after completion. To demonstrate accordance, all planning applications should be supported by a Biodiversity Net Gain Plan. All biodiversity net gain will be secured by condition and/or legal agreement.</p>
<b>NE2</b>	<p><b><u>Landscape Character and the Kent Downs AONB</u></b></p> <p>This policy states that applications should demonstrate how the Landscape Character Area in which the proposal would be situated has been appropriately considered. For developments within, or affecting the setting of an AONB, they will only be approved subject to a list of criteria being met.</p>
<b>NE4</b>	<p><b><u>Air Quality</u></b></p> <p>Developments which may lead to a significant deterioration in air quality or national air quality objectives being exceeded will be required to submit an Air Quality Assessment. Major development will be required to demonstrate a shift to the use of sustainable low-emission transport in accordance with Policy TI1.</p>
<b>NE5</b>	<p><b><u>Water Supply and Quality</u></b></p> <p>Within Groundwater Source Protection Zones, development will only be permitted if it can be demonstrated that there would be no risk of groundwater contamination generated by the proposals.</p>
<b>HE1</b>	<p><b><u>Designated and Non-Designated Heritage Assets</u></b></p> <p>Where relevant, proposals should be designed to conserve or enhance heritage assets. Proposals which may affect such assets should be supported by a Heritage Statement.</p>
<b>HE3</b>	<p><b><u>Archaeology</u></b></p> <p>This policy requires proposals, on sites where there is, or is the potential for, an archaeological heritage asset, to provide an appropriate desk-based assessment of the asset.</p>

## National Planning Policy

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

**Table 4.4 Relevant National Planning Policy**

<p><b>Delivering a sufficient supply of homes</b></p>	<p><b>Paragraph 60</b> outlines the importance of supporting the government's goal of increasing the number of homes available. It highlights the need for a diverse range of land to be made available in suitable locations, catering to various housing requirements, and ensuring that land with planning permission is developed promptly and efficiently. This includes people who desire to live in rural locations yet within sustainable reach of larger urban centres.</p> <p><b>Paragraph 62</b> states that for the provision of housing, a suitable amount of housing should come forward to suit the needs of different groups. This includes provision for those who need affordable housing.</p> <p><b>Paragraph 69</b> of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and can often be delivered quickly in comparison to larger schemes. To promote the development of a good mix of sites, local authorities should, amongst other matters, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.</p>
<p><b>Building a strong, competitive economy</b></p>	<p><b>Para 81</b> advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.</p> <p>With respect to rural areas, <b>Para 84</b> supports the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p> <p><b>Para 85</b> adds that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.</p>
<p><b>Promoting healthy and safe communities</b></p>	<p><b>Para 92</b> advises that policies and decisions should aim to achieve healthy, inclusive and safe places which; a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion –</p>

	<p>for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p> <p><b>Para 93</b> adds that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services</p> <p>With respect to open space and recreation, <b>Para 98</b> advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. <b>Para 100</b> states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p>
<b>Promoting sustainable transport</b>	<p><b>Para 105</b> advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. <b>Para 112</b> states that applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.</p>
<b>Making effective use of land</b>	<p><b>Para 119</b> states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.</p>
<b>Achieving well-designed places</b>	<p><b>Para 130</b> advises that decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b)</p>

---

	<p>are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>
--	--

---

## 5. PLANNING ANALYSIS

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

### **Need/Principle of Development**

---

- 5.2 In light of the Dover District Core Strategy (adopted in 2010), the assessment of the application for approval is based on Policy DM1 'Settlement Boundaries,' DM11 'Location of Development and Managing Travel Demand,' and DM12 'Road Hierarchy and Development.' Consequently, for the purposes of the adopted development plan, the application site is classified as open countryside, as it is not within a designated settlement boundary.
- 5.3 In May 2023, an appeal was allowed for the development of 155 residential dwellings at 'Land South West of London Road, Deal' (APP/X2220/W/23/3315262). Though the appeal site had also generated conflict with policies DM1, DM11, and DM12, the inspector concluded that by a matter of agreement between the appellant and the Council, these policies are out of date given that they were formulated against significantly lower housing need (Appendix 1, Para. 9). As such, the Council's projected housing need outlined in Core Strategy Policy CP2 of 505 dwellings per annum, based on the revoked Regional Spatial Strategy, is significantly lower than current objectively assessed need which is confirmed to be 611 dwellings per annum. Therefore, it was concluded that the 'presumption in favour of sustainable development' (Paragraph 11d of the NPPF) was engaged.
- 5.4 Given the precedent set above, Paragraph 11(d) is engaged in the determination of this application, meaning the approval of this application hinges on whether the application would harm areas or assets of particular importance, or whether any harm would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF as a whole. The remainder of this section provides a justification for the principle of development, whereas the following sections in this chapter demonstrate that the scheme is in full accordance with the NPPF.

### **The Rationale for the Proposed Development**

- 5.5 As noted in Section 2 of this report, Lydden is (1) a highly sustainable settlement for its size, (2) is not subject to development constraints nor is seen to be a contentious location for development based on nearby planning applications, and (3) is well-located with respect to larger settlements and national vehicular transport routes. The Draft Dover District Local Plan, which was submitted to Independent Examination in late March 2023, recognises this fact and allocates the site for residential development (Policy SAP 47). The site is nestled within the settlement boundary of Lydden, a small but sustainable settlement with a number of useful services within walking

---

distance, as demonstrated by Section 2 of this Planning Statement. The draft plan accordingly promotes Lydden from a 'Village' to a 'Large Village', which is defined as "*settlements that have limited services for residents where windfall development would be acceptable in principle in or adjoining settlement boundaries*".

- 5.6 As such, whilst the settlement of Dover is, and will continue to be, the main focus for growth in the District, development will also need to come forward to support the social and economic development of its rural communities, in accordance with the aspirations of draft Local Plan Policy SP3. Rural housing provision is a form of housing need and can make an important contribution towards strengthening the vitality of rural communities. Such development should be guided towards sustainable locations, such as Lydden, where there are no significant development constraints.
- 5.7 The village straddles the A2, the prime arterial route between Dover Town and Canterbury City, which is a key trade and commuter route and is acknowledged in Figure 2.3 of the Dover Core Strategy. In recognition of this, Lydden benefits from a strong bus link which stops directly outside of the application site and runs frequently throughout the day, providing residents with quick and reliable access to both settlements without needing to own a vehicle. As outlined in Paragraphs 2.10 to 2.12 above, the site is within walking distance of many essential services, including a GP, meaning residents will largely be able to go about their daily lives without a requirement to travel. The provision of new housing in Lydden is therefore sustainable and will concomitantly strengthen the vitality of the local services, and importantly, would be in line with the aspirations of the Draft Local Plan.
- 5.8 The Submitted Version of the Draft Local Plan is a clear expression of Dover's intentions for the settlement of Lydden and the site and therefore should be a material planning consideration in the determination of the application. At present, the plan has not yet been commented on by the appointed planning inspector(s), however, as this planning application has demonstrated, all concerns raised in the consultation process (Appendix 2) can be addressed, and therefore, moderate weight should be applied for the purposes of deciding this application.
- 5.9 The following sections of this chapter will demonstrate how the scheme will be designed in accordance with the relevant planning policies, requirements and designations set at the Local/National Level, and therefore does not generate any conflict with policies in the NPPF created to protect areas or assets of particular importance.

#### **Affordable Housing**

---

- 5.10 Policy DM5 of the Dover Core Strategy requires Residential developments of 15 or more dwellings to provide 30% of its tenure as affordable housing (also draft Policy SP5). The scheme will deliver 23 dwellings in total, 7 of which will be classed as affordable dwellings which make up 30.4% of the tenure.

- 
- 5.11 Further to the policy compliance of the scheme, it should be noted that the most recent development to occur in Lydden, “15/01184 | *Erection of 31 two and three storey dwellings, together with associated access, car parking and landscaping | Land Rear Of 114 Canterbury Road Lydden Dover*” did not make a provision for affordable housing due to issues regarding viability.
- 5.12 As such, the scheme represents an important opportunity to make a valuable contribution towards addressing the active shortage of affordable homes in the area.

---

### **Design and Setting**

---

- 5.13 As a reserved matter, the design and setting of the development will be determined at a later stage. However, the Design and Access Statement submitted with this application demonstrates that the proposal will be subject to careful consideration and adherence to relevant planning guidelines and local context. The scheme aims to create an attractive development that harmonises with the surrounding rural and historic character of the area.
- 5.14 The design of the dwellings will incorporate materials based on the surrounding built environment. This approach ensures that the development is sensitive to its setting and integrates seamlessly with the existing context. All dwellings will be of high quality and will integrate successfully with the existing settlement.
- 5.15 In terms of the setting, careful consideration has been given to the natural environment and the existing historic fabric of the area, including the nearby listed heritage assets. Accordingly, the parameters of the development ensure that appropriate buffering is provided to ensure that local historic character is preserved. A generous provision of Public Open Space will also be delivered to the west, helping to create an attractive shared environment and create new opportunities for local biodiversity.

