

planning  
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**Dover District Council – Submission Local Plan (Regulation 19)  
Consultation Response**

Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne On  
behalf of Guardian Parks Ltd

December 2022 – DHA/15938



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# 1 Introduction

## 1.1 Purpose of this Representation

- 1.1.1 This representation has been prepared by DHA Planning on behalf of Guardian Parks Ltd in response to the Dover District Council 'DDC' Local Plan (Regulation 19) consultation which runs until 9<sup>th</sup> December 2022.
- 1.1.2 We understand that Dover District Council is in the process of preparing a new Local Plan to set out a strategy for development for the period to 2040 and that the Council are presently seeking comments on the pre-submission Plan prior to its submission for examination in early 2023.
- 1.1.3 Our client controls 'Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne' (hereafter referred to as 'the former Archway Filling Station' or 'the site') and is promoting the residential allocation of the site as part of the new Dover District Local Plan preparation process. The site is allocated for residential development in the Regulation 19 Pre-submission Plan for the provision of 10 dwellings under policy reference SAP45 (CAPO11).
- 1.1.4 The purpose of the representation is to support the allocation of 'the former Archway Filling Station' for a greater quantum of development. In this regard, we remain wholly supportive of the allocation of the site and agree that it represents a logical and sustainable location to direct growth consistent with the growth strategy of the Plan as a whole, however we submit that more effective use of our client's site can be made.
- 1.1.5 Accordingly, we say that the former Archway Filling Station can further assist the Council in meeting the growing need for new homes in the district and help to ensure the Council can have greater confidence in meeting its market and affordable housing targets in full.
- 1.1.6 It is submitted that the SAP45 (CAPO11) policy wording should be amended to reflect the capability of the site to accommodate an estimated 18 dwellings, deliverable early in the Plan period.
- 1.1.7 Based on the current national and local planning context, we consider the site to be a highly suitable edge-of-settlement location to allocate land for housing to help meet the need for new homes in the district and its effective use should be appropriately maximised in accordance with national policy objectives.

## 2 Dover District Council – Draft for Submission Local Plan (Regulation 19)

### 2.1 Consultation Background

2.1.1 Dover District Council are required to prepare a new Local Plan, as the current suite of development plan documents were adopted in 2002, 2010 and 2015. The Core Strategy (adopted 2010) in particular has a time horizon up to 2026. The plans, and the policies contained within, pre-date current national policy, practice guidance and local evidence and consequently require updating.

2.1.2 A new Local Plan which will look ahead in the district to 2040 is now in preparation. The new Local Plan sets out the vision, strategic objectives and overarching development strategy for the growth of the District over the period to 2040. It provides the planning policy framework to guide the future development of the area, addressing needs and opportunities for housing, the economy, community facilities and infrastructure, as well as the basis for conserving and enhancing the natural and historic environments, mitigating and adapting to climate change, and achieving well designed places.

2.1.3 For the avoidance of doubt, the new Local Plan, on adoption, will replace the Core Strategy 2010 and the Land Allocations Plan 2015, as well as saved policies from the 2002 Local Plan.

2.1.4 Dover District Council's Regulation 19 Local Plan outlines the key issues that need to be addressed between now and 2040. In particular, the Plan sets out the following key planning issues for the District:

- Ensuring that new development in the District contributes to the mitigation of, and adaptation to, climate change.
- Supporting the Council to deliver its intention to be a carbon neutral district by 2050.
- Managing flood risk and coastal change.
- Ensuring that a sufficient amount and variety of land is identified to deliver a continuous supply of housing across the Plan period and that the Council maintains a five year housing land supply.
- Delivering growth in a way that focuses development in the least sensitive areas of the District in order to conserve and enhance the District's rich natural and historic environments.
- Supporting sustainable development in rural areas to enhance the vitality of rural communities.
- Working with partners to facilitate the delivery of the Whitfield Urban Expansion. Ensuring a range of housing tenures, types and sizes are provided

across the District to meet the needs of the local community and provide choice and flexibility in the housing market.

- Promoting economic growth, tourism and investment in the District's Town Centres in line with the Council's Economic Growth Strategy.
- To address the impact of the COVID-19 pandemic.
- Delivering strategic transport improvements, including upgrades to the Duke of York and Whitfield Roundabout to support the scale of housing and economic growth identified in the Plan.
- Promoting sustainable transport initiatives to encourage a modal shift to more sustainable forms of transport like walking and cycling.
- Ensuring that infrastructure is delivered, in the right place, at the right time, to meet the needs of the District and support the levels of development identified in the Local Plan.
- Supporting the delivery of attractive, high-quality, design led developments and the creation of healthy, inclusive and safe communities, that are well served by good quality services and facilities to support people's lives.
- Conserving and enhancing the District's rich and diverse natural landscape, including the five international sites within the district, the Kent Downs AONB, five SSSIs, two NNRs, two stretches of Heritage Coasts and two Marine Conservation Zones.
- Delivering a net gain in biodiversity in the District over the plan period.
- To promote the conservation, restoration and where appropriate the enhancement of the Districts heritage assets, in order to protect their significance and to ensure that they can be best appreciated and enjoyed by current and future generations.

