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published 2014

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**Application: DOV/14/00361**

**Land off Station Road**

**Walmer**

**CT14 7RH**

**TR36334994**



- a) **DOV/14/00361 – Erection of 223 dwellings (including 66 affordable units), together with associated vehicular access, car parking, landscaping, open space and works**

**Land south of Station Road, Walmer**

Reason for Report: Departure from the Development Plan, number of representations received and in the public interest

**b) Summary of Recommendation**

Planning permission be GRANTED

**c) Planning Policies and Guidance**

The Development Plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the DDC Core Strategy 2010 and the Saved Policies from the Dover District Local Plan 2002. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with emerging local planning documents and other local guidance.

A summary of relevant planning policy is set out below:

Development Plan

Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centers within Dover District. Dover is placed at the top of the settlement hierarchy (Secondary Regional Centre) and Deal (including Walmer) is identified as a District Centre which is to be 'the secondary focus for development in the District; suitable for urban scale development'. Planning decisions should seek to maintain the settlement hierarchy.
- Policy CP2 (Provision of Jobs & Homes) states that land will be identified for 6250 new homes (excluding existing strategic housing allocations) through the Site Allocations Document. This is a gross figure. The actual amount of housing to be allocated through the Site Allocations Document will be 6250 less the number of commitments (unimplemented planning permissions and saved Local Plan allocations) and completions achieved between 2006 and the time of preparing the Document.
- Policy CP3 (Distribution of Housing Allocations) sets out the broad distribution of the housing requirement established by CS Policy CP2. Deal (including Walmer) has been identified to accommodate 10% of this allocation which equates to c.1600 new homes. The distribution of the housing has been guided by the objectives of the settlement hierarchy set by CS policy CP1.

- Policy CP4 (Housing Quality, Mix Density & Design) states that housing allocations in the Site Allocations Document and planning applications for residential development for 10 or more dwellings should create, reinforce or restore the local housing market in which they are located and develop and appropriate housing mix and design taking account of the Strategic Housing Market Assessment. Density will be determined through the design process at the maximum level consistent with design. Density should wherever possible exceed 40 dwellings per hectare (dph) and will be seldom justified at less than 30 dph.
- Policy CP5 (Sustainable Construction Standards) states that new residential development permitted after the adoption of the CS should meet at least Code Level 4 and at least Code Level 5 from April 2016.
- The spatial considerations of the CS are set out in section 3.63-3.70 and figure 3.4. This identifies in broad terms the amount and location of different types of development. For the Deal area three broad areas for urban expansion are shown;
  - At Walmer (represented by this application) – The CS identified particular issues that will need to be addressed. For Walmer these are identified as *careful definition of the site boundary to minimize landscape impact, retention of a view corridor to the former windmill at Ripple and management of additional traffic to ensure that the effects are within acceptable terms.*
  - Between Middle Deal and Sholden, and;
  - At Sholden (land adjacent to Sholden New Road)
- Policy CP6 (Infrastructure) - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- Policy CP7 (Green Infrastructure) Planning permission for development that would harm the network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. In addition, the Council will work with its partners to develop the Green Infrastructure Framework and implement proposed network improvements.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM5 (Affordable Housing) confirms that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritized need. The exact amount of affordable housing to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.
- Policy DM11 (Location of Development & Travel Demand). Planning applications for development that would increase travel demand should be supported by a systematic assessment. Development that would generate travel demand outside

settlement confines will not be supported unless otherwise justified by other development plan policies.

- Policy DM12 (Road Hierarchy) states that the access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of accidents or traffic delays – unless appropriate mitigation can be provided.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM15 (Protection of the Countryside) Development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if appropriate justification can be provided and/or it is made in accordance with allocations made in Development Plan Documents.
- Policy DM16 (Landscape Character) Development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- Policy DM25 (Open Space) seeks to resist development that would result in the loss of public open space unless a number of safeguarding criteria can be met and/or it is justified by other development plan policies.

#### Dover District Local Plan (DDLPL) Saved Policies

- Policy OS2 (Children's Play Space) Proposals for new family housing comprising 15 or more dwellings will not be permitted unless children's play space is provided in accordance with adopted standards and its long-term maintenance is secured. Where appropriate, as an alternative to on-site provision, developers may make a commuted payment to the Council for the improvement of a nearby children's play space equal to the cost of constructing the play space which would otherwise have been provided.
- Policy OS3 (Open Space) Planning permission for housing will only be granted where developers have made long term arrangements to meet open space needs arising from their proposals.
- Policy HS2 states that permission will only be granted for new large housing sites where the planned housing for the district would not be significantly exceeded.
- Policy ER6 requires external lighting to use full cut-off lanterns.

#### Material Considerations

##### Land Allocations Local Plan (LALP)

The Pre-submission Land Allocations Local Plan (LALP) was published for consultation in December 2012 and proposes the allocation of a site for residential development within the broad location set out within the CS. The allocation for *'land between 51 and 77 Station Road'* is made through policy LA12 which also includes criteria for assessing planning applications.

DDC submitted the Pre-Submission Land Allocations Local Plan (incorporating an Addendum) for independent Examination in October 2013. The Hearings took place in January/February 2014. At the Examination the Inspector, who was appointed to conduct the Examination, identified the need for Officers to prepare a number of Main Modifications (MMs) to the Plan in order to make it 'sound' and legally compliant.