---

### **Open Space and Recreation**

---

- 5.16 The landscaping strategy seeks to preserve a significant portion of the Site as open space to facilitate drainage, enhance the development's surroundings, and increase biodiversity in the area. To reinforce the field boundaries, native hedgerow species will be planted, along with introducing habitat characteristic of a dry chalk valley.
- 5.17 Within the open space, a mown circular pathway will be installed, offering seating along the route. The open space will primarily consist of wildflower species typical of a chalk valley habitat, with isolated islands of scrub and tree planting providing shelter for wildlife. The boundary planting will incorporate various chalk land species, including disease-resistant ash, oak, hornbeam, beech, yew, birch, and holly, with an understorey of hedgerow species such as hawthorn and blackthorn. Existing

---

boundary vegetation will be retained and supplemented as needed, complementing the existing field boundaries and protected woodland in the surrounding area.

- 5.18 Throughout the development, new tree planting will be implemented as street trees and in parking areas to soften building outlines and integrate the development into the village setting, where trees play a vital role in the village character. The planting strategy within the development will prioritise native species, complemented by ornamental shrub species for year-round interest. Hedges will define front gardens and open spaces, while ornamental shrubs will be used to provide seasonal appeal.
- 5.19 The landscape strategy aims to establish a cohesive plan that harmonises the Proposed Development with existing vegetation and planting in the immediate context and setting of the Site. This green strategy contributes to the Site's sustainability and creates a high-quality development that complements its landscaped surroundings.

#### **Landscape and Visual Impact**

---

- 5.20 Aspect Landscape Planning have supported this application through the preparation of a landscape and visual impact assessment relating to the proposed development. The assessment of potential landscape and visual effects has been derived from the guidance provided within GLVIA3.
- 5.21 Whilst the site lies close to the boundary of the Kent Downs AONB, the assessment does not consider the Site to represent a "valued landscape" with reference to para 174(a) of the NPPF. This is owed to the site being outside of the AONB, and at the foot of a valley, meaning that there are limited views of the site from within the AONB. This is also supported by the representation submitted for the Draft Allocation of the Site from the Kent Downs AONB (Appendix 2).
- 5.22 In reviewing effects upon the surrounding landscape character, while the immediate site context would change, the assessment concludes that the proposal would not result in the loss of any important landscape features and would rather be interpreted as an extension to the village of Lydden. As such, the site is situated within a primarily urban context and therefore its development would not be out of character. The landscaping strategy which forms part of these proposals includes mitigation that will protect and enhance adjacent landscape elements and integrate the proposed buildings.
- 5.23 In conclusion, the proposals can be integrated into the existing context without causing substantial long-term adverse impacts on the local or broader visual environment.

---

## **Arboriculture**

---

- 5.24 A tree survey has been conducted by Aspect Arboriculture to ensure that all trees of significance are protected and enhanced by the application proposal. The tree subsequently identifies trees by their quality, in accordance with BS5837:2012 Survey Guidance, which has subsequently informed these proposals.
- 5.25 Overall, all trees of significance are preserved. The landscaping will include a generous provision of native tree species, therefore helping making a significant improvement to the existing agricultural site.

## **Ecology**

---

- 5.26 Aspect Ecology have prepared an ecological appraisal of the proposals to support this planning application. The appraisal relies upon information collected from a desktop study, in addition to a Phase 1 habitat survey and a number of protected species surveys conducted in accordance with practice guidance.
- 5.27 The appraisal confirms that the site is not directly subject to, or neighbouring, any statutory or non-statutory ecological designations, and mainly contains habitats of low ecological value. Any habitats identified to be of more value have been retained within these proposals. In account of the nearby Lydden and Temple Ewell Downs SAC/SSSI/NNR and the Alkham, Lydden and Swingfield Woods SSSI the report confirms that these assets will not be impacted, subject to the implementation of mitigatory measures and ecological enhancements.
- 5.28 In addition to the above, given the proximity of the site to the Lydden and Temple Ewell Downs SAC/SSSI/NNR, located 0.2km to the north-west of the Site, Draft Local Plan Allocation SAP47 requires the submission of a wintering bird survey, in order to determine whether the proposal would adversely affect wintering bird patterns.
- 5.29 To ensure that the proposal is suitable in this respect, a wintering bird survey is included within Appendix 5 of the Ecological Appraisal. The report subsequently confirms that no wintering birds are listed within the designation for the above sites, and therefore, the proposals would not result in detrimental effects on the designated sites above in relation to wintering birds. For robustness, the report recommends that impacts could be further mitigated through the provision of birdboxes, and the retention/enhancement of site boundary landscaping.
- 5.30 Overall, it has been demonstrated that the proposed development is in accordance with environmental and ecology objectives, as it would not generate harm to any nearby ecological assets identified, and secures the protection of conservation species on the site.

---

## Heritage

---

- 5.31 Lydden is a settlement which accommodates a number of heritage assets, including a Grade II\* listed church and a number of Grade II residential dwellings and farmstead, therefore making Heritage an important consideration for any proposals on the site. The draft site allocation, SAP47, therefore specifically requires any subsequent proposals to consider (a) avoid coalescence of the adjacent farmstead to preserve its setting, (b) the siting of the proposals to allow for a buffer between the farmstead and the Grade II\* listed church to the north, and (k) demonstrate the scheme's compliance with draft Policy HE1 through the submission of a heritage assessment to demonstrate appropriate consideration towards affected assets.
- 5.32 To demonstrate accordance, a Heritage Assessment has been prepared by Icani Projects, in accordance with GPA3 guidelines. Using this methodology, the evaluation confirms that:
1. All heritage assets will be subject only to less than substantial harm through these proposals, therefore making Paragraph 202 and 200 of the NPPF relevant.
  2. The proposals have been appropriately sighted so as to prevent the coalescence of the adjacent farmstead with the settlement of Lydden, and therefore preserve its sense of isolation.
  3. The proposal will not affect the Church's prominence or its integration within the surrounding landscape in any of the crucial viewpoints. In instances where the development is visible alongside the Church in distant views, it will be interpreted within the existing village context and will not detract from the enjoyment of this asset.
  4. Partly owing to surface flooding issues which pertain the western part of the site, a large buffer zone has been provided. This will provide the neighbouring assets with appropriate separation from the new residential dwellings. The buffer zone also benefits from significant tree planting, which helps to preserve the sense of isolation currently enjoyed by the Grade II\* listed church and Grade II farmstead.
  5. The reduced quantum of 23 dwellings, as opposed to 30 (which draft allocation SAP47 earmarks the site for), works in favour of reducing the overall impact of the scheme on the neighbouring assets.
  6. Glimpsed views through the modern house on Canterbury Road, from Court Lodge Farm, along Church Lane would be entirely preserved.
  7. The Heritage Assessment has been produced in accordance with Policy HE1 of the Dover Local Plan. The proposals have been supported by expert heritage and landscape advice which has informed layout, design and landscaping and has sought to minimise or mitigate potential harms wherever possible.

- 
- 5.33 Overall, the Heritage Assessment demonstrates that the surrounding heritage considerations have been a key driver in the design of these proposals. Consequently, they fulfil the requirements outlined in paragraphs 200 and 202. Additionally, the proposals adhere to the guidelines set forth in the Dover District Local Plan and Dover District Council's Draft Local Plan, particularly SAP47.

### **Flood Risk and Drainage**

---

- 5.34 A Flood Risk Assessment and Drainage Strategy has been prepared by GTA in support of this planning application. The report notes that the site is over 2km away from the nearest fluvial route and lies within Flood Zone 1 (FZ1). However, when accounting for the risk of surface water flooding, the majority of the site's flood risk profile is 'High', therefore requiring a sequential test to be applied to the development. Given that the site has been earmarked in the Local Plan for possible future development, the site has already been chosen as the most suitable site in Lydden and so has effectively passed the Sequential Test, eliminating this requirement.
- 5.35 To address the surface water flooding risks outlined above, the chosen drainage strategy involves directing all surface water to three deep bore soakaways. Each soakaway will include an SDS attenuation tank upstream, designed to accommodate the volume of a critical 1 in 100 years + 45% climate change event.
- 5.36 For foul drainage, it is proposed to connect to the existing foul sewerage system. Given this application is submitted in outline, the details of this would be agreed at the later stages of the application process, and likely secured via a S106 agreement.
- 5.37 In conclusion, with the implementation of the suggested strategy, the report concludes that the proposed development will not increase the flood risk, either on this site or to neighbouring properties.

### **Transport and Highways**

---

- 5.38 Charles and Associates conducted a transport assessment that evaluated the existing site conditions, including transport routes, local amenities, public transport, and road safety. This assessment determined the development's compatibility with access and sustainability, as well as its potential impact on highway and pedestrian safety.
- 5.39 The proposed development will ensure adequate car parking, cycle storage, and EV charging points for sustainable transportation options. The site's access layout can accommodate standard refuse collection vehicles.
- 5.40 Regarding vehicle trip generation, the assessment revealed that the development would result in approximately 10 vehicle trips during each peak hour. These trips would disperse through various routes leading out of Lydden, including Lydden Hill towards Canterbury and the M2 motorway, as

---

well as Canterbury Road into Dover. This level of additional road traffic is not anticipated to severely impact the local highway network.