2.1.5 The new Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to several matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework (NPPF) and is summarised below. This states that Plans must be:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is

accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

2.1.6 This submission will comment on each of the above, highlighting where we believe any areas of concern lie or where modifications may be required.

## **2.2 Dover District Council's Local Development Scheme**

2.2.1 The District Council has a duty to review the policies contained within the development plan every five years. The 2014/2015 Authority Monitoring Report signalled the need to review key parts of the Council's Adopted Core Strategy (CS) evidence base.

2.2.2 The Council's Local Development Scheme (LDS) first outlined the delivery timetable for the Local Plan Review (LPR) in the March 2017 publication. Since then, the LDS has been updated on an annual basis. The most recent September 2022 LDS summarises that following the preparation of the principal evidence base documents, the Local Plan Review Regulation 18 consultation took place for 8 weeks in January 2021. The Regulation 19 consultation was scheduled for 7 weeks during Q4 of 2022 and is the subject of this representation.

2.2.3 Moving forward, submission of the Plan is anticipated in Q1-2 2023 with the Examination in Public in Q3-4 2023. The new Local Plan is currently scheduled for adoption in 2024.

2.2.4 As planned, the Council are now undertaking the Regulation 19 Draft Local Plan Consultation, for which this submission is made.

## 3 Housing Need

### 3.1 Context

3.1.1 The NPPF is explicit in its requirement for strategic policy-making authorities to meet their needs in full. Paragraph 11 makes clear that:

3.1.2 "Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) *All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including making effective use of land in urban areas) and adapt to its effects;*
- b) *Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*

3.1.3 Paragraph 20 goes on to state that:

*"Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:*

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) *infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) *community facilities (such as health, education and cultural infrastructure); and*
- d) *conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."*

3.1.4 Given this context, the Local Plan review should set out a comprehensive and cohesive approach to future development in Dover district, capable of making sufficient provision for the identified needs, whilst balancing the conservation and enhancement of the natural, built and historic environment.

- 3.1.5 National guidance states that strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate.
- 3.1.6 In calculating the local housing need, paragraph 61 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach.
- 3.1.7 Further, in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

## **3.2 Dover District Council's Housing Need**

- 3.2.1 The Standard Method for assessing housing need, issued alongside the Ministerial Statement on 16 December 2020, sets an indicative housing need figure for Dover District of 596 dwellings per annum. However, the affordability ratio which factors into the local housing need assessment is updated annually. For Dover District the latest housing need calculation is 611 dwellings per annum (dpa), equating to a total housing need of 10,998 dwellings for the Plan period to 2040. We understand that the Regulation 19 Local Plan seeks to meet this need in full and in addition to the minimum figures, Dover District Council have set an appropriate contingency buffer of 926 dwellings of the Plan period, equating to 8.4% of the total Plan period figure.
- 3.2.2 For context, the current adopted Core Strategy requirement is 700 dwellings per annum. This followed the adoption of a high-growth strategy in 2010 of 14,000 homes to 2026 based around the recommendations of the Dover Regeneration Strategy and above the minimum 10,100 requirement across the same period, as set out in the emerging (at the time) Regional Spatial Strategy.
- 3.2.3 For the avoidance of doubt, accounting for the Committed Supply Total of 5,282 dwellings, the new Local Plan will be required to allocate land sufficient to accommodate a minimum of 6,642 new homes over the remaining plan period to 2040. It is understood that this will be derived from the following sources:
- Whitfield Urban Expansion Allocation: 2,200 dwellings
  - Local Plan Allocations (excluding Whitfield): 3,392 dwellings
  - Windfall Allowance (70 a year from year 4): 1,050 dwellings
- 3.2.4 On this basis, it is evident that a substantial quantum of Plan-led housing delivery will be required in order to meet the new Local Plan's housing target, and, due to the nature and dwindling supply of available urban land in Dover town and the remaining higher order settlements of Deal and Sandwich, the restrictive effect of the coast, environmental constraints and the limited capacity of the district's remaining mid and lower order settlements to accommodate significant levels of growth, to meet Dover's housing needs suitable brownfield sites will be the best sites to consider irrespective of the need to release greenfield sites.



