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## **Local Plan Hearing Statement** **Land Adjacent to Mill House, Mill Lane, Shepherdswell**

CLIENT: WOODCHURCH PROPERTY (BK) LTD

OCTOBER 2023  
MB/RD/32283



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**Appendix 1** – Kent County Council Highways Response to Planning Application ref. 23/00235 Land Adjacent to Mill House, Mill Lane, Shepherdswell dated 4<sup>th</sup> April 2023.

**Appendix 2** – Kent County Council Highways Response to Planning Application ref. 23/00235 Land Adjacent to Mill House, Mill Lane, Shepherdswell dated 6<sup>th</sup> October 2023.

# 1 INTRODUCTION

## 1.1 PURPOSE OF THIS STATEMENT

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- 1.1.1 This statement has been prepared by DHA Planning on behalf of Woodchurch Property (BK) Ltd in response to the Dover Local Plan Hearing Sessions of the Examination of the Draft Local Plan taking place in November 2023. The statement seeks to respond to Matter 3 (Housing Allocations) of the Inspector's Matters, Issues and Questions for Hearing Sessions, published 30<sup>th</sup> August 2023.
- 1.1.2 The site at Land Adjacent to Mill Lane, Shepherdswell has been identified as a draft allocation within the Regulation 19 Draft Local Plan Review under Policy SAP36. The draft site allocation includes both the subject site (TC4S082) (hereon referred to as the 'Mill House Site') and land to the north and east of St Andrews Gardens (SHE004) (hereon referred to as the 'St Andrews Gardens Site'). The wording of the draft policy notes the intention for both sites to come forward as a comprehensive development for 50no. dwellings.
- 1.1.3 Our Regulation 19 representation ('the Representation') set out the background and proposals for this site in greater detail, and also made the case for the two sites (TC4S082 and SHE004) to be separated and allocated individually for the purposes of availability and deliverability. This Statement is to be read alongside the Representation.

## 2 DRAFT POLICY AND POSITION OF WRITTEN REPRESENTATION

### 2.1 DRAFT POLICY

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- 2.1.1 As shown in our Representation, both the Mill House Site and St Andrews Gardens Site have been included as a draft allocation under Policy SAP 36 (Land to the north and east of St Andrews Gardens and adjacent to Mill House, Shepherdswell (SHE004 & TC4S082)).
- 2.1.2 The allocation seeks a comprehensive redevelopment of the wider site for approximately 50 new dwellings, landscaping, parking and ancillary works. The draft policy provides a set of criteria that any forthcoming proposal should adhere to.

### 2.2 POSITION OF OUR WRITTEN REPRESENTATION

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- 2.2.1 The Representation demonstrates that whilst Woodchurch Property (BK) Ltd ('Woodchurch') support the proposed allocation of the site, objections have been raised in relation to components of the draft policy. A high-level summary of reasons contained in the Representation has been provided below.

- **Promotion** – the sites have not been promoted on the basis of a combined allocation or delivery. The combination of the sites has been directed by the Council. This is contrary to the Call for Sites submissions.
- **Land ownership** – the sites are owned separately which has implications on delivery.
- **Delivery** – Woodchurch are the chosen developer for the Mill House Site ref. TC4S082 and have prepared a development proposal that has been submitted to Dover District Council under full planning application ref. 23/00235. The application is pending determination. The proposal derives from pre-application discussions with the Council which started before the Regulation 19 Draft Local Plan was published. The intention for the site has always been to come forward as a standalone development.

Given the separate ownership, the ability for a comprehensive development of the two sites to come forward is of a high risk as there is no guarantee that development will come forward on the site to the north. No agreement between parties exists to provide a single development.

The Mill House Site on its own by comparison is immediately available for development. Allocating the two sites together would increase the risk on

the Council with regard to deliverability of the wider development and number of homes.

- **Access & Highways** – the site allocation requires the primary access to the wider site to be from St Andrews Gardens with a secondary emergency access to be provided through the Mill House Site. As noted in the Representation, the provision of the emergency access through the Mill House Site would have a negative impact on both the site alone, and also on the surrounding area.

KCC Highways have confirmed that the access to the Mill House Site in isolation is acceptable and as such, the site would not be required to be accessed from St Andrews Gardens to the north west as per the draft policy wording (see **Appendix 1**). Whilst a holding objection has been raised as the emergency access is not being provided for the benefit of the St Andrews Gardens Site, it is clear that when considering the Mill House Site in isolation, an emergency access is not required to serve this site alone.

