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Hearing Statement in Response to the Inspectors Matters, Issues and Questions (MIQs)

Policy SAP22 – Land at Archers Low Farm, Sandwich

CLIENT: FERNHAM HOMES LTD AND WALKER RESIDENTIAL LTD

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1 PURPOSE OF THIS REPRESENTATION

- 1.1.1 This Representation has been prepared by Fernham Homes Ltd (Fernham Homes) and Walker Residential Ltd, in response to the Inspector's Matters Issues and Questions (MIQs), ahead of the Dover District Council (DDC) Local Plan Examination Hearings, which are due to take place in November and December 2023.
- 1.1.2 Fernham Homes and Walker Residential Ltd have been promoting the land at Archers Low Farm (draft submission allocation: SAP22) hereafter referred to as 'Land at Archers Low Farm' or 'the Site', for a residential allocation through preceding stages of the Local Plan.
- 1.1.3 As part of the Regulation 18 Local Plan, the Site was allocated under the 'Site Allocations Policy 1 Non-Strategic Housing Allocations' for approximately 40 dwellings (reference SAN023).
- 1.1.4 In the Regulation 19 Submission Document (October 2022) the Site was allocated for a reduced provision of 35 dwellings under policy reference SAP22.
- 1.1.5 Fernham Homes and Walker Residential Ltd submitted a representation in response to the Regulation 19 document in December 2022. The purpose of this submission was to support the allocation of the land at Archers Low Farm but for a greater quantum of development of approximately 40 – 45 dwellings in line with the previous allocation in the Regulation 18 Local Plan.
- 1.1.6 At the time of submission, the appeal scheme for 44 dwellings (APP/X2220/W/22/330320) had not been determined and the representation had been prepared on the basis of the appeal scheme layout. The main concerns which were raised by the Inspector in the appeal decision, related to the landscape/character impact associated with:
- The Site access (in terms of width and design) proposed under that application, required the removal of a number of trees which had not been individually surveyed but were assessed within the Arboricultural Impact Assessment (AIA) as part of a group classified Category A under the British Standard 5837.
 - The extent of development within the Site, resulting in the loss of native trees on the "internal boundaries", with the risk of further residual impact on these.
- 1.1.7 Following this decision, Fernham Homes and Walker Residential Ltd have engaged in pre-application discussions with DDC and Kent County Council Highways & Transportation (KCC H&T). A revised scheme was tabled at a pre-application meeting in May 2023, for approximately 35 dwellings, which included alterations to the proposed access following consultation with the applicant's transport consultant and arboriculturist, and importantly, further detailed arboricultural

assessment of the trees along the boundary with Sandown Road. A summary of the indicative amendments is included as part of this representation.

- 1.1.8 There is agreement between Fernham Homes and Walker Residential Ltd and DDC regarding the principle of the suitability of the Site for redevelopment development, and that the main access should be from Sandown Road.
- 1.1.9 A signed Statement of Common Ground (SoCG) with DDC is attached to this Hearing Statement at **Annex 1**. This sets out that Fernham Homes is continuing to work together with DDC and Kent County Council Highways & Transportation (KCC H&T), and will, if accepted by the Inspectors, provide an updated SoCG signed by all parties before the end of October, so that the Inspector has the most up-to-date position ahead of the Hearing Sessions.
- 1.1.10 In light of the above, Fernham Homes and Walker Residential Ltd, support the allocation of the Site for an indicative capacity of 35 units in line draft policy SAP22 set out in the Regulation 19 and remain fully committed to the delivery of the Site within the next five years.