## 4 Site Specific Assessment

### 4.1 Overview

- 4.1.1 As set out in the preceding sections, Guardian Parks Ltd control 'the former Archway Filling Station' at Capel-le-Ferne and are continuing to promote the residential allocation of the site. The site is allocated for residential development in the Regulation 19 Pre-submission Plan for the provision of an estimated 10 dwellings under policy reference SAP45 (CAPO11).
- 4.1.2 Notwithstanding our client's support of the draft allocation within the Regulation 19 Plan, we suggest that the policy text be re-visited prior to submission, to allow a higher dwelling per hectare and ensure the site is developed to its full potential. It is submitted that the SAP45 (CAPO11) policy wording be amended to more accurately reflect the capability of the site to accommodate approximately 18 dwellings which will be deliverable early in the plan period.
- 4.1.3 The site is available immediately and discussions have been ongoing with a number of interested parties who would look to deliver this site, including housebuilders. It is therefore anticipated the site could be delivered within the next five years, with commencement taking place within 2-3 years after allocation (or sooner should planning permission be secured quickly).

### 4.2 Site and Surroundings

- 4.2.1 The site is located to the eastern edge of Capel-Le-Ferne, to the northern side of New Dover Road.



Figure 4.1: Approximate Site Location (Google Earth)

- 4.2.2 A former petrol station, the site constitutes previously developed land. Parts of the former structure, forecourt as well as below ground tanks remain on site. Approximately 0.65 ha in size, dense boundary planting and hedgerow establishes

the site's boundary, with a line of mature trees to the north. Existing access to the site is from New Dover Road to the south-western corner.

- 4.2.3 Enclosed by established planting, the site is relatively level, and bounded by a collection of housing to the east, and agricultural land to the north and western boundaries. Beyond the agricultural land to the west forms the wider built-up settlement of Capel-le-Ferne. To the south, the site is bound by New Dover Road with Capel Court Park caravan park and the newly developed George Close beyond.
- 4.2.4 Within the wider settlement of Capel-le-Ferne services and facilities available include pub-restaurants, a convenience store, village hall and Primary School.
- 4.2.5 The nearest bus stop located 100m east of the site serves the 102 bus route with regular services between Dover and Rye/Littlestone-on-Sea. This provides a direct route into Folkestone which provides a variety of facilities and services including train station, hospital, supermarkets, primary and secondary schools, eating establishments and sports facilities.
- 4.2.6 The site does lie within the Kent Downs AONB, and a small part of the site is identified on the policies map as lying within an area at risk of surface water flooding. This is however not considered to prevent development, and can be appropriately assessed through a Flood Risk Assessment and Drainage Strategy as part of future applications. The site does not have any history of flooding. Furthermore, the site does not lie within Flood Zones 2 or 3. The site is not subject to any other constraints.

### **4.3 Development Capacity**

- 4.3.1 For the purposes of this representation, the former Archway Filling Plot is submitted with capacity for approximately 18 dwellings which would be delivered as part of a high-quality, well-landscaped residential scheme that could be delivered in the early part of the plan period.

### **4.4 Draft Policy Allocation Capel-le-Ferne Small Housing Sites (SAP45) – CAP011 Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne**

- 4.4.1 As introduced in the preceding sections, our client's site is allocated for residential development within the Dover Pre-submission (Regulation 19) Local Plan. For ease of reference, the draft policy wording is as follows:

#### **SAP45 – Capel-le-Ferne Small Housing Sites**

*Planning permission will be granted for proposals that:*

- a) Accord with the policies in the Local Plan; and
- b) Address the site-specific issues and requirements for the site set out below.