- 5.41 Given these findings, the assessment concludes that the proposed development is well-suited in terms of transport considerations.

### **Sustainability and Energy**

---

- 5.42 It is recognised that sustainability is a core component of the Council's future vision for the District. In order to align with the Council's vision, and help to address the climate change agenda, which is of continually growing importance, this scheme will therefore achieve high standards of sustainability.
- 5.43 Built environment sustainability is incorporated within policy and regulation at a national and local level. The Climate Change Act 2008 and the National Planning Policy Framework set out national frameworks by which to mitigate climate change, achieve reductions in carbon dioxide emissions, and deliver development that is aligned with the presumption in favour of sustainable development.
- 5.44 Specific policies in the Local Plan seek to minimise the impact of new development with respect to carbon dioxide emissions and environmental impacts, whilst also ensuring new development is resilient to the impacts of projected climate change. The proposed strategy has been based around the objectives of the Core Strategy policy CP 5 and the draft Local Plan policies SP1, CC1, CC2, CC4, CC5, CC6 and CC8.
- 5.45 In line with the requirements of the Local Plan, and in order to demonstrate the proposed scheme's commitments to delivering sustainable development, the Sustainability and Energy Statement sets out the measures to be employed within the design of the proposed development in order to minimise resource and water consumption, maximise opportunities for biodiversity, and mitigate the impacts of air and noise pollution. In addition, the Sustainability and Energy Statement demonstrates how the proposed design will ensure the scheme will be resilient to future climate change, ensuring the proposals will be safe from flooding and resilient to potential drought. An outline Energy Strategy is also presented within the Statement, detailing the potential means by which the proposed development may minimise carbon dioxide emissions. The proposed Energy Strategy, which includes the specification of high-performing building fabric and high levels of air tightness, seeks to apply a "fabric-first" approach in order to minimise energy consumption in the first instance. Numerous options for space and water heating and cooling are explored, including the potential establishment of a district heat network using biomass boilers, the use of air source heat pumps and the employment of photovoltaic (PV) panels. It is considered that the employment of the proposed Energy Strategy, where practicable, has the potential to deliver significant reductions in carbon dioxide emissions over the Part L:2021 baseline, which is in exceedance of the policy requirements set out within the Local Plan. Employment of the proposed fossil fuel-free Energy Strategy also

---

directly responds to the aspirations of the Government's Future Buildings Strategy, as well as the Climate Emergency declared by Dover District Council in January 2020.

### **Noise and Air Quality**

---

- 5.46 The NPPF states that the planning system should contribute to and enhance the natural and local environment, by preventing new/existing development from contributing to or being put at unacceptable risk from air pollution or noise (Paragraph 174).
- 5.47 The noise assessment for the proposed residential development considered potential noise impacts from the existing ambient environment.
- 5.48 Internal noise levels were evaluated using the standards provided within BS 8233. The results show that with windows partially open, the internal noise levels will fall below the internal criteria. Therefore, no specific noise mitigation measures are needed. The typical insulated double glazing and trickle ventilation in the proposed development are deemed sufficient for noise attenuation.
- 5.49 Regarding external amenity, the ambient noise levels were found to be below the criteria specified in BS 8233. As a result, there is no requirement for additional mitigation measures to address external noise impacts.
- 5.50 In terms of Air Quality, an assessment was carried out to consider such impacts of both construction and operational phases, in line with the latest Institute of Air Quality Management Guidance.
- 5.51 During the construction phase, the assessment identified that limited releases of dust and particulate matter may arise from on-site activities. However, these potential impacts can be effectively mitigated through the implementation of appropriate mitigation measures and good site practices. As a result, the overall impact of dust and particulate matter releases is considered to be negligible.
- 5.52 Regarding traffic, the Proposed Development is not expected to generate significant traffic. A review of baseline air quality monitoring data in the vicinity of the Site revealed that concentrations of NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are likely to be well below the relevant air quality objectives. The addition of receptors in the area is not expected to increase exposure to poor air quality, indicating that air quality is not a constraint for the Proposed Development, either during its construction or once operational.
- 5.53 In conclusion, the findings from the air quality assessment demonstrate that the Proposed Development is suitable in respect to air quality, as potential impacts can be effectively managed, and the site's air quality meets relevant standards and objectives.

## 6. SUSTAINABLE DEVELOPMENT AND SCHEME BENEFITS

- 6.1 The NPPF states that the purpose of planning is to help achieve sustainable development. Paragraph 7 notes that the NPPF as a whole sets out the Government's view of what constitutes sustainable development, while paragraph 8 identifies three dimensions to sustainable development, comprising economic, social and environmental roles. It is our opinion that the three roles are mutually dependent and should not be taken in isolation.
- 6.2 The following section provides an assessment of the subject site and proposed development against these criteria, demonstrating how the scheme will bring a range of economic, social and environmental benefits to the local area and the District.

Table 6.1 Scheme Benefits

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

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

---

## 7. PLANNING BALANCE AND CONCLUSION

- 7.1 This planning application has been prepared on behalf of Quinn Estates for the development of up to 23 dwellings on Land at Church Lane, Lydden. The proposals should be supported due to their compelling response to the pressing housing demand, coupled with the array of benefits they bring, including improved local infrastructure, new affordable housing opportunities, and ecological enhancements.
- 7.2 The Proposed Development will provide significant positive economic, social and environmental, as demonstrated in Section 6. In particular:
- Economic: A boost to the local construction revenue and enhanced vitality of local services
  - Social: Increased community diversity and the provision of new affordable dwellings.
  - Environmental: The provision of low-carbon, sustainable dwellings and ecological enhancements.
- 7.3 Paragraph 11 of the NPPF applies the presumption in favour of sustainable development and requires decision makers to consider whether relevant development plan policies are up to date. Decision taking is identified in Part (c) and (d) of Paragraph 11, which states:

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

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

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

Part (d) of Paragraph 11 requires a decision maker to consider whether the policies which are most important for determining the application are out-of-date. Where a District cannot demonstrate a five year housing land supply or meet the housing delivery test (less than 75%), they are automatically captured by footnote 8 identified in Part (d) of Paragraph 11, and Part (d) would apply to the decision making of the application.

---

In considering whether the presumption in favour of sustainable development should be applied in this instance, it is important to note appeal decision 'APP/X2220/W/23/3315262' (Appendix 1), in which the inspector concluded by way of agreement between the appellant and the Council that paragraph 11d was engaged, given that the Council's identified housing requirement was significantly less than up to date objectively assessed needs (Para 9). As such, Policies DM1, DM11 and DM12 of the Dover Core Strategy were found to be in misalignment with the NPPF and therefore out of date for the purposes of determining the application. This application is also for residential development, meaning the same approach should be taken in its determination, therefore.

Paragraph 11(d)(i) requires the assessment as to whether there are any policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. Whilst being located outside but near to the border of the Kent Downs AONB and a Grade II\* listed church, the findings of the LVIA and Heritage Assessment submitted with this application have demonstrated that there is no conflict with the NPPF or Local Plan in either respect. Accordingly, there are no specific policies in the framework which provide a clear reason for refusing the development proposed.

7.4 This leaves the tilted balance to be applied under Paragraph 11(d)(ii). This requires any adverse impacts of the proposed development to be weighed against the benefits. It is only where the adverse impacts significantly and demonstrably outweigh the benefits that planning permission should be refused. The proposals do not give rise to any adverse impacts that significantly and demonstrably outweigh the significant benefits outlined in Section 6 above, and the NPPF approach results in the conclusion that the proposed development is to be granted planning permission and that it constitutes sustainable development.

7.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The only conflict with the Development Plan identified, is with the spatial strategy contained within Policies DM1, DM11, and DM12. However, these policies should be given limited weight, given that they were formulated against significantly lower housing need, and thus frustrate the delivery of new much-needed homes (confirmed appeal decision APP/X2220/W/23/3315262; Appendix 1, Para. 9). Against this, the proposed development has the support of the Council's Draft Local Plan and the NPPF. The application of Paragraph 11 results in the conclusion that planning permission should be granted for the proposed development which, accordingly, represents sustainable development. The support of the NPPF is a material consideration which must be given very significant weight in favour of the grant of planning permission. In addition, the proposal will deliver the significant benefits identified in Section 6, and these material considerations outweigh the very limited weight to be given

---

to any conflict with the development plan. Accordingly, planning permission is sought for the proposal.

