



**DOVER LOCAL PLAN EXAMINATION**

**KENT DOWNS AONB UNIT**

**RESPONSE TO**

**MATTERS ISSUES AND QUESTIONS**

**MATTER 3**

**OCTOBER 2023**

## Matter 3 – Housing Allocations

### Issue 7 – St Margaret’s at Cliffe Housing Sites

#### Policy SAP40 – St Margaret’s at Cliffe Small Housing Sites

*STM010 – Land between Salisbury Road and The Droveaway*

**Q1 Does the site allocation represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB and Heritage Coast, been considered, having particular regard to the topography of the area?**

The AONB Unit concurs with the assessment of Dover District Council that this site does not represent major development within the AONB, taking into account footnote 60 to paragraph 177 of the NPPF and in particular the relatively small scale of the proposed allocation with an indicative housing capacity of 10 units and its relationship to the existing built form of the settlement of St Margaret’s-at -Cliffe and the scale of this village.

The AONB Unit remains concerned that the effects of the higher topography of the land proposed to be allocated and implications for this on the scenic qualities of the AONB have not been properly taken into account in taking the allocation forward.

The initial SHLAA Assessment for the site (Site Code SAD28) identified that the higher nature of the site relative to surrounding land levels was likely to result in unacceptable landscape impacts:

*‘The site lies within the AONB and close to the Heritage Coast. It abuts National Trust land to the NE. The site is on a crest of a hill and, despite the screening, would be visible from a long distance (redevelopment of a house adjacent to this, but lower, on The Droveaway had to undergo numerous changes before it was considered acceptable.) Any development on the site would, therefore, have a highly detrimental impact on the designated landscape.’*

The concluding analysis states *‘The site is located in the AONB in a highly visible location at the top of a hill on a plateau. Any development would have a detrimental impact on this designation’* and this analysis contributed to the site not being considered suitable for inclusion in the Submission Document.

In respect of the more recent Landscape Sensitivity Assessment (LSA), the Assessment concludes that the site has an overall Low-Medium sensitivity to a proposed housing development. While the AONB Unit agrees with some aspects of the assessment such as those that relate to the relationship of the site to the settlement and landscape character, we consider the LSA to underassess potential impacts due to the site’s higher topography.

Despite the LSA recognising that the site lies on higher ground than surrounding development and that two storey dwellings *‘could be quite visible on the edge of the village’*, it is advised that the site is partially visually contained by existing development and vegetation. While the AONB Unit agrees that existing housing and vegetation along some of the boundaries contains the site visually to a degree, due to the higher ground levels, built form on the site would be visible above this in many viewpoints, including from longer distance views from the south and more medium range views from the north east, where development could be seen on the skyline. Furthermore, suggested mitigation included in the LSA is for *‘any development should also be one storey to minimise visual impact’* however this is not carried through as a requirement within the policy criterion.

A Landscape and Visual Statement (LVS) has also been submitted in support of the site's allocation, by the promoter of the site. While the AONB Unit welcomes the submission of such a document, we have concerns over several aspects of the content of this, as well as the overall conclusions:

- While the Assessment acknowledges at 1.10 that the south west section of the site is elevated above adjacent housing to the SW and the PRow, this fails to acknowledge that the site is also elevated above all the surrounding land including existing housing to the south east, north west as well as the individual house immediately north of the site on the east side of The Droveaway.
- Despite acknowledging at 1.14 that there are potentially sensitive views south towards the site's northern boundary from the NT open access land to the north (Bockell Hill), no viewpoints are provided from here. The viewpoints were not agreed or discussed with the AONB Unit and we consider the Assessment to omit several key views identified within the ZTV as being areas where the site could be visible such as from the open access land at Bockell Hill, and from publicly accessible areas to the north east and north west of the site, such as from public Footpaths ER27 and ER 274. This would enable a much fuller understanding of the site's visibility in the wider landscape and potential visual impacts within the AONB.
- The topographical map included at Fig 4 is not of a sufficient detail/scale to be helpful, only providing topographical bands of 5 metres which does not allow for useful comparison of the site compared to surrounding land. OS mapping contours show that there is in fact a 5 metre difference between the centre of the site and the housing development on both The Droveaway and Salisbury Road which is a significant difference but this isn't apparent on the topographic map provided at Figure 4 because of the scale used.
- The key on the topographical map appears to be incorrect as it does not align with contour heights provided on OS mapping which indicate much of the site sitting between the 85 and 90m contour lines, while the key provided in Figure 4 indicates the height of the site to be in the region of 49m.
- While the inclusion of a Zone of Theoretical Visibility is helpful, we consider it would be of more help in determining potential visual impacts if it was based on a potential two storey development across the site rather than a single transmitter of 9 metres on one point within the site.
- The AONB Unit disagrees with the assessment in the LVS at para. 8.5 that '*potential visibility from the northwest is largely restricted by vegetation along the Kingsdown Road and by intervening woodland, as well as existing development along the northwestern side of The Droveaway*'. While vegetation along Kingsdown Road restricts visibility from this road, from Public footpaths ER27 and ER274, the two PRow's that head southeast off Kingsdown Rd towards the coast, development on the site is likely to be visible, above the existing vegetation and development along The Droveaway. The intervening woodland between Kingsdown Road and the site is at a low point in the landscape, (some 25 m below that of the site), and the views from the identified footpaths on higher ground to the west of the woodland are over the top of the woodland, as can be seen in the photo in Fig 1 below.