CAP011 – Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne

*Estimated dwelling number: 10*

*Site-specific issues:*

- Existing trees and hedgerows along the boundary of the site should be retained and enhanced.
  - The site is in the AONB and any scheme coming forward on this site should be designed to be appropriate to the sites sensitive location within the Kent Downs AONB in respect of scale, form, materials and colour palette.
  - Existing trees and hedgerows along the boundary of the site should be retained and enhanced and an appropriate landscape buffer is required along the northern and western boundaries of the site to mitigate the impact of development on the AONB
  - Archaeological Assessment is required.
  - The site is within Groundwater Source Protection Zone 3.
  - Contamination Assessment is required
- 4.4.2 To be clear, our client remains wholly supportive of the allocation of the site. The allocation represents a logical and sustainable location to direct growth consistent with the growth strategy of the Plan as a whole, however we submit that more effective use of our client's site can be made.
- 4.4.3 The sensitive landscape nature of the site is acknowledged given its location within the Kent Downs AONB. However, as set out within the Housing Sites Landscape Assessment which forms part of the Evidence Base, the established boundary planting to the north and western edges of the site have the potential to mitigate any impact and could be retained and enhanced as part of a future development. The site comprises brownfield land and therefore a betterment could be secured on this site through a sensitive, landscape led design.
- 4.4.4 It is therefore proposed that any impact on the surrounding landscape character can be mitigated easily, and that the impact of 10 houses from the surrounding views would not be dissimilar to the impact of 18 units. Furthermore, a scheme of 18 units would be able to provide a good level of landscape which would assist to mitigate any potential impact. The Council previously considered 18 units to be an appropriate number on this site as part of previous iterations of the draft plan, and that this number of homes could be accommodated on site, whilst limiting impact on the surrounding landscape character.
- 4.4.5 Furthermore, emerging policy PM1 requires an average of 30-50 net dwellings per hectare (dph). Should the proposed policy wording be updated to allocate an estimated 18no. dwellings this would be more closely aligned with the requirement of policy PM1, with an average of 27dph for the site. Whilst this is still slightly below the policy, this is reflective of the edge of settlement location and allows for the appropriate landscape mitigation. The current estimated density of 10 dwellings results in an average 15dph would be well below policy requirements and not make efficient use of this previously developed land.
- 4.4.6 An allocation of estimated 18 dwellings would make the most efficient use of the site, which constitutes previously developed land and has the capability to be brought forward in the early part of the Plan period. Accordingly, the former

Archway Filling Station can assist the Council in meeting the growing need for new homes in the district and help to ensure the Council can have greater confidence in meeting its market and affordable housing targets in full.

- 4.4.7 It is therefore submitted that the SAP45 (CAP011) policy wording be amended to reflect the capability of the site to accommodate approximately 18 dwellings, deliverable early in the plan period.

#### **4.5 Deliverability**

- 4.5.1 There is no recent planning history for the site of a residential nature or a history of unimplemented permissions. There are not considered to be any impediments to the site being brought forward for development within the first five years of the plan period. Combined with the other allocations in Capel-le-Ferne and wider allocations in the district, this would ensure a steady delivery of housing in Dover district across the majority of the Plan period.
- 4.5.2 For the reasons set out in this representation, the site is considered suitable for the residential development of approximately 18 dwellings. The site comprises previously developed land and lies in the settlement of Capel-le-Ferne, adjacent to existing residential development and would form a natural and logical development within the settlement.
- 4.5.3 Finally, in respect of suitability there are no physical limitations or problems which cannot be overcome such as access, infrastructure or flood risk.
- 4.5.4 On behalf of the landowner, we submit that there are no known financial restrictions that would impact upon the viability of a future housing scheme or that would prohibit development coming forward within the early stages of the Plan period. To the contrary, we consider there to be an opportunity to deliver a high-quality, sustainably located residential development scheme consistent with the Council's proposed growth strategy.
- 4.5.5 The site is in single ownership and there are no complicated legal agreements or covenants that would prohibit the ability to bring forward the site early in the Plan period. The site is therefore considered available and achievable for the purposes of the tests of deliverability.

## 5 Conclusion

### 5.1 Summary

- 5.1.1 This representation has been prepared by DHA Planning on behalf of Guardian Parks Ltd in response to the Dover District Council Local Plan (Regulation 19) consultation which runs until 9th December 2022.
- 5.1.2 Our client controls 'Land known as the former Archway Filling Station, New Dover Road, Capel-le-Ferne' and is promoting the residential allocation of the site as part of the new Dover District Council Local Plan preparation process. The site is an allocation for residential development in the Regulation 19 Pre-submission Plan for the provision of an estimated 10 dwellings under policy reference SAP45 (CAPO11).
- 5.1.3 We consider that the land promoted at the former Archway Filling Station should remain included as a future housing allocation within the Dover District emerging Local Plan. The allocation is considered wholly consistent with the objectives of the Plan and forms part of a sound growth strategy for the district to 2040.
- 5.1.4 Without prejudice to our client's position, we would urge the Council to re-visit the allocation policy text and allow a higher dwelling per hectare guide to ensure the site is developed to its full potential. It is submitted that the SAP22 policy wording should be amended to more accurately reflect the capability of the site to accommodate approximately 18 dwellings.
- 5.1.5 In addition to being a highly sustainable and logical edge-of-settlement allocation, the site is deliverable in a single land ownership with no viability issues, legal or third-party constraints present.