---

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



---

## Appeal Decision

Inquiry Held on 16-18 May 2023

Accompanied Site visit made on 17 May 2023

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2023**

---

**Appeal Ref: APP/X2220/W/23/3315262**

**Land South West of London Road, Deal**

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

### Decision

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

### Procedural Matters

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

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

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

## **Main Issues**

7. The main issues are:

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

## **Reasons**

### *Location of Development*

8. The appeal site falls outside of the defined urban confines for the town of Deal, which includes the built-up parts of the parish of Sholden. The appeal proposal does not meet any of the exceptions for allowing development outside of urban boundaries and thereby conflicts with Policy DM1 of the Dover District Local Development Framework Core Strategy (2010) (CS) and, as a consequence, with CS Policies DM11 and DM15 as these relate respectively to managing traffic demand outside the urban boundaries and protecting the countryside.
9. However, it is matter of agreement, that the Council's housing requirement, identified in CS Policy CP2 of 505 dwellings per annum, based on the revoked Regional Spatial Strategy, is out of date and is significantly lower than implied by the more up to date objectively assessed housing need of 611 per annum<sup>2</sup>. The settlement boundaries were drawn tightly in the CS on the basis that there was sufficient land identified in the CS and within the urban areas to meet the Plan's more constrained housing requirement. In this respect, the CS is not consistent with the Framework, as it does not make sufficient provision to meet the identified housing needs in the district<sup>3</sup> and the Council acknowledges that CS Policy CP2 concerning the supply of housing is out of date<sup>4</sup>.

---

<sup>1</sup> Paragraph 48 of the Framework

<sup>2</sup> Statement of Common Ground (SOCG) Core Document CD9.09 Paragraph 6.6

<sup>3</sup> Paragraphs 20 and 68 of the Framework

<sup>4</sup> SOCG Core Document CD9.09 Paragraph 6.6

10. The Council therefore accept that its settlement boundaries and the evidence base underlying Policy DM1 are out of date<sup>5</sup> and the blanket policies of restriction on development outside the defined urban confines in Policies DM1, DM11 and part of DM15 that relates to protecting the countryside for its own sake, are inconsistent with the Framework and therefore out of date. It is agreed that, when taken together and read as a whole, the most important basket of development plan policies DM1, DM11 and DM15 for the determination of this appeal are out of date<sup>6</sup> and as such the tilted balance in paragraph 11d) of the Framework is engaged. In light of the above factors, I afford limited weight to the conflict with CS Policies DM1, DM11 and DM15 and I will consider this further in the planning balance.
11. In terms of securing a sustainable pattern of development, it is matter of agreement between the main parties that the site is locationally sustainable for the development proposed<sup>7</sup>. Based on the evidence before me and my observations during my site visits, the site would be well-related to day-to-day services and facilities in Sholden and Deal and is accessible by a range of transport modes, including a good bus service running by the site along Sandwich Road and London Road. Opportunities exist to improve pedestrian, cycling and public transport links as part of the proposed development.
12. The appeal site is adjacent to the built-up area of Sholden and would not be remote from the services and facilities in Sholden and Deal and the nearby settlement of Dover. There would at least be a choice to use accessible modes of transport to access local services and facilities and additional dwellings in this location would not significantly undermine the aim of CS Policy DM11 to minimise the need to travel and reduce car dependency across the district as a whole. In addition, the proposed development would be consistent with the Framework that seeks to actively manage patterns of growth to ensure that development is focused on sustainable locations (paragraphs 105 and 110).

#### *Character and appearance of the area*

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

---

<sup>5</sup> SOCG Core Document CD9.09 Paragraph 6.3

<sup>6</sup> SOCG Core Document CD9.09 Paragraphs 6.3, 6.4 and 6.7

<sup>7</sup> SOCG Core Document CD9.09 Paragraph 6.26

<sup>8</sup> 21/00402

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

16. A main objective of the Framework is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 174 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Based on the evidence before me, the site lies in an area which has no national or local designation and as such does not fall within the scope of the valued landscapes under Paragraph 174 of the Framework.
17. The appeal site is located within the Northbourne Landscape Character Area (LCA F2) described as a rural chalk landscape with a gentle ridge and valley topography, with large arable fields interspersed with woodland blocks and the enclosed small settlements of Great Mongeham and Northbourne<sup>9</sup>. Most of LCA F2 lies to the north-west and north-east of Sholden. The relevant characteristics of LCA F2 as they relate to the site are limited to the large modern rolling arable fields, that sit on a local chalk ridgeline and the urban fringe influence of Sholden<sup>10</sup>. The Council seeks to protect the qualities of the district's landscape. CS Policy DM16 states that developments that harm the character of the landscape, will only be permitted where allocated for development in the CS, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impact to an acceptable level.
18. The appeal site due its location on open arable fields, contains few natural landscape features and is heavily influenced by the surrounding built form. The landscape evidence presented by the appellant also states that the site does not contain any cultural or natural heritage features, has no cultural association, and is not notably identified as being tranquil due to its close proximity to the built-up area of Sholden and the busy A258 Sandwich Road. The site has some recreational value, due to the local PROWs running through the site. Overall, the site has been assessed by the appellant as having a medium/low landscape value, applying the objective criteria set out in accordance with the Landscape Institute Technical Guidance Note 02/21 and medium/low sensitivity to change<sup>11</sup>. The Council having taken advice from independent landscape consultants has not sought to suggest otherwise.
19. The existing landscape character of the site would be permanently changed as a result of the development on this open undeveloped area of land. However, residential development is not out of character with the surrounding land uses. With careful treatment of the layout particularly the disposition of building heights and the choice of boundary and internal landscaping, both of which would be the subject of reserved matters applications, the effect on landscape character would be moderately adverse at Year 1 reducing to minor as the landscape planting matures. The appeal scheme includes structural landscaping along the outer south-western boundary of the site. In this context, whilst there would be some landscape harm through the loss of open arable fields, this would be localised. The wider landscape character would be almost

<sup>9</sup> Dover District Landscape Character Assessment 2020 CD5.17 Page 108

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

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

untouched if the appeal site were to be developed as proposed. Overall, the harm to landscape character would be minimal and not significant.

20. The visual impacts of the proposed development would be experienced from the public footpath across the site, limited stretches from the PROWs to the north-west and in medium views from the areas of higher ground to the west of the site. It is matter of agreement between the main parties that all these views will be localised<sup>12</sup> and I concur with this assessment.
21. Public footpath ED39, that is to be diverted as part of the appeal scheme, crosses the south-eastern corner of the appeal site, and it is inevitable that it would be affected by the development. However, this local amenity footpath connects two parts of the settlement and there is already an expectation of views of the built form on the edge of Sholden in close proximity to the users of the footpath. The new built form associated with the proposed development would still be visible, but with careful consideration of the landscaping and public open space along this footpath, views across the countryside would remain and the visual effects would reduce to no more than moderate along this short stretch of footpath.
22. Turning to the other affected footpaths. Public footpath ED48 running along the north-west boundary of the site, currently has views into the site, the open arable fields to the west and north-west and the existing built form and mature trees and planting on the edge of Sholden. The appeal scheme would result in an extension of the built form along a short section of the footpath.
23. However, this section of the footpath is already affected by a new housing development, currently under construction, on land immediately to the north east of the site (the Pegasus scheme)<sup>13</sup>. It will also be directly impacted by the Phase 1 scheme on the land immediately to the north west of the site. Views along this short section of footpath ED48 into the site, together with the White Cliffs Country Trail along footpath ED37 further to the north-west would be obscured by the new residential development in the Phase 1 scheme and the structural planting proposed along the south-western edge of the appeal site. As such, the visual effects would reduce to no more than moderate along this short stretch of footpath ED48 and would be minimal along footpath ED37.
24. In term of the medium views from the higher ground in the valley and open countryside to the west. A number of PROWs run through this area, including public footpath ED49 on the opposite side of the valley running up to the small settlement of Great Mongeham. The views are currently seen against the backdrop of the existing built form on the edge of Sholden. The appeal scheme would be kept close to the top of the local ridgeline but away from the highest point and avoids the more sensitive valley sides in this location<sup>14</sup>. Its location in relation to the higher ground would be consistent with the prevailing settlement pattern of Sholden and Deal. It will be seen in the context of the new residential development that form part of the Phase 1 scheme and Pegasus scheme to the north of the appeal site that will change the skyline in this location once constructed.

---

<sup>12</sup> SOCG Core Document CD9.09 Paragraph 6.62

<sup>13</sup> 19/00216

<sup>14</sup> Core Document CD9.14 Table 3.1 Pages 78 and 90

25. Keeping the appeal scheme away from the more visually sensitive valley sides will reduce the visual impact of the scheme from within the valley and the surrounding countryside, as demonstrated by the appellant on the accurate visual representations, which has been accepted by the Council's independent landscape consultants<sup>15</sup>. The curved outer south-western edge of the proposed development with extensive areas of open space, landscaping and structural planting, would provide appropriate mitigation to reduce the harm and soften the edge of the development. In addition, it would allow for a green wedge of open space to penetrate the development from the countryside beyond and form part of the proposed development as illustrated on the appellant's Landscape Strategy<sup>16</sup> and Strategic Landscape Masterplan<sup>17</sup>.
26. As such, with the careful consideration to the layout and landscaping, the appeal proposal can be appropriately assimilated into the local environment without undue harm and the moderate adverse visual effects at Year 1 on the views from the higher ground to the west, including public footpath ED49, would be reduced to minor impact as the landscape planting matures.
27. Taking the above issues together, there would be a minor adverse impact on landscape and a minor to moderate adverse impact on visual amenity. Overall, in the context of CS Policy DM16, the landscape and visual impacts of the appeal scheme do not indicate to me that it should be refused. The proposed development can be sited to reduce the harm and incorporate design measures to mitigate the impact to an acceptable level. Consequently, subject to the imposition of suitably worded planning conditions and planning obligations to include appropriate landscaping and related mitigation details, there is no conflict with the development plan in this regard.