2 RESPONSE TO THE INSPECTORS' MIQS

2.1 MATTER 2 – HOUSING GROWTH AND RESIDENTIAL WINDFALL DEVELOPMENT

Issue 3 – Housing Distribution – Policy SP3

- 2.1.1 **Question 3:**
- 2.1.2 **Table 12 of the Council's Housing Topic Paper states that, combined, almost 50% of all new housing will occur in Dover and at Whitfield. When considering the acknowledged viability challenges around Dover, and the strategic size and scale of the Whitfield Urban Expansion, is the distribution of development justified.**
- 2.1.3 DDC's settlement strategy focuses on the development and regeneration of Dover Town (including Whitfield) with the secondary focus for development in Deal, followed by the Rural Service Centres of Sandwich and Aylesham, reflecting their position within the settlement hierarchy.
- 2.1.4 Following the settlement hierarchy rigidly would distribute housing in the preceding order. The Plan recognises that housing delivery in Deal and Sandwich continues to be constrained by a number of factors including flood risk, ecological designations, heritage and highways and there is now a dwindling supply of available and suitable sites in both settlements.
- 2.1.5 The Rural Settlement Hierarchy Study (August 2022) identifies that beyond the principal district settlements (Dover, Deal, Sandwich, Aylesham), the lower-order settlements in the district have a low level of facilities, therefore offering limited opportunities for growth. This places further reliance on the higher tier settlements to deliver the housing growth required. There are also particular affordability issues, and a historic under delivery of affordable housing in settlements such as Sandwich, which emphasise the need for growth at the second and third tier settlements.
- 2.1.6 It is our view that sustainable and accessible sites located adjacent to existing urban areas, represent the most reliable sources of growth for the Plan period. However, there remains the risk that delays in delivery at strategic locations, such as Whitfield, may occur and progress in terms of delivery at this location since its original allocation in the adopted Development Plan has been slow. The strategy must therefore comprise of an appropriate balance of small, medium, and strategic-scale sites at different locations across the district which are deliverable across the Plan period and capable of ensuring sufficient flexibility in delivering the district's needs and which reflects the inherent uncertainty that is associated with large-scale strategic growth.

- 2.1.7 The land at Archers Low Farm is an accessible, edge of settlement location, which is largely unconstrained and provides a clear opportunity for the growth of a higher tier settlement. In addition, the Site performs strongly in the Housing and Economic Land Availability Assessment (HELAA)/Sustainability Appraisal (SA) Site Assessment (ref: SAN23), with particular positives identified with regards to SA Objectives related to housing, accessibility, the economy, sustainable transport and climate change mitigation. It is therefore imperative that the use of such sites are appropriately maximised in accordance with draft policy SP3 of the emerging Plan and national policy objectives, taking into account their particular site characteristics.
- 2.1.8 We remain of the view that reliable housing allocations within settlements such as Sandwich would appropriately re-balance the growth strategy such that DDC can have confidence in consistently meeting its market and affordable housing targets in full throughout the life of the new Dover District Plan in the event that identified sources of housing do not come forward or fail to deliver as anticipated.
- 2.1.9 **Question 6:**
- 2.1.10 **How was new housing growth distributed between settlements in the same category? For example, why do some settlements (such as Eythorne and Elvington) have significantly more housing proposed than Kingsdown? Is the Plan justified in considering Eythorne and Elvington together?**
- 2.1.11 It is understood from DDC's Settlement Hierarchy and Confines Topic Paper (2022), that the sustainability credentials of the district's three largest settlements (Dover, Deal and Sandwich) were not considered necessary to assess in detail as part of the study, on the basis the sustainability credentials of these locations as upper-tier settlements are well-established. The three settlements as of 2020 comprises 70% of the total district population and the primary employment, retail, and transport hubs within the district.
- 2.1.12 Sandwich in particular, is recognised for its important strategic role geographically within district, being well placed to serve the daily requirements of residents both within the town itself and the wider surrounding villages. Discovery Park to the north of Sandwich is the largest employment site within the district and has been a designated Enterprise Zone since 2011. Sandwich further functions as a major tourism centre by virtue of its well-reserved medieval town centre.
- 2.1.13 All three upper-tier settlements, including Sandwich have historically formed reliable sources of housing delivery within the district and are set to remain the primary foci of housing within the forthcoming Plan period, reflecting their greater capacity to maximise the available services, facilities, and public transport opportunities.
- 2.1.14 In developing the housing distribution for the district, it is recognised that if the housing distribution were to purely follow the settlement hierarchy, the secondary focus for development should be the District Centre of Deal, followed by the Rural Service Centres of Sandwich and Aylesham.

- 2.1.15 DDC however suggest that housing delivery in Deal and Sandwich continues to be constrained by a number of factors including flood risk, wildlife sites, heritage and highways. Given this, it has been a challenge to identify suitable and available sites in Deal and Sandwich and the growth potential of these settlements is therefore currently considered to be relatively limited.
- 2.1.16 This has required rural settlements further down the settlement hierarchy to deliver a greater quantum than that which would ordinarily be expected within an otherwise urban area focused development strategy. Settlements were assessed using a scoring system with key metric of public transport, shops, community facilities, education and health services. Broadly, settlements with higher scores have been carried through into the submission version of the Plan with a greater quantum of housing than may have otherwise been the case.
- 2.1.17 Whilst capacity has been identified within many rural settlements, this inevitably direct a greater proportion of housing within the less sustainable rural area. It is therefore clear that where opportunities for housing do exist within upper tier settlements – such as at Sandwich – should be appropriately maximised in recognition of the otherwise more limited remaining growth opportunities within the district’s most sustainable locations.