Figure 1 – view from Public footpath E27, off Kingsdown Road

- In respect of Views from The Front (View 13) it is advised that ‘*The site is located behind the trees and woodland block on the horizon in the position indicated by the black arrow*’. The AONB Unit does not agree with this assessment. While the south eastern part of the site is located behind the tree block visible in the photo, which is the mature group of trees located to the south eastern corner of the site, much of the site does not benefit from screening by existing vegetation in views from the south and is visible, as illustrated in the photo in Fig 2 below, taken from The Front. Nos 78 and 80 The Drove way are visible from this direction, along with a cabin structure in the garden of No 80 and there is no meaningful vegetation between this property and the site, and the area between the blue lines in the photo comprising the northern part of the site, the trees visible on the skyline between the two arrows are not located between this viewpoint and the site. Such views are available not only from The Front, but also from various views on the publicly accessible land to the north/northeast of South Foreland lighthouse. From here, built development along the site’s frontage with The Drove way would appear as new development on the skyline, higher than any of the existing built form in the view (other than the Dover Patrol monument), albeit at some distance from the views. If development was restricted to along the road frontage with Salisbury Road, this is likely to be screened by the woodland from this direction.



Figure 2 – View from The Front

- Overall the visibility of the site is significantly underplayed in the LVS and it is the AONB Unit's assessment, which aligns with that of the Council's own initial analysis of the site, that development would be visible from the wider AONB.
- The LVS conclusion is that '*the northeastern and southwestern boundaries of the site are more sensitive in the landscape than the northwestern and southeastern boundaries, and that potential impacts on these boundaries resulting from the introduction of development on the site can be satisfactorily mitigated through sensitive layout and design*'. It is not clear why the assessment conclusion is limited to consideration of the boundaries of the site only, when development would extend across the site and there is such a variation in the topography from the boundaries to the middle part of the site. No explanation is provided of how such a conclusion is reached, nor why only the boundaries are considered and not the rest of the site. Nor does the LVS provide any guidance on what type of '*sensitive layout and design*' it considers would assist in the satisfactory mitigation of development.

The AONB Unit considers the contour line map below in Figure 3 below (taken from the Regulation 19 Submission of The St Margaret's at Cliffe Residents Group) is much more helpful in illustrating the height of the site relative to surrounding land and existing development. It shows that the site is higher than all surrounding land, not just the housing to the southwest as advised in the LVS. This demonstrates that existing built form in Salisbury Road is built at the 84 to 85m contour line while that in The Drove opposite the site is at 86m at its highest at the southwestern end, reducing to 83 metres at the northern end opposite the site. In contrast, the majority of the proposed allocation is in the 87m to 90 metre contour range (as can be seen in Fig 1 below there are small areas of lower pockets of land in the south western and northern corners of the site) and allowing for a driveway set back, any built development would be likely to be built at a minimum of 88 metres and as a result much more prominent in the landscape than existing built form in a part of the Kent Downs AONB that is recognised as having particular visual sensitivities.