### *Highways*

28. It is common ground that being directly adjacent to Sholden and Deal, the appeal site is accessible to a good range of services and facilities. However, the appeal proposal would still give rise to a notable increase in the level of traffic which would rely on the surrounding local highway network, including A258 Sandwich Road and London Road. Set against this, the appeal proposal would secure improved connectivity across the appeal site from existing residential areas to the wider bus routes, public footpath and cycle network.
29. The submitted details of the proposed principal access off Sandwich Road and the changes associated with the proposed emergency access off Mongeham Road are uncontested by the Local Highway Authority. The appellant's extensive assessment of the highway impacts<sup>18</sup> are also agreed<sup>19</sup>, including the proposal having no unacceptable adverse impacts on the nearby London Road/Mongeham Road junction and London Road/Manor Road junction as a result of the development, and no objections on highway grounds to the likely cumulative traffic generation from the proposed development together with other committed development in the area and forecast future traffic growth.
30. Furthermore, the imposition of the agreed schedule of planning conditions and planning obligations covering access, sustainable transport, pedestrian

---

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

<sup>16</sup> Core Document CD1.19 Plan 5

<sup>17</sup> Core Document CD1.19 Plan 6

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

<sup>19</sup> Highways and Transport SOCG Core Document CD9.19

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

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

## Other Matters

### *Housing land supply and delivery*

34. In relation to the Council's latest housing position, the appellant considers that the development would boost the supply of housing in line with the requirements of the Framework. The appellant's evidence and supporting windfall supply statement<sup>20</sup> demonstrates the significant contribution of the windfall housing to the Council's housing delivery targets in recent years. The appellant argues that, whilst the Council can demonstrate a 6.03 years land supply, windfalls account for about 44% of the Council's five year land supply and critically without the windfall component of supply, the Council would only be able to demonstrate 3.4 years of land supply. The appellant outlines that some 47% of completions since 2010/11 have arisen from windfall development and clearly shows the dependency on windfalls, such as those arising from appeal development, to maintain delivery<sup>21</sup>.
35. In addition, the appellant argues that, whilst the Council's Housing Delivery Test (HDT) results in 2021, at 88%, is marginally above the 85% threshold, the point at which the Framework confirms that the shortfall is significant. The appellant's analysis shows that the HDT result, without windfall development, would fall to around 54%, in which case the appellant argues that the tilted balance in Paragraph 11d) of the framework, would be engaged<sup>22</sup>.
36. Whilst this may be so, based on the Council's appeal submissions and the discussions at the Inquiry, the Council is able to demonstrate a five year supply

---

<sup>20</sup> Core Document CD9.12 Table 9.3 and Appendix 1

<sup>21</sup> Core Document CD9.12 Table 9.3 Paragraphs 9.15-9.23

<sup>22</sup> Core Document CD9.12 Tables 9.4 and 9.5

of deliverable housing sites against the development plan requirement and the latest HDT measurements for the Council are forecast to increase 102% for period 2019/20-2021/22<sup>23</sup>. Whilst the delivery of the additional housing as part of the appeal scheme is a positive benefit in favour of the appeal, it is matter to which I attach moderate weight in my decision.

#### *Best and Most Versatile agricultural land*

37. It is acknowledged that the appeal site encompasses the Best and Most Versatile (BMV) agricultural land. The Framework requires that account is taken of the economic and other benefits of this land<sup>24</sup>. The evidence presented at the Inquiry indicated that the majority of the district constitutes high quality agricultural land. In this context, the appellant states that the Council's Core Strategy highlights that there is a higher level of BMV within the district as compared to regional or Kent wide averages and as such the loss of some BMV and the release of further greenfield sites is inevitable if the identified housing requirements of the district are to be met<sup>25</sup>. This is not disputed by the Council and is matter of agreement between the Council and appellant<sup>26</sup>. In any event, it is a small area of land in relative terms, and its loss would be of limited consequence in relation to overall resource. As such, I consider that this is matter of limited negative weight in making my decision.

#### *Ecology and Biodiversity*

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

#### *Section 106 Agreement and Planning Obligations*

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

<sup>23</sup> Core Document CD9.06 Appendix 1 Paragraphs 2.13 and 2.94

<sup>24</sup> Paragraph 174b of the Framework

<sup>25</sup> Core Documents CD9.06 Appendix 1 Paragraph 2.18 and CD9.12 Paragraph 10.2

<sup>26</sup> SOCG Core Document CD9.09 Paragraph 6.96

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

42. Having had regard to the characteristics of the proposed development and the evidence before me, including the advice from Natural England, in making an appropriate assessment, I am satisfied that the proposed financial contribution towards the strategic mitigation measures identified in the Thanet Coast and Sandwich Bay SAMMS is sufficient to ensure it will not adversely affect the integrity of the Thanet Coast and Sandwich Bay SPA. I am satisfied that the proposed contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and the CIL Regulations.
43. The appeal scheme proposes the delivery of 47 affordable units of a range of types and tenures to meet the prioritised needs for affordable housing in the District. This is in accordance with the Council's requirements to provide 30% of the total dwellings as affordable homes as set out in Policy DM5 of the CS.
44. The Council's Core Strategy outlines there is an identified need to deliver 4,200 affordable homes up to the end of the plan period in 2026, which equates to 210 homes per year<sup>27</sup>. However, the Council's latest Annual Monitoring Report (2020-21) indicates that just 1,186 affordable homes have been completed in Dover District since 2006<sup>28</sup>. This is exacerbated by the uncontested affordable housing evidence from the appellant which demonstrates an average delivery of just 74 dwellings per year and an enormous shortfall of about 2,174 dwellings in delivery of affordable homes against the CS requirement<sup>29</sup>.
45. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the district is not disputed by the Council and it is agreed that it should be afforded substantial weight as a material consideration<sup>30</sup>. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of affordable housing, management of the nomination rights and local criteria to support the delivery of the affordable homes for local people in the area. The legal agreement, as a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal, weighs very heavily in favour of the appeal proposal.
46. The Section 106 Agreement requires the appellant to make a contribution of £864.00 per dwelling towards the costs of works to create additional capacity in the general practice services in the area that would be necessary to mitigate the impact of the development on local health facilities. The Section 106 Agreement makes various commitments through contributions towards local infrastructure including secondary education, community learning, youth services, libraries, social care, waste and outdoor sport facilities. These would be necessary to mitigate the proposal's impact on local infrastructure.
47. The Section 106 Agreement requires the appellant to make a contribution of £120,000 towards the provision of and improvements of pedestrian and cycle

<sup>27</sup> Core Strategy CD5.01 Infrastructure Table Page 56

<sup>28</sup> Core Document CD5.09 Table 17 Page 22

<sup>29</sup> Core Document CD9.12 Pages 53-57 Table 9.6

<sup>30</sup> Core Document SOCG CD9.09 Paragraph 6.35

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

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

#### *Other issues*

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

archaeological matters can be dealt with through the imposition of conditions to ensure that the proposed development is not harmful to these interests<sup>31</sup>.

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

### **Conditions**

55. Having regard to the Framework and Planning Practice Guidance, I have considered the suggested planning conditions submitted and agreed by the Council and the appellant during roundtable discussion at the Inquiry<sup>32</sup>. In addition to the detailing of the reserved matters and standard time limit conditions (1, 2 & 3), I have specified the approved plans and details of the land covered by this permission as this provides certainty (4 & 5).
56. The conditions relating to the mix and type of housing, building heights of no more than two storeys and the restrictions on roof designs and enlargements are necessary in order to allow for a design led approach and high quality development in the interests of the character and appearance of the area and to protect the landscaping setting of the site (6,7 & 8). A condition based on secure by design principles is necessary to promote a development that is safe and secure for its residents (9). A condition relating to the provision and details of a proposed children's play area on the site is necessary in order to safeguard the amenities of future occupants of the development (10).
57. A condition relating to a detailed Tree Protection Plan and Arboricultural Method Statement and the protection of the existing trees and hedges on the site are necessary in order to ensure their survival and to protect the visual amenity of the trees and hedges on the site (11). Conditions relating to the submission of a method statement for protection of wildlife and protected species during the site clearance and construction works, ecological design strategy and habitat management and monitoring plan are necessary to ensure the protection and enhancement of wildlife and biodiversity on the site (12, 13 & 14). There is some potential for archaeological remains so a scheme of investigation on the site would be necessary to ensure proper assessment and recording (15).
58. Details of surface water, foul and sustainable drainage arrangements are necessary in order to ensure adequate drainage facilities are provided, to mitigate against potential flooding and the pollution of the water environment and to comply with the submitted Flood Risk Assessment and Sustainable Drainage Statement (16, 17 & 18). Conditions to deal with any unexpected contamination and unexploded ordinance found on the site are necessary in the interest of public safety (19, 20 & 21).
59. For the construction period, a condition requiring the submission of a Construction Management Plan is necessary in order to mitigate the