Issue 5 – Residential Windfall Development – Policy SP4

- 2.1.18 **Question 2:**
- 2.1.19 **Policy SP4 permits new residential development within or immediately adjoining the boundary of defined settlements provided that, amongst other things, development is commensurate with the scale of the settlement it adjoins. Is this sufficiently clear enough to be effective?**
- 2.1.20 Policy SP4 is understood to have been prepared in recognition of the strong contribution made by windfall sites in the last 10 years, which account for nearly 45% of all completed dwellings within this period.
- 2.1.21 Policy SP4 is supported in principle as the Site could be brought forward under this policy during the course of the forthcoming Plan period. However, the scale of windfall development anticipated fails to provide the degree of certainty that is required and is insufficient in providing the degree of flexibility within the growth strategy that is required in order to ensure a sound growth strategy that balances the scale of development at Whitfield.
- 2.1.22 Our client is fully committed to the delivery of the Site which is available and suitable for delivery early in the Plan period. Notwithstanding the provisions of SP4 and our support for it, it is reiterated that our client fully supports the allocation of the Site under SAP22 for residential development as the most appropriate mechanism for delivery of the Site and the opportunity for genuinely Plan-led development in Sandwich and the provision of associated benefits to

public services and infrastructure, contribution to affordable housing supply and the delivering of a mix of house types and tenures.

- 2.1.23 Where sites are deliverable and capable of making a valuable contribution to the housing supply within a settlement such as Sandwich that has been suggested by DDC to suffer a constrained supply of available sites, it must be preferable to secure the additional certainty of formal site allocations. Such an approach serves also to better consider the cumulative impacts of development and assist in developing a cohesive strategy for each settlement.
- 2.1.24 To be clear, the policy is in itself supported, however it should not function as an alternative to genuinely plan-led development delivered through the Local Plan where in our client's view, there remains an outstanding requirement to demonstrate a sound and balanced growth strategy.

2.2 MATTER 3 – HOUSING ALLOCATIONS

Issue 3 – Sandwich Housing Sites

- 2.2.1 **Policy SAP22 – Land at Archers Low Farm**
- 2.2.2 **Question 1:**
- 2.2.3 ***How have the effects of the allocation on the landscape character of the area been considered? In allocating the site, how has the Council considered the planning history of the site, including the previous dismissed appeal and previous Inspector's recommendations as part of the examination of the Land Allocations Local Plan?***
- 2.2.4 We refer to the appeal decision for the 44-unit scheme (APP/X2220/W/22/3303230), whereby the Inspector's main concerns relate to the landscape/character impact associated with:
- The Site access (width and design) proposed under that application, would require the removal of a number of trees which had not been individually surveyed but were surveyed as part of a group which the AIA had assessed as Category A under the British Standard (BS) 5837.
 - The extent of development within the Site would have resulted in the loss of native trees on the "internal site boundaries", with the risk of further residual impact on these.
- 2.2.5 Following this decision, Fernham Homes and Walker Residential Ltd have engaged in pre-application discussions with DDC and KCC H&T. The plan shown in **Annex 2**, which has been subject to a satisfactory Stage 1 Road Safety Audit (RSA), would provide for approximately 35 dwellings, and address these concerns. Accordingly,

our clients now support the policy as set out in SAP22 for an 'indicative capacity of 35 dwellings'.

2.2.6 A summary of the changes as a result of the indicative scheme, are outlined as follows:

- The width of the original access proposed, including footways was 9.1 metres. The Site access shown in **Annex 2** has been dramatically reduced to 5.5 metres. This has been accommodated by the provision of a hoggin path at the north-eastern corner of the Site and scope for pedestrians to use the carriageway of the access to Sandown Road (which has been subject to a satisfactory Stage 1 RSA), together with the pedestrian route to St George's Road.
- Whilst the original scheme was informed by an AIA, this assessed the tree belt to Sandown Road as a group, rather than in terms of individual trees. A survey of the whole section of these trees, assessing each tree individually, has now been undertaken. The route indicated has been carefully designed to have the minimal impact on trees, and importantly avoids the need for the removal of any Category A trees.
- The appeal scheme required the removal of 18 trees from the Category A woodland. The revised site layout would only require removal of seven Category B trees, three Category C trees and the crown lift to one Category B and one C tree, in addition to the removal of one Category U trees (which should be felled for arboricultural reasons in any event).
- The development would significantly reduce the impacts on T11 (cedar) and T12 (pine) – both Category B trees within the Site but identified by DDC as being of importance.
- The developable area has been reduced and brought in away from retained trees in order to reduce any pressure for future works to these trees and minimise views of the development from Sandown Road.
- The previous scheme (referred to in the SoCG at **Annex 1**) had a much straighter access into the Site, "bookended" by dwellings. Whilst this design approach had been arrived at through discussions with DDC, it meant that views into the Site did afford views of a street and dwellings. As shown in **Annex 2** the reduced capacity allows for a more sinuous access, with further supplemental planting within the Site (i.e. beyond the existing trees on the boundary to Sandown Road) to further screen views of dwellings from Sandown Road.
- Given the parameters established through the original scheme, and the reduced extent of developable area, the significant ecological and biodiversity benefits (10% habitat and over 300% hedgerow biodiversity

net gain), together with appropriate management of the woodland, will still be able to delivered.

- 2.2.7 As aforementioned, the revised indicative scheme – which reflects the indicative capacity as set out in SAP22 – has been prepared alongside input from Fernham Homes and Walker Residential Ltd’s landscape, tree, and highways consultants in order to provide a scheme which maintains the landscape character of this location and addresses the appeal decision. To-reiterate, following the appeal decision, our clients have recognised that the capacity of the Site is lower than provided for in the appeal decision, and supports Policy SAP22.
- 2.2.8 Furthermore, it is submitted that since the examination of the Land Allocations Local Plan (LALP), the Council’s evidence base has been updated significantly to include a Landscape Character Assessments (2020) and landscape assessment within the HELAA, which concludes that the Site is able to accommodate residential development, subject to the appropriate mitigation measures. In addition, matters such as the planting of an additional 300 trees as part of the proposed development – for example to the south of the Site – was not proposed. Such information was not available for consideration at the time of the Inspector’s examination.
- 2.2.9 **Question 2:**
- 2.2.10 **What is the justification for the suggested changes to Policy SAP22? Why are they necessary for soundness?**
- 2.2.11 Fernham Homes and Walker Residential Ltd are wholly supportive of the allocation of the Site for residential development and is committed to delivering the Site early in the Plan Period.
- 2.2.12 As aforementioned, a SoCG has been signed with DDC: this is provided at **Annex 1**. Fernham Homes is continuing to work together with DDC and KCC H&T, and will, if accepted by the Inspectors, provide an updated SoCG signed by all parties ahead of the Examination.
- 2.2.13 is being prepared with DDC and KCC H&T which confirms that the Site is suitable for residential development and that the indicative scheme would overcome the reasons for refusal provided by the Inspector.

2.3 MATTER 4 – MEETING HOUSING NEEDS

Issue 1 – Total Supply

- 2.3.1 **Question 3:**
- 2.3.2 **Is the projected supply of housing justified and has sufficient land been identified to ensure that housing needs will be met, including an appropriate buffer to allow for changing circumstances on development sites?**
- 2.3.3 DDC’s total supply of housing within the Plan is understood to include a contingency buffer of 994 dwellings. The sources of such dwellings are not specified but it remains our client’s view that an oversupply of housing is required in order to balance the Council’s growth strategy and ensure a pragmatic degree of flexibility in the event that strategic-scale growth does not deliver as anticipated.
- 2.3.4 Should such strategic sites – such as at Whitfield - not come forward at the rate intended, there would potentially be an undersupply of some 2,200 dwellings. Whilst policy SP4 may go some way in addressing such a shortfall by way of windfall development within or close to settlement confines, it would be grossly insufficient in fully addressing the scale of potential undersupply.
- 2.3.5 It is our client’s view that the identification of sites primarily in upper-tier settlements such as Sandwich are required in order to address issues such as historic affordable housing under-delivery and affordability issues. This will ensure a pool of sustainable, reliable sites that can come forward and deliver market and affordable housing growth should the housing trajectory not unfold as anticipated.

3 SUMMARY

- 3.1.1 This Statement has been prepared on behalf of our Fernham Homes Ltd and Walker Residential Ltd, in response to the Inspectors Matters, Issues and Questions ahead of the Dover Local Plan Examination.
- 3.1.2 On account of the above, and the details included within our previous representations, we are of the view that the Council's allocation of Land at Archers Low Farm is justified and will provide much needed housing for the district, which is capable of delivery early in the plan period. Our clients are now fully supportive of the indicative capacity set out in Policy SAP22. The work undertaken, and discussed and agreed with DDC and KCC H&T, has demonstrated that the reasons for which the appeal Inspector refused the previous scheme of 44 dwellings can be addressed through the indicative capacity of 35 dwellings proposed in the allocation.
- 3.1.3 A Statement of Common Ground has been agreed with DDC, and Fernham Homes is continuing to work together with DDC and KCC H&T, and will provide an updated SoCG signed by all parties ahead of the Examination.