- **Quality of development** – the Representation notes that separating the sites will allow for the current proposal to come forward in a high quality manner and maintain the existing vegetated boundary. Should both sites be allocated, suitable wording can be included that ensures that the development of either site would not preclude future development in either location.

2.2.2 Through the written representation we request that the two sites are separated as shown in Figure 2.1 below.

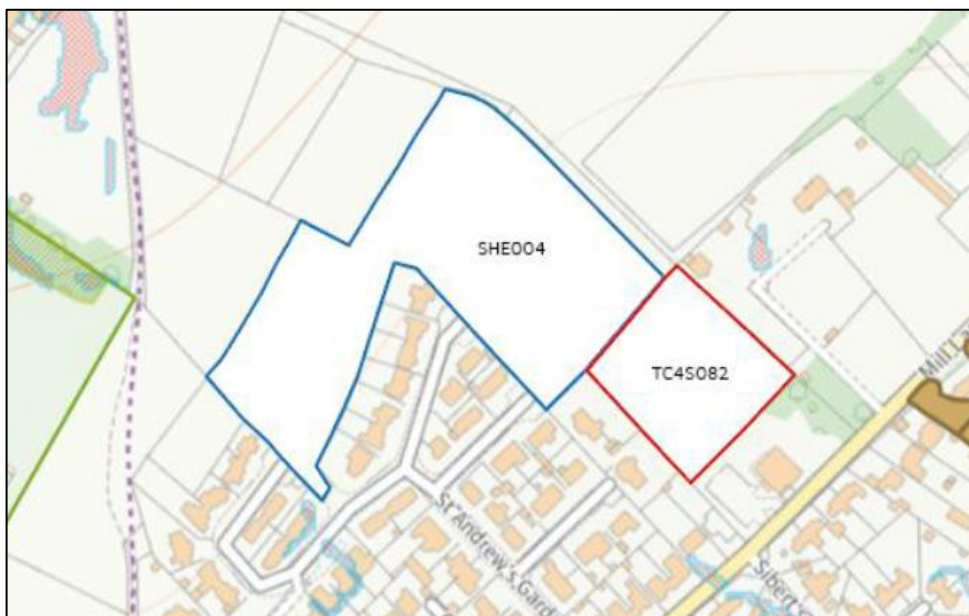


FIGURE 2.1: PROPOSED SPLIT OF ALLOCATED SITES

## Objections Made Through the Representation

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2.2.3 The Representation provides responses to each of the criteria contained in Draft Policy SAP36. A high-level summary of **objections** has been provided below. This should be read in conjunction with the rest of the Representation for context.

- **Criteria 3 (Emergency Access)** – Woodchurch object to the emergency access being provided through the Mill House Site based on the request for the sites to be separated. It has been demonstrated through the standalone application for the site (23/00235) that an independent access can be delivered that is considered acceptable by KCC Highways.

The Representation demonstrates that the provision of the emergency access would reduce developable land and would also detriment the development with regard to visual amenity, landscape, screening and ecology.

- **Criteria 4 (off-site pedestrian improvements (pram crossings) at road junctions within the St Andrews Garden Estate)** – the Representation objected to Criteria 4 as the criterion requires off-site pedestrian improvements (pram crossings) at road junctions within the St Andrews Garden Estate. Therefore, should the plots be separated this should be a requirement for the St Andrews Gardens Site only.
- **Criteria 6 (Wintring Bird Survey)** – the Representation demonstrates that the site is not within close proximity to relevant designated sites and has not been identified to have a high or moderate suitability to support qualifying bird species. Therefore, the surveys should not be required for the Mill House Site.
- **Criteria 11 (Future Access to Wastewater Infrastructure)** – Woodchurch have designed the development on the Mill House Site to allow for future access into existing wastewater infrastructure if necessary. However, objections are raised in relation to this connection and maintenance given the impact it would have on the proposed development. It would be the responsibility of the developer of the St Andrews Gardens Site to the north to deliver the connection without impacting the development to the south.

## Recommendations Presented in the Representation

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2.2.4 The amendments requested through the Representation have been summarised below:

- **Land Adjacent to Mill House (TC4S082)** should be severed from the land to the north at Land to the North and East of St Andrews Gardens (SHE004) and the allocation split into two.

- **Access to be amended** to allow for separate primary accesses to the northern and southern parcels of land, as seen as acceptable by KCC Highways in the live planning applications.
- **Requirement for a wintering bird survey** should be deleted for the Mill House Site, based on the response provided by the ecologist for the development proposal being prepared on the southern half of the site.
- **Provision for off-site highways improvements (pram crossings) at road junctions within the St Andrews Gardens Estate** to be restricted to the St Andrews Gardens Site (SHE004).
- **Open space requirement** to be a proportionate level, based on the total number of units and layout of the southern section of the site.
- **Future access to wastewater** infrastructure to be retained but amended so that the access and provision on the southern half of the site is proportionate to the scale of the development.

## 3 RESPONSE TO THE INSPECTORS' MIQS MATTER 3 – ISSUE 5: EASTRY AND SHEPHERDSWELL HOUSING SITES

### 3.1 OVERVIEW

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- 3.1.1 The Inspectors' Matters, Issues and Questions for Hearing Sessions ('MIQs') (Document Reference ED14) was published on the 30<sup>th</sup> August 2023. The MIQs are based on the Main Issues identified by the Council and other relevant issues raised by representors.
- 3.1.2 This Statement responds to Matter 3 – Issue 5 (Eastry and Shepherdswell Housing Sites) which includes a set of questions (Questions 1 – 3) based on Draft Policy SAP36 relating to Land North and East of St Andrews Gardens, Shepherdswell.

### 3.2 MATTER 3 – ISSUE 5: POLICY SAP36 – LAND NORTH AND EAST OF ST ANDREWS GARDENS, SHEPHERDSWELL

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**Q1: What is the justification for the primary access being taken from St Andrews Gardens? is a safe and suitable access achievable and how have the effects on the highways network been considered?**

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- 3.2.1 The question relates to the site to the north (ref. SHE004) only.
- 3.2.2 However, as demonstrated above, a standalone planning application has been submitted for the Mill House Site (ref. 23/00235) for which the primary access has been provided off of Mill Lane to the south. It has been demonstrated through the application process that the single access to the Mill House Site via Mill Lane is acceptable. A summary of responses has been provided below.
- 3.2.3 Kent County Council Highways ('KCC Highways') provided an initial response to the application on the 4<sup>th</sup> April 2023 (**Appendix 1**) which requested clarification over the access arrangements alongside the visibility splays. Further information was also requested with regard to the car ports and tandem spaces.
- 3.2.4 Amended plans were provided to the Council in August 2023 which demonstrated a revised access with visibility splays drawn to the carriageway edge, as requested. Elevations and floor plans of the car ports were provided and parking bays were amended to respond to the comments issued by KCC in April 2023.
- 3.2.5 KCC Highways provided a further response on the 6<sup>th</sup> October 2023 (**Appendix 2**), raising the fact that the access had been amended and widened and tracking was acceptable. No further comments were raised in relation to the site access and



therefore it is considered to be acceptable within the realms of the proposed development.

- 3.2.6 Further clarification was requested with regard to tracking for the separate access to Mill House, alongside the pedestrian crossing on Mill Lane, visitor parking and bin allocation. All comments are to be addressed during the course of the application.
- 3.2.7 A holding objection was raised as the Officer noted the emerging policy and noted that a separate emergency access has not been provided through the site for the St Andrews Gardens Site to the north. It has been demonstrated through the application process that as the Mill House Site application is standalone, it is not considered reasonable or necessary to provide the emergency access to serve the St Andrews Gardens Site. The application should be determined on a case by case basis, and as KCC consider the access to the Mill House Site to be acceptable and the allocation policy not yet adopted or subject to examination in public, the proposal should be considered acceptable on the whole subject to other consultation comments being overcome.
- 3.2.8 It is therefore clear from the above that the independent access to the Mill House Site is achievable and acceptable in line with the standalone proposal. The developer of the St Andrews Gardens Site is responsible for providing a safe and acceptable access to the site to the north.

**Q2: is it sufficiently clear to users of the plan what off-site highway infrastructure is required? What is the reason for specially referring to pram crossings?**

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- 3.2.9 As per the Representation, should the sites be separated the requirement for off-site improvements including pram crossings at the road junctions within the St Andrews Gardens Estate would relate to the site to the north only. The wording of the draft policy relates to the St Andrews Gardens Estate only and does not specifically require off-site highway improvements in other locations surrounding the site.
- 3.2.10 Notwithstanding the above, off-site highways works are still proposed in the planning application for the Mill House Site by way of an uncontrolled pedestrian crossing equipped with dropped kerbs and tactile paving alongside a 1.2m footway around the southern radii of the entrance to separate vehicular and pedestrian traffic into and off of the site.
- 3.2.11 KCC Highways have responded twice (as summarised above) in April and October 2023. No comments have been raised in relation to the proposed off-site infrastructure. They have also not requested further contributions from the site for off-site infrastructure improvement for this site.
- 3.2.12 KCC Highways have not specifically requested off-site highway infrastructure through the application for the site to the north (application ref. 22/01207) in line

with the requirements of the draft allocation; however, an off-site improvements plan was submitted by the Applicant in June 2023 (Tridax, T-2021-109-05 Rev B) which identifies off-site improvements to be provided through this development.