---

<sup>31</sup> SOCG Core Document CD9.09 Paragraphs 6.78 and 6.93

<sup>32</sup> Core Document CD10.7

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

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

### **Overall Planning Balance**

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

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

67. The site is of limited ecological value and the ecological, landscaping and Green Infrastructure provision would offer the opportunity to promote the health and well-being of the local people and the biodiversity in the area, key social and environmental objectives of the Framework carrying moderate weight. High levels of public open space are to be secured through the conditions and legal agreement. Furthermore, a biodiversity net-gain of around 20% for habitats units and 237% for hedgerows units is proposed<sup>33</sup> and this could be delivered as part of the green infrastructure proposals. The Framework only requires a net-gain, and the proposal therefore goes significantly beyond current policy requirements. Consequently, this aspect of the biodiversity proposals is a moderate benefit of the appeal scheme.
68. The contributions towards public open space, while necessary to mitigate the impact of the additional population from the development, would also be available to all residents in the local area. These contributions together with the provision of a children's play area within the development are social benefits of the scheme which carries moderate weight.
69. The commitment to higher energy efficiency, sustainable construction and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel. These are key objectives of the Framework and are environmental benefits that carry moderate weight. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. The additional population would increase spending in the local economy to provide long term support for local shops and services, supporting a prosperous economy. This is a key objective of the Framework and are economic benefits that carry moderate weight.
70. Consequently, overall, in my view, the adverse impacts arising from this development do not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a material consideration in favour of the development. The factors above collectively provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case.

## **Conclusion**

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

*David Troy*

INSPECTOR

---

<sup>33</sup> Core Document CD7.04

## **APPEARANCES**

### FOR THE APPELLANT:

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

### FOR THE COUNCIL:

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

### INTERESTED PARTIES:

Kevin Lynch	Sholden Parish Council
Peter Jull	Interested Party

**DOCUMENTS SUBMITTED DURING THE INQUIRY:**

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

### **Schedule of Conditions**

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

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

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

- 12) No development shall take place (including any site or vegetation clearance) until a method statement for the protection of reptiles, [REDACTED] nesting birds and hedgehogs during site/vegetation clearance and construction works has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by up-to-date ecological surveys of the site (if more than two years has elapsed since the last surveys).
- 13) No development shall take place (including any groundworks, site or vegetation clearance), until an ecological design strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include:
- i. specific biodiversity aims and objectives;
  - ii. a 'biodiversity gain plan' to demonstrate how a minimum of 10% biodiversity net gain will be achieved on the site;
  - iii. biodiversity enhancement measures for the site, including native species landscaping, hibernacula for herpetofauna and invertebrates, hedgehog boxes, specifications for hedgehog highways for walls and fences, and the inclusion of building-integrated bat and bird boxes; and
  - iv. a timetable / programme for carrying out the measures of the EDS.
- The EDS shall be implemented in accordance with the approved details and measure thereafter retained in perpetuity.
- 14) Prior to occupation of the development hereby approved, a habitat management and monitoring plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall provide details of:
- i. management of habitats to achieve biodiversity net gain in accordance with the Ecological Design Strategy;
  - ii. management of all other habitats to sustain the specific biodiversity aims and objectives of the ecological design strategy
- The HMMP shall be informed by and include: i) a description and evaluation of features to be managed; ii) details of ecological trends and constraints on the site that might influence habitat management; iii) specific aims and objectives of management; iv) management actions across the habitat areas of the site; v) an annual work plan; and vi) details of the organisation(s) management mechanisms responsible for implementation of the HMMP.
- The HMMP shall be carried out in accordance with the approved details.

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

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

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

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

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

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

The approved CMP shall be adhered to throughout the construction period.

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

---

## **APPENDIX 2 - DOVER DLP REG 19 REPRESENTATIONS IN RESPECT OF SAP47**

SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)

<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP150
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1331013
<b>Consultee Full Name</b>	Mr Jonathan Mount
<b>Consultee Company / Organisation</b>	Lydden Parish Council
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP 47 Land adjacent to Lydden Court Farm
<b>2 - Do you consider this part of the Plan sound?</b>	No
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	Justified Consistent with National Policy
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Not Applicable
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Not Applicable
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	<p>Lydden ~Parish Council does not consider the proposed development on the land adjacent to Lydden Court Farm to be sound for the following reasons:</p> <ol style="list-style-type: none"> <li>1. There will be a massive issue with the drainage of waste from the development</li> <li>2. There will be huge issues with the disruption to local residents during the building of the development</li> <li>3. There is no suitable access by road apparent in the plan</li> <li>4. There is no village shop or amenities to support future residents</li> <li>5. There is likely to be substantial flooding during the winter months and the subsequent freezing of the water will lead to dangerous conditions</li> </ol>
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	The development should not go ahead. It is unnecessary and there is already a new development that is taking place within the curtilage of the village with no suitable access or amenities, this proposed development is both unnecessary and unsuitable for the area.

<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	No
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	
<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP272
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1331383
<b>Consultee Full Name</b>	Mrs Katie Miller
<b>Consultee Company / Organisation</b>	Kent Downs AONB Unit
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	Yes
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Not Applicable
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Not Applicable
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	The site lies adjacent to the Kent Downs, with the AONB boundary formed by Canterbury Road. The site is considered relatively well contained within the wider landscape with limited intervisibility between the AONB and the site, from where development would be viewed in conjunction with existing development associated with the village. The proposed requirements included in criterion c to help manage impacts on the AONB are supported.
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful</b>	T

<b>If you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	
<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	Not Applicable
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	
<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP714
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1267697
<b>Consultee Full Name</b>	Mrs Anna Cook
<b>Consultee Company / Organisation</b>	
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	No
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	Justified Effective
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Not Applicable
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Not Applicable
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	<p>SAP47 -S Land adjacent to Lydden Court Farm (LYD003)</p> <p>a) &amp; b) Building on this site, even if restricted to the southern most part of the site will not prevent the impact i.e. smells/noise from the working farm</p> <p>c) No consideration of the impact on properties already bordering the site have been taken into account particularly if development is to be on the southern most part of the site</p> <p>e) f) i) Primary vehicular will impact on our quality of life i.e. noise and air quality. Egress from the site in only a southerly direction will result in all vehicles passing our property in both directions and the new road into the site will mean having roadways on 3 sides of our property. There is no mention of existing traffic using Church Lane and if and how this will be impacted.</p>

	<p>Pedestrians will have no pathway to the eastbound bus stop as Lydden Garage forecourt is not a public right of way. At times of heavy rainfall Church Lane from site to Canterbury Road can be under water, affecting cycle and pedestrian access and vehicles causing a wash that could affect our fencing. This has occurred historically and on several occasions over the past 2 years.</p> <p>g) This I believe is incorrect as a crossing would be required to access the westbound bus stop.</p> <p>j) Partly referenced above. Surface water from all directions courses towards Lydden Pond and then down the current track behind our property to the proposed development site. If property is built on this site it will cause additional surface water into this location at its lowest point.</p> <p>In addition and in light of the use of mobile phones and data in 21st century, Lydden, particularly the proposed development area, has very limited/no mobile/data service by any provider.</p> <p>The hedgerow on Church Lane and where the access road is to be built is full of wildlife, including rabbit warren and deserves some consideration so as not to cause mass destruction.</p> <p>Consideration during construction, if it goes ahead will cause considerable dust, mud, noise and disruption, including the increased number of large vehicles/machinery and workers vehicles.</p>
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	<p>I would not recommend this site for development.</p> <p>As in g) above</p>
<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	No
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	
<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP597
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1331788
<b>Consultee Full Name</b>	Dr Ceri Davies
<b>Consultee Company / Organisation</b>	
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	

<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	No
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	Consistent with National Policy
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Yes
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Yes
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	<p>The policy is unsound for two main reasons:</p> <p>1. It does not adequately address the impact of said development on the setting of the Grade II* listed Church which is located adjacent to the site. As per the National Planning policy Framework (section 200). "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Neither have been provided for this proposed development. In addition as per section 201 of said Framework, the development does not achieve substantial public benefits that outweigh the harm.</p> <p>2. It does not adequately address the impact of said development on the Area of Outstanding Natural Beauty (AONB). As per the National Planning policy Framework (Section 176). "Great weight should be given to conserving and enhancing landscape and scenic beauty in AONB". This has not happened in this proposal. In particular the "conservation and enhancement of wildlife and cultural heritage" has not been adequately taken into account.</p>
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	SAP47 should be rejected as a possible future site for development
<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	No
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	
<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP596
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1331785
<b>Consultee Full Name</b>	Dr KA Davies

	Katherine Davies
<b>Consultee Company / Organisation</b>	
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	No
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	Consistent with National Policy
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Yes
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Yes
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	<p>The policy is unsound for two main reasons:</p> <p>1. It does not adequately address the impact of said development on the setting of the Grade II* listed Church which is located adjacent to the site. As per the National Planning policy Framework (section 200). "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Neither have been provided for this proposed development. In addition as per section 201 of said Framework, the development does not achieve substantial public benefits that out weigh the harm.</p> <p>2. It does not adequately address the impact of said development on the Area of Outstanding Natural Beauty (AONB). As per the National Planning policy Framework (Section 176). "Great weight should be given to conserving and enhancing landscape and scenic beauty in AONB". This has not happened in this proposal. In particular the "conservation and enhancement of wildlife and cultural heritage" has not been adequately taken into account.</p>
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	SAP47 should be rejected as a possible future site for development
<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	No
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	