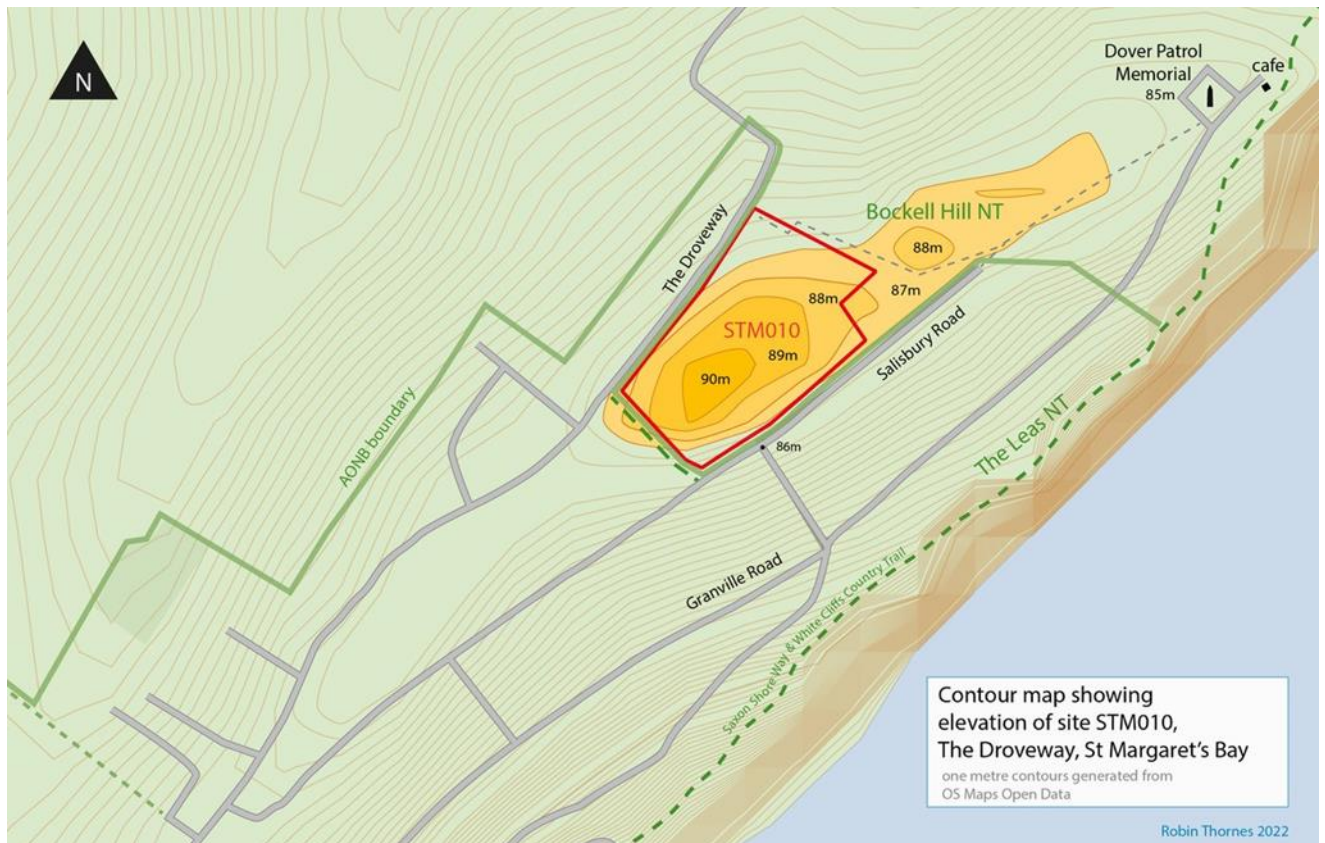


Figure 3 – Contour map

Taking the above into account, it is the view of the AONB Unit that insufficient regard has been applied to the potential impacts of development on the character and appearance of the area, with particular regard to topography.

**Q6 What is the justification for the suggested changes to Policy SAP40? Why are they necessary for soundness?**

The suggested changes to Policy SAP40 do not overcome the AONB Units fundamental concerns regarding the principle of development at STM010, however are considered beneficial in potentially reducing harm should the Inspectors reach a different conclusion and the allocation is found to be acceptable.

**Issue 9 – Housing Sites in Villages**

Policy SAP44 and SAP45 – Capel-le-Ferne

**Q4 Do any of the Small Housing Sites represent major development in the AONB, and if so, are they justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered? In answering this question, the Council should address any cumulative landscape impacts, especially from sites around Cauldham Lane.**

Of the three small housing sites proposed within Capel-le-Ferne, only CAP011 Land known as the former Archway Filling Station, lies within the AONB. The AONB Unit concurs with the assessment of Dover District Council that this site does not represent major development

within the AONB, taking into account footnote 60 to paragraph 177 of the NPPF and in particular the relatively small scale of the proposed allocation with an indicative housing capacity of 10 units.

As set out in the AONB Unit's response to the Regulation 19 Plan, the AONB Unit does not consider that the proposed allocation SAP45 Capel-le Ferne CAP 011 Archway Filling Station would conserve or enhance the landscape and scenic beauty of the AONB and the allocation is considered to be in conflict with paragraph 176 of the NPPF.

The site lies separated and unrelated to the existing built form of the main settlement of Capel-le-Ferne, separated from it by some 175 metres and by a large arable field. The open undeveloped nature of the site together with its boundary hedgerows means that it contributes positively to the rural character of the area and constitutes part of the rural setting to Capel-le-Ferne. These are factors that are recognised in the Council's own Landscape Sensitivity Assessment, part of the evidence base used to inform the proposed allocation, although the Assessment considers the proposed allocation in combination with the large arable field to the west which is not an allocation. This document advises that 'the site provides an open separation function between parts of Capel-le-Ferne, a campsite to the north-east of the site and a holiday park to the east' and 'when travelling along Dover New Road, the site provides an important open and partly rural setting to Capel-le-Ferne' assigning both factors a higher susceptibility.

The Landscape Sensitivity Assessment also notes that while 'some development to the south-west of the site would relate to the form of surrounding settlement although elsewhere, it would notably contrast with surrounding patterns' and that 'Some development to the south-west would relate to adjacent urban edges although elsewhere, it would have little relationship with the village'. As the proposed allocation area is at the eastern extremity of the assessed area, it is as having little relationship with the village.

The LSA also notes that the site is relatively visible from the wider open landscape as well as from short range views and from busy roads and concludes that 'The site is susceptible to change, and some residential development can only be accommodated in very limited situations (and with appropriate design and mitigation) without significant landscape/ visual change. Development conflicts with many landscape characteristics and some significant landscape/visual impacts are likely to occur.'

Taking the above into account, it is not considered the Council's own evidence base supports the allocation in terms of landscape character and appearance.