The proposed Main Modifications include an additional criterion to policy LA12 – this policy including the proposed modification (highlighted) is reproduced in full below.

## **Policy LA 12**

### **Land between 51 and 77 Station Road, Walmer, Deal**

The site is allocated for residential development with an estimated capacity of 220 dwellings. Planning permission will be permitted provided that:

- i. the south western and eastern edges of the development creates a landscaped boundary with the adjacent rural area, incorporating structural and open space landscaping features;
- ii. the design incorporates frontage development along Station Road where it is not required for the access road;
- iii. long views of Ripple Windmill and the wider countryside are retained and incorporated into the layout;
- iv. footways are preserved, enhanced and integrated into the development;
- v. play space is provided in accordance the Council's Play Area Standards;
- vi. the landscaping throughout the site would improve biodiversity value;
- vii. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;
- viii. the main vehicular access is onto Station Road with an emergency vehicular access from Mayers Road; and
- ix. measures are provided to mitigate against impacts on the wider road network. Dover District Council

LALP policy DM 27 (Provision of Open Space) requires residential developments of 5 or more dwellings to provide or contribute towards the provision of accessible green space, outdoor sports facilities, children's equipped play space and community gardens in accordance with prescribed standards. Applications are also required to demonstrate a minimum of 15 years maintenance of facilities. Where it is impractical to provide a new area of open space by way of on-site provision, or there are existing facilities within the identified access distances, the Council will consider accepting a commuted payment for the purpose of funding qualitative or quantitative improvement to an existing publically

accessible open space. The commuted sums are expected to cover the cost of providing and maintaining the improvements.

A six week public consultation on the proposed MMs concluded on 25<sup>th</sup> September 2014. The Inspector's Report will only be issued once the Inspector has had opportunity to consider the representations. The Inspector may at that stage in the process amend the draft modifications to the Plan. Two letters of representation were received in respect of Policy LA12 which are not considered to raise any significant fresh issues in respect of the proposed MMs. The LPA has recently sent copies of all representations received and a summary of them to the Inspector. At the end of the process the final version of the Plan, taking into account all of the MMs will go to full Council for adoption, anticipated to be either late 2014 or early 2015.

In summary, until the LALP is adopted, the application site is located outside of settlement confines but has been identified, although not specifically allocated, as an area for urban expansion within the Council's Adopted Core Strategy. Given that the LALP is at an advanced stage, the allocation can be given considerable weight (in accordance with paragraph 216 of the NPPF), unless other material considerations indicate otherwise.

#### National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

The NPPF (para 47) states that to boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure

- choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15; for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
  - set out their own approach to housing density to reflect local circumstances.

The NPPF states that Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (para 49).

Paragraph 216 of the NPPF states that *'from the day of publication, decision takes may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to;*

- *The stage of preparation of the emerging plan (The more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies within this (NPPF) framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)'.*

The National Planning Policy Guidance (NPPG, March 2014) supports and informs the NPPF and sets out the Government's planning policies for England and how these are expected to be applied.

Together, the NPPF and the NPPG set out the Government's national planning policies and guidance for new development. They aim to help create the homes and jobs that the country needs, while protecting and enhancing the natural and historic environments.

#### NPPF Chapter 1 – Building a Strong, Competitive Economy

The Government is committed to securing economic growth and supports the role that the planning system has in achieving this. It states that 'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system (paras 18-19).

#### NPPF Chapter 4 Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transportation grounds where the residual cumulative impacts of development are severe' (para 32)

## NPPF Chapter 6 Delivering a Wide Choice of High Quality Homes

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (para 49).

Deliverable Sites are defined within the NPPF as sites that 'are available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable' (para 47).

The supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages and towns ... (para 52).

## NPPF Chapter 7 – Requiring Good Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (para 56).

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (para 57).

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness, (para 60).

Although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design does beyond aesthetic considerations. Therefore, planning policies and decisions should address connections between people and places and the integration of new development in to the natural, built and historic environment, (para 61).

## Chapter 8 Promotion of Healthy Communities

The Planning System can play an important role in facilitating social interaction and creating healthy, inclusive communities (para 69).



Planning policies and decisions should; plan positively for the provision and use of shared space, community facilities and other local services; guard against the unnecessary loss of valued facilities and services; ensure an integrated approach to considering the location of housing, economic uses and community services and facilities, (para 70).

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision (para 73).

Planning policies should protect and enhance public rights of way (PROW) and access and seek opportunities to provide better facilities for users for example by adding links to existing rights of way networks, (para 75).

NPPF Chapter 10 – Meeting the Challenge of Climate Change, Flooding & Coastal Change.

In determining planning applications, LPAs should expect new development to: comply with adopted Local Plan policies on local requirements for decentralized energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable and; take account of landform, layout, building orientation, massing and landscaping to minimize energy consumption (para 96).

When determining planning applications, LPAs should ensure flood risk is not increased elsewhere (para 103).

NPPF Chapter 11 – Conserving & Enhancing the Natural Environment

The planning system should contribute to and enhance the natural and local environment by;

- Protecting and enhancing valued landscapes, geological conservation interests and soil;
- Recognising the wider benefits of ecosystem services
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (para 109)

NPPF Chapter 12 – Conserving & Enhancing the Historic Environment

In determining planning applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a development site includes or has the potential to include heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation (para 128).

## Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.
- Walmer Design Guide – sets out a number of design principles to shape the future development of Walmer that are derived from a character appraisal of the Walmer area.
- