

Examination of Dover Local Plan

Hearing Statement: Dr John Bulaitis, Chair Shepherdswell with Coldred Parish Council

Hearing Day 6: Afternoon Session

Issue 5 – Eastry and Shepherdswell Housing Sites'

Policy SAP36 – Land north and east of St Andrews Gardens, Shepherdswell.

This statement addresses the three questions raised in the Inspectorate's *Matters, Issues and Questions* on SAP36. It argues that SAP36 is not a sound policy in terms of its preparation and justification.

Q1.

1.1

Problems of access in developing the site have been long recognised by both DDC and local residents. The problems relate primarily to the SHE004 section of the site. In December 2020, the HELAA report noted that the 'secondary emergency access required [...] does not appear achievable'. During the Regulation 18 consultation, there were 191 representations from 179 consultees. By far the largest number of issues raised (167) related to 'highway problems'.

1.2

The text outlining SAP36 in Regulation 19 (p. 181) is ambiguous. The words 'may be achievable' and 'should be explored' in relation to secondary and emergency access, suggest that the development could be granted permission without such essential access.

1.3

The planning application for the SHE004 site (Guildcrest/Rebus) involves the extension of two cul de sacs within Saint Andrews Gardens with turning points at their ends and with no secondary or emergency access. Modern planning guidelines discourage long cul de

sacs. KCC's 'Kent Design' stipulates that 'minor access roads' serving an estate of the size St Andrews Gardens should: *'be either a through road or, if a cul-de-sac, serve no more than 50 dwellings unless an alternative access route, to serve also as a pedestrian and cycle route can be provided'*. (An additional 39 dwellings in St Andrews Gardens would take the number to close on 100.

1.4

The proposed entrance to the lower western part is between 52 and 54 St Andrews Gardens. This is on a gradient calculated by KCC's Director of Highways & Transportation (consultee submission 27 July 2023, DOV/22/01207) to be 1:9. The KCC Director says: *'KCC Highways would generally accept a gradient of 1:16.7 as a maximum and 1: 12.5 if unavoidable (which is DDA compliant).'*' The Director continues: *'To enable the access to be achieved, there would need to be raising of the levels and a form of retaining structures, thus moving the access road away from the boundary to avoid impact on neighbouring properties'*. The consequence of achieving this – even if it were possible – would be the creation of an extremely narrow access road on a very steep gradient. It would not provide appropriate and safe access for emergency vehicles to this part of the site.

1.5

SAP36 is unsound on account of its ambiguity and its failure to make secondary access a requirement.

Q2.

2.1

A Planning Inspector once described *'the layout of St Andrews Gardens [as] too constricted and tortuous to provide free and safe access to any considerable number of dwellings'*.¹ The submission by Kent Highways on the Guildcrest/Rebus application points to the problem of a loss of on-street parking places in the estate. Residents point to particular problems at the junction with Mill Lane and at the main access to the north-eastern part

¹ S. M. J. Wallis, Department of the Environment, 22 May 1974, DDC CH/6/72/195.

of the development. They are bemused that the proposed solution to these problems within the estate in SAP36 is the need to create ‘pram crossings’.

2.2

SAP36 fails to evaluate the impact on the neighbouring road network. The HELAA report raised ‘concerns about impact [of development] on Church Hill, Mill Lane and St Andrews Gardens’. Local residents are well aware of the problems of congestion on Church Hill, a road without footpaths and effectively single track in parts because of parking. Mill Lane - the immediate access to the proposed development – is a road leading to single-tracked lanes in all directions and often experiencing congestion (particularly near the Church Hill junction) due to the school run and activities involving the Village Green. The Guildcrest/Rebus application proposes to route construction traffic via the A256 and Barville Road, entering Shepherdswell through Mill Lane. At one point, Mill Lane is only seven foot wide and with low tree coverage. Some years earlier, an Inspector noted (in relation to an application for 37 houses) that: *‘The proposed means of access to the site including the junction of St Andrews Gardens/Mill Lane is considered unsuitable for serving the level of development proposed.’*²

2.3

SAP36 is unsound in that its only attempt to address these issues is to provide ‘pedestrian crossing improvements on Mill Lane’.

Q3

3.1

SAP 36 is a fusion of two sites: SHE004 and TC4S082. At the time of the Regulation 18 Consultation, the land at TC4S082 was not included in the site allocation. There are currently two live planning applications: Guildcrest/Rebus application to build 39 homes on the SHE004 site and an application (Woodchurch/DHA) to build 9 houses on TC4S082.

² DDC, Director of Planning and Technical Services, 7 April 1988

3.2

The text outlining SAP36 in Regulation 19 (p. 181) is ambiguous. It refers to 'one contiguous scheme', but the words 'where possible' is an admission that such a scheme may not be possible.

It is significant that DDC planning department has treated the two planning applications separately, including the provision of different planning officers. The Guildcrest/Rebus application was placed on the agenda for consideration by the Planning Committee in August 2023, without consideration of the Woodchurch/DHS application (though withdrawn from the agenda shortly before the meeting).

3.3

There are other concerns that require consideration – and suggest that planning applications on the land should be treated separately, rather than as part of one 'comprehensive' development. Policy SAP36 (p181) notes that surrounding the site 'to the north east, north and west is open rural countryside'. It refers to site's proximity to the disused railway line, a wildlife site and the recreation ground.

In fact, the SHE004 part of the site is set on chalk grassland, sloping into a natural valley, offering extensive views over the North and East Kent countryside, including the sea above Whitstable and the Sea at Pegwell Bay. Residents have recorded an abundance of wildlife and fauna (including orchids) on the site. Additionally, part of the site is very close (almost adjacent) to the route of a nationally and internationally recognised heritage trail, the North Downs Way, also a European Long-Distance Path, the Via Francigena. It is these factors that explain the level of local opposition to the Guildcrest/Rebus planning application. Previous applications to build on this site have been rejected because of their impact on this distinctive Kentish landscape.³

³ In 1991, a Planning Inspector wrote: I consider the principal issue to be the impact of the development on the character and appearance of the countryside around Shepherdswell [...] There are extensive views over the countryside to the north and north east. [...] If the development were permitted, it would expand the confines of the village into the open surrounding downland. [...] In my view, the scheme would create a harmful, visual intrusion into this attractive area, spoiling its character and appearance.

3.4

Proposals to develop parts of the site should be evaluated on their adherence or otherwise to existing planning criteria. There are obstacles and objections to allow 'one contiguous scheme' and there is a serious question – admitted by DDC's words 'where possible' – whether the allocation 'as a whole' is deliverable.

SAP36 should therefore be removed from the Local Plan.

Issue 5. Policy SAP37 – Allocation SHE006: Botolph Farm, Cox Hill.

1. The question in *Matters, Issues and Questions* raises the question of ‘safe vehicle and pedestrian access’. In relation to SHE006, this is the essential problem that renders that part of the Plan unsound and unjustified.

2. The site gives out to a busy stretch of road, the main thoroughfare through Shepherdswell. There are no pedestrian walkway and well documented problems with sightlines and parked vehicles. In fact, residents consistently complain that walking to the shop, station and school produces a high level of ‘potential vehicle/pedestrian conflict’. These problems will be aggravated by the significant new developments proposed in the Local Plan for Elvington/Eythorne.

3. Most significantly, Policy SAP37 has been unable to take account the impact of the new development (Carpenters Yard) directly opposite Botolph Farm. Supported by the Parish Council and the Community Land Trust, 13 houses are now nearing completion.

4. The cumulative impact of this new development as well as the potential problems created by the SHE006 sites should be evaluated before a proposal to build 10 more houses on the opposite side of the road is agreed. SHE006 should therefore be removed from the Local Plan.