- 3.2.13 Taking the above into consideration, the off-site highway infrastructure required by the draft site allocation has been provided in the application for the site to the north. Additional off-site infrastructure has been proposed separately for the Mill House Site, adjacent to the site to the south. The proposed off-site infrastructure for the Mill House Site is considered proportionate and reasonable in view of the scale of the proposed development and it is therefore not considered necessary for further improvements to be made through the site.

**Q3: How will the two parcels of land come forward to create a single coherent development site? is the allocation as a whole deliverable?**

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- 3.2.14 It is not considered possible for the two sites to come forward to create a single coherent development site as it stands and therefore the allocation as a whole is not considered deliverable. Two separate standalone applications have been submitted for the individual sites (application ref. 22/01207 for the site to the north and 23/00235 for the site to the south) and both applications are awaiting determination. Both applications would require amendments to provide a joined-up approach to the allocation and to deliver a single comprehensive development. As noted previously, both sites are in separate ownership, being promoted by separate developers and no agreements are in place relating to access. Given the separate ownership, combining the sites into a single allocation adds an increased risk to the deliverability of the development.
- 3.2.15 KCC Highways have demonstrated that the independent access to the Mill House Site is acceptable subject to minor comments that are to be overcome throughout the application process. A holding objection has been placed on both applications – notwithstanding them both being standalone applications for development – on the basis of the lack of emergency access for the St Andrews Gardens Site. It has been demonstrated in the above Statement and Representation that it would not be considered reasonable to provide the emergency access through the Mill House Site given the impact this would have on the site itself, to the quality of development provided alongside landscape and ecology.
- 3.2.16 We are aware that there has been ongoing dialogue between KCC Highways and Dover District Council to discuss how the two sites could be delivered separately. We have also had an independent meeting with both Dover District Council and Kent County Council Officers who have confirmed that the independent access proposed to the Mill House Site is technically acceptable.
- 3.2.17 With the exception of the above, comments raised by other statutory consultees have been addressed through the application process and the case has been considered in isolation.

- 3.2.18 As it stands, whilst the two developers have been in communication there is no agreement in place that would allow the two sites to come forward as a single development. The sites have been promoted in isolation from each other and not as a single development. In view of this, the way in which the sites can be deliverable is to include them as separate accesses.
- 3.2.19 In view of the above, our current position is that the allocation as a whole is not currently deliverable, but that the Mill House Site is deliverable in isolation.

## 4 CONCLUSIONS

- 4.1.1 The above Statement re-iterates the written representation submitted on behalf of Woodchurch Property (BK) Ltd in relation to the Regulation 19 Draft Local Plan. Woodchurch are the chosen developer for the Mill House Site (TC4S082) which has been included alongside the St Andrews Gardens Site to the north (SHE004) as a single allocation under Draft Policy SAP36.
- 4.1.2 The Representation provides comments and objections against the wording of Policy SAP36. Through this it is argued that the sites should be separated and come forward as individual allocations. The reasons for this are provided in the Representation, but relate to the fact that the Mill House Site, for which a planning application has been submitted, is readily available to deliver on it's own. Combining both sites into one allocation would pose a significant risk to the delivery of the allocation as a whole.
- 4.1.3 With the above in mind, and in response to Matter 3 – Issue 5, it is not considered that at this stage the allocation as a whole is deliverable. Amendments would be required to both planning applications for the individual sites for a comprehensive development to come forward. The sites are under separate ownership and separate developers have been chosen for each one. Whilst the developers have been in contact, there is no agreement in place for a single or conjoined development to come forward.
- 4.1.4 Whilst we support the allocation of the site within the emerging Local Plan, we request that the allocation is split so that the two sites can come forward separately.

# APPENDIX 1



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

**Highways and Transportation**

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

**Tel:** 03000 418181

**Date:** 4 April 2023

**Our Ref:** ED

**Application - DOV/23/00235**

**Location - Land Adjacent To Mill House, Mill Lane, Shepherdswell, Dover**

**Proposal - Erection of 10 dwellings with associated access, parking, landscaping and ancillary works**

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Having assessed the information provided, clarification is required regarding the access arrangements proposed. The repositioning of the access and construction of a secondary road for the proposed development in addition to that presently servicing Mill House may also create additional conflict, as cars turning into the access will not be visible to those turning out of the road leading to Mill House.