<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP1021
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1331999
<b>Consultee Full Name</b>	Claire Pamberi
<b>Consultee Company / Organisation</b>	Kent County Council
<b>Agent Full Name</b>	
<b>Agent Company / Organisation</b>	
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	No
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	Effective
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Not Applicable
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Not Applicable
<b>6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.</b>	The County Council requests that the policy includes reference to improvements required to ER116 and ER115.
<b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b>	The County Council requests that the policy includes reference to improvements required to ER116 and ER115.
<b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b>	Not Applicable
<b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b>	
<b>Include files</b>	

<b>Local Plan Consultation Point</b>	SAP47 - Land adjacent to Lydden Court Farm, Lydden (LYD003)
<b>Rep ID</b>	SDLP1735
<b>Rep Status</b>	Processed
<b>Consultee ID</b>	1271717
<b>Consultee Full Name</b>	Quinn Estates
<b>Consultee Company / Organisation</b>	Quinn Estates Ltd
<b>Agent Full Name</b>	Nicholas Pellegram
<b>Agent Company / Organisation</b>	Icenl projects
<b>1 - Which Part of the Local Plan does this comment relate to? Please state clearly a chapter, paragraph number, policy number or a map/diagram title.</b>	SAP47
<b>2 - Do you consider this part of the Plan sound?</b>	Yes
<b>3 - If you consider the Plan is 'unsound', on which grounds do you consider this to be? (select all that apply)</b>	
<b>4 - Do you consider the Local Plan is Legally Compliant?*</b>	Yes
<b>5 - Do you consider the Local Plan complies with the Duty to Co-operate?</b>	Yes

**6 - Please give details in the box below of why you consider the Dover Local Plan is not legally compliant, or is unsound, or fails to comply with the Duty to Cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the plan, please also use this box to set out your comments.**

**REPRESENTATIONS TO THE DOVER DISTRICT LOCAL PLAN REGULATION 19  
CONSULTATION IN RESPECT OF LAND ADJACENT TO LYDDEN COURT FARM, CHURCH  
LANE, LYDDEN**

Iceni Projects, on behalf of Quinn Estates, welcomes the opportunity to submit further representations to the Dover District Local Plan (Regulation 19 Consultation) in respect of land to the north of Lydden Court Farm, Church Lane, Lydden (referred to in the Plan as as Policy SAP47).

Quinn Estates ('Quinn') is the south east's foremost mixed use developer with numerous development interests within Dover District, Kent and the wider South East area. The company has delivered both successful community extension schemes and stand-alone development sites both within rural and urban locations within the District. Quinn Estates' track record of housing delivery should be a material consideration that should inform key planning decisions, including which sites to allocate for development. The company has delivered more commercial space than any other developer in Kent creating over 5,000 jobs and millions of pounds of investment in the Kent economy and in the past year obtained planning permission for circa 3,000 new dwellings. Furthermore, Quinn has demonstrated through its actions that it can formulate and deliver development solutions of high community value, always working hard to identify through community engagement how the company's developments can support and strengthen communities by delivering community infrastructure needed.

Quinn supports the proposed allocation of Land adjacent to Lydden Court Farm, and considers that it is a sustainable, deliverable and achievable site that would enable the delivery of a high-quality residential development that could support the steady growth of Lydden and bring an opportunity to deliver public improvements. The site is well-located, in a desirable location with good sustainability credentials for a settlement of its size. With Quinn overseeing the delivery of the scheme, it is also considered that it could unlock new benefits for the town, including public open space provision, which the plan recognises Lydden to be in need of. As will be evidenced in the following sections, Quinn considers that the issues of visual impacts, highways, ecology, flooding and drainage can be managed and appropriately addressed.

**a. The Site**

The site is approximately 2ha of relatively flat land, comprising one large open grassland field and a smaller field forming part of the residential curtilage of a residential dwelling ('Glebelands') which adjoins Church Lane. The site adjoins the settlement boundary of Lydden to the south and east and is located on the western side of the village. The site is bound by development on three sides. Lydden Court Farm, including the Farmhouse, outbuildings and open fields which front onto Church Lane lie to the north. Residential properties fronting onto Canterbury are to the east. In the south, the site is bound by further residential properties fronting onto Canterbury Road, whilst to the west are open agricultural fields. The site boundary includes a smaller area of open land fronting onto Church Lane

than is included in the draft allocation boundary. The adjoining residential dwelling known as Glebelands and its associated outbuildings further to the north of this are not proposed to be included as part of the allocation.

A Public Right of Way (PRoW) runs along the eastern boundary of the site and across the back of Lydden Court Farm towards the Church of St Mary further north. The site is within a Groundwater Source Protection Area (Zone 2) and the Dover & Folkestone Cliffs & Downs Biodiversity Opportunity Area, but is not subject to any statutory ecological designations. The Kent Downs AONB is located to the south of the site beyond the residential dwellings fronting onto Canterbury Road. There are no heritage assets on or adjoining the site and the site is not located in a Conservation Area. The closest heritage asset is the Grade II listed Lydden Court Farmhouse and the Church of St Mary (Grade II\*) beyond this to the north of the site, however it appears that views of these assets from the site are reduced due to the farm outbuildings located between the Farmhouse and site. The site is wholly located in Flood Zone 1.

**b. Support for SAP47, Dover District Local Plan**

Quinn Estates is in support of the allocation of Land at land to the north of Lydden Court Farm, Church Lane (Policy SAP47). The land is located within Lydden, a small but sustainable settlement located in

the south of Dover. The village benefits from a number of valuable services which are uncommon for a settlement of its size, including a GP, Primary School and Public House. There are also a number of industrial/commercial sites within close walking distance, providing residents with a local source of work. For residents that work in other sectors, there is a regular bus service which provides quick access to the coastal town of Dover. The site Sustainability Appraisal submitted as part of the Regulation 19 Evidence Base indicates that the site scores well in regard to Services and Facilities, Employment Opportunities, Sustainable Transport Options and opportunity for Climate Change Mitigation. By virtue of these credentials, Quinn Estate therefore also supports the promotion of the settlement from Village (in the adopted Core Strategy 2010) to 'Larger Village' in the Draft Local Plan. The principal constraints for development relate to drainage, flooding, and access, in addition to impacts on nearby heritage and ecology assets. Given these considerations, the previous allocation of the site for 65 dwellings, at the 'Preferred Options' phase (Regulation 18), was considered undeliverable. It was also considered that this quantum would conflict with the existing settlement character, which currently comprises detached and semi-detached dwellings set within medium and large plots. The Regulation 19 Submission version of the Plan allocates the site for 30 dwellings, which Quinn considers to be deliverable in account of the sites constraints and more in keeping with the prevailing character and urban form of the village. It is also noted that this site allocation falls outside of the Nutrient Neutrality Catchment Area, and therefore would be able to make a meaningful contribution to Dover District's short term housing supply. A number of measures to address the issues mentioned are set out within Policy SAP47 of the Draft Plan, which ensures that an acceptable and sustainable scheme is delivered. These measures are discussed in further detail below. Though the capacity of the allocation has been reduced, it is considered that the approach taken to the allocation of the site is a result of sound plan making and would enable the delivery of a sustainable development whilst still making a meaningful contribution to Dover District's rural housing needs. The site is suitable, available now and achievable in accordance with NPPF Paragraph 68, and could come forward quickly to bolster the Council's short term supply. There are no obvious barriers to delivery, and, as will be shown below, the requirements listed in draft Policy SAP47 are considered to be deliverable and appropriate measures to ensure that negative impacts are not generated. In addition to this, Quinn Estates recognise the needs of the village, and consider that through the delivery of the scheme, they could also make a meaningful contribution towards addressing identified public infrastructure needs to support the new and existing residents.

#### c. Site Allocation Conditions

For the Draft Allocation SAP47, a number of conditions are listed within this Policy to ensure that a sustainable and appropriate scheme is secured. At this stage, Quinn consider that the conditions posed on the site do not threaten the deliverability, suitability or achievability of the site and that the proposed Policy is sound and in conformity with the NPPF. The revised development quantum can be accommodated with limited impact on the local area, particularly in terms of transport and heritage, as set out in more detail below.

#### Public Infrastructure provision

Parish Council have identified that the settlement is in need of new play facilities for children. In terms of Policy SAP47, a requirement has therefore been set out within matter (c) to investigate the provision of equipped play facilities, either on site or off site. Although Draft Policy PM3 would not require this level of provision for a scheme of this size, Quinn Estates agree that this is something that should be explored and, although it may not be possible to secure such provision on site, is prepared to work with the Parish Council and District Council to secure this provision. It is envisaged that this objective is more achievable given the reduction in dwellings for the regulation 19 submission.