Furthermore, the visibility splays provided have been offset into the carriageway in both directions. Although it is recognised that pedestrians are likely to utilise the opposite footpath, the unrestricted parking consequentially introduces the likelihood that cars may be travelling close to the carriageway edge on either side if passing, alongside the possibility of cyclists travelling here or being overtaken by drivers. These should be amended to be drawn to the carriageway edge to be properly assessed.

It should also be noted that independently accessible parking bays are preferable to tandem provisions, however when utilised the first car should have a minimum length of 6m. Car ports enclosed such as the ones demonstrated on submitted plans should also measure a minimum of 5.5m in length, and 2.9m width for one vehicle, increased to 5.4m if accommodating two. It appears the car ports currently do not meet these standards.

I would be grateful therefore, if you would forward any amended plans or additional information to me for my further consideration.

Yours Faithfully

**Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

# APPENDIX 2



**Dover District Council**  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

**Highways and Transportation**

Kroner House

Eurogate Business Park

Ashford

TN24 8XU

**Tel:** 03000 418181

**Date:** 6 October 2023

**Our Ref:** LM

**Application - DOV/23/00235**

**Location - Land Adjacent To Mill House, Mill Lane, Shepherdswell, Dover**

**Proposal - Erection of 10 dwellings with associated access, parking, landscaping and ancillary works**

Thank you for your consultation in relation to the above planning application. Further to previous comments dated 4 April 2023, additional information has been submitted.

The proposal seeks the development of the site for 9 dwellings, with access via Mill Lane.

### **Access**

Further clarification was sought in relation to the proposed access arrangements, which sees a separate access for Mill House off the main access. The access has been widened to 5 metres to improve manoeuvrability.

A Stage 1 Road Safety Audit has been provided with relation to the access. This raised 3 issues, where a Designers response has been provided.

- Issue 1 - surface water increasing the risk of flooding and loss of control of vehicles. The designer has agreed to provide water collection facilities as part of the detailed design phase. I suggest that surface water drainage is secured by way of a suitable condition.
- Issue 2 - telegraph pole located within the visibility splays, which the Designer has agreed will be relocated. I suggest that the relocation of the telegraph pole is secured by way of a suitable condition.
- Issue 3 - mature trees are located in the immediate vicinity of the proposed access. The designer has agreed that the trees are to be removed. Subject to this being accepted by an arboricultural expert, I am satisfied that the trees are to be removed for the proposed access.

Tracking has been submitted to illustrate an 11.4 metres refuse freighter entering and exiting the site. The manoeuvre of vehicles exiting to the north east sees vehicles traversing on the opposite side of the road. However, given the rural aspect of the local highway network this is considered acceptable.



An uncontrolled pedestrian crossing is proposed east of the access. I suggest this is secured by way of a suitable condition and will be subject to a separate Section 278 Agreement with KCC Highways should planning permission be granted.

Tracking has not been submitted with regard to the separate access to Mill House. Visibility splays are required for vehicles exiting the access route.

### **Emerging Policy**

The site comprises Policy SAP36 within the emerging Dover Local Plan, which forms part of a wider site allocation to the north. The policy outlines that an emergency access for this site (DOV/22/01207) should come forward via the southern parcel (DOV/23/0023) with a direct connection onto Mill Lane to form a loop road for emergency vehicles.

The two sites have come forward as separate applications and are within separate ownership, clearly detached and not providing the emergency link required. I acknowledge that the number of units proposed for this application does not warrant a stand alone emergency access. However, the emerging policy requirements seek to provide an emergency access to facilitate wider development aspirations which should not be dismissed.

I note that written representations have been made to the Policy, requesting that the two sites are allocated separately.

However, I consider it appropriate to raise a holding objection in relation to this.

### **Parking**

Two visitor parking spaces are proposed, which is sufficient for the 20% additional parking required. Plots 1-3 have tandem parking arrangements, where an additional 0.5 visitor parking spaces should be provided per tandem arrangement. This would equate to an additional 1.5 spaces, where I suggest an least 1 further visitor space is provided.

### **Servicing Arrangements**

A bin collection point is proposed adjacent to the green open space. This arrangement is resisted by waste collection operatives as it is difficult to ascertain if any bins are missing. I suggest bins are allocated for each property.

In line with the above, I confirm that I wish to submit a **holding objection** with regard to the departure from emerging policy.

Yours Faithfully

### **Director of Highways & Transportation**

\*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.