#### Heritage

As noted, there are multiple heritage assets within proximity to the site, including Lydden Court Farmhouse (Grade II listed) and the Church of St Mary (Grade II\* listed) both to the north of the site. Views of and from the assets are limited due to the existing outbuildings ancillary to the Farmhouse that are located between the assets and the site. In addition, there is strong tree and hedge planting to the rear of these outbuildings and along the field boundaries to the north and north-east which will

limit views further. The following conditions are proposed in the Draft Allocation:

(b) Development should be restricted to the southernmost part of the site with a significant buffer zone and density significantly decreased, in order to reduce potential harm to the setting of the farmstead and Grade II\* church;

(k) A Heritage Assessment for the site must be carried out in accordance with Policy HE1 the results of which should inform the layout and design of the development which is necessary to avoid harm to any heritage assets identified through the assessment;

Quinn Estates raises no objection to the suggested conditions and consider that this would be deliverable with any future proposals on the site. The proposed reduction in dwelling numbers for the site will help ensure that the future development would significantly limit any impacts on surrounding heritage assets, whilst being able to secure an effective use of land and public benefits. Whilst the site currently benefits from existing landscaping features, it is envisaged that additional landscaping is proposed to screen views of the site from the north and a sensitive design is proposed which will ensure the proposed development is in keeping with the character of the area. Overall, in regard to heritage impacts, the allocation is considered to be sound and would be comply with the Heritage Objectives set out within the NPPF.

#### Landscape

As the site is within the Kent Downs AONB, the draft allocation also states in matter (c) that appropriate measures are taken to avoid or minimise impacts on the setting of the Kent Downs AONB through the completion of a Landscape Visual Impact Assessment to determine the provision of an appropriate landscape buffer which will mitigate the impact of development on the AONB and wider countryside. The site is bordered by existing development to the south and east, as well as partly to the west and north. Therefore, the site is considered to be enveloped by the existing settlement, which significantly limits the impacts of any future development upon wider views from the surrounding countryside. Quinn considers that this proposed condition, coupled with the recommendations set out to limit heritage assets, will rule out any risk of significant landscape impacts. It is envisaged that the dwellings will benefit from planting and trees, providing a suitable buffer between the proposed development and existing dwellings and in particular, the listed buildings to the north. Overall, it is considered that the reduced scheme will provide an opportunity to deliver a high quality landscape setting which is suitable for the settlement.

#### Transport and Access

The site is encompassed by Church Lane in the west and Canterbury Road in the east. Apart from the small section of land to the east, the site is separated from these roads by single rows of buildings. Previous works conducted for Regulation 18 Local Plan consultation confirm that the existing junction function well and that the provision of 30-35 dwellings would not result in a detrimental impact on the local highway network.

In respect to Allocation SAP47, the following conditions are suggested to address transport and access matters:

(e) Primary vehicular, pedestrian and cycle access to the site shall be provided from Church Lane. Site access is to be designed to physically prevent access/egress to/from Church Lane to the north;

(f) Alterations are required at the two Canterbury Road junctions to manage vehicle movements;

(g) An uncontrolled pedestrian crossing where PROW ER116 joins Canterbury Road, is required to provide access to eastbound bus stop; and

(n) A Transport Assessment is required to be carried out in accordance with Policy T13;

Quinn considers the above proposed conditions represent a sound approach to ensuring that the future development would be safe and suitable in regard to transport and access for the site, however, it is suggested that the wording of matter (e) altered so that the objectives can be delivered through a more realistic approach:

(e) Primary vehicular, pedestrian and cycle access to the site shall be provided from Church Lane. Site access is to be designed to discourage access/egress to/from Church Lane to the north;

Additionally, whilst Quinn supports the requirement for the access to be provided to/from the south of Church Lane, it is considered that to allow flexibility for the scheme, the wording of matter 'f' of draft Policy SAP47 should be changed to the following:

(f) "A suitable layout at the Canterbury Road / Church Lane junction will be secured to manage vehicle movements."

In addition, Quinn supports the requirement for the development of the site to include a connection to the PRow to provide routes to the bus stops and primary school. The village benefits from regular buses 7 days a week to Canterbury and Dover, so this provision would ensure that the new residents would be able to safely access sustainable transport options within the village. It is considered that the improvements to the junctions at Canterbury Road and pedestrian crossings are deliverable, and their exact location and nature would be subject to detailed work as part of any future planning application. Overall, it is considered that the transport impact of the new development could be mitigated, and even result in a betterment on the existing situation, whilst also providing significant benefits in terms of sustainable modes of transport in accordance with NPPF paragraph 104.

#### Ecology

The site is greenfield land, comprising grassland fields, bordered by hedgerows and trees. Previous technical studies confirm that the site is located within a Biodiversity Opportunity Area but is not subject to any ecological designations. In terms of habitats, previous works have also confirmed the site is a potential habitat of nesting birds which would need to be investigated further. In light of these considerations, a number of conditions have been attached to draft allocation in regard to Ecology:

(d) Consideration will 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 and support integrity of the BOA;

(h) In accordance with Policy SP13, a wintering bird survey must be undertaken in advance of a planning application on the site. If the bird survey identifies that the development will exceed the threshold of significance, mitigation will be required. A suitable scheme of mitigation will need to be submitted with the planning application for the site;

(l) In accordance with Policy SP13, an Environment Assessment study will be required for any development to address any potential impact on the Lydden & Temple Ewell Downs SAC;

Quinn considers that the proposed mitigation measures suggested are appropriate for the scheme and would ensure that the development would not result in the loss of any important ecological features. As noted, the site benefits from a range of ecological features that would be able to be retained with any future development, which would contribute towards the objectives of the Biodiversity Opportunity Area. The development could also be timed appropriately to ensure that the development of the site does not result in any negative or harmful impacts on wintering birds. In addition to retaining as much ecological features on site as possible, Quinn would also seek to achieve Biodiversity Net Gain on site, resulting in an overall betterment to what presently exists. This could be achieved through a number of methods, such as native tree planting, bat roosting and more diverse nesting habitats for birds. The development of the site is considered to be suitable in regard to Ecology matters and the measures imposed are a result of sound plan making and would accord with Paragraph 174 of the NPPF.

#### Flooding and Drainage

The site is located within Flood zone 1, however, has been identified to contain land with a 1 in 30 year risk of surface water flooding. Therefore, it was considered in the Regulation 18 phase that this should be addressed by a carefully informed layout designed to address the potential threat of surface water flooding. A key change made between the Regulation 18 and Regulation 19 versions of the Local Plan was to lower the overall quantum of the site from 65 to 30. It is considered that this is a significant step down in the number of homes that would be delivered, and would create scope to position the dwellings away from the areas at highest risk of flooding. The following conditions are proposed in SAP47:

(j) A site specific Flood Risk Assessment must be carried out in accordance with Policy CC5 to address the issue of surface water flooding. This should inform the Sequential Approach which

	<p>should be applied to the layout of the site by locating the most vulnerable elements in the lowest risk areas;</p> <p>(m) Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes</p> <p>Overall, Quinn Estates support the approach taken to the site in respect to the mitigation of flood impacts, and consider that through the implementation of the measures suggested, a safe and suitable scheme could be delivered on the site.</p> <p>d. Conclusion</p> <p>Quinn Estates wishes to support Dover in bringing forward a successful, effective and sound Local Plan that can serve the District across the Plan period. With respect to the proposed Housing Allocations, Quinn Estates consider that the allocation of Land Adjacent to Lydden Court Farm, Church Lane, Lydden is a good opportunity to provide for the Districts future rural housing needs, and consider that the proposed conditions would ensure that the scheme delivered is sustainable and compliant with National Planning Objectives. The site will create a number of local benefits:</p> <ul style="list-style-type: none"> <li>• Promoting the appropriate expansion of rural communities in the most suitable and sustainable locations, whilst ensuring that the town's existing character, heritage assets and surrounding landscape are preserved;</li> <li>• Creating the opportunity to address locally identified public infrastructure needs;</li> <li>• Protecting existing habitats and ensuring Biodiversity Net Gain within an identified Biodiversity Opportunity Area;</li> <li>• Improving the quality of local transport networks to create to a safer environment for both motorists and pedestrians; and</li> <li>• Delivering a high quality scheme which would be seen as an asset to the town and community.</li> </ul> <p>Quinn would welcome the opportunity to participate in the forthcoming Examination-in-Public into the Plan and contribute to the debate to ensure that the best strategy for the District is found.</p>
<p><b>7 - What changes do you suggest to make the Dover Local Plan legally compliant or sound? Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b></p>	
<p><b>8 - If your representation is seeking a modification to the plan, do you consider it necessary to participate at the oral part of the examination?</b></p>	Yes
<p><b>9 - If you wish to participate in the oral part of the examination, please outline why you consider this to be necessary. Please note the Inspector will determine who is to be invited to the hearings from those who have selected "yes" to the question above.</b></p>	Quinn Estates is a prominent developer with multiple land interests in the district, and will play a vital role in realising the development objectives and vision of the plan.
<p><b>Include files</b></p>	<p><a href="#">Pellegram Icon1 (Quinn Church Lane) 1134 Att1_Redacted.pdf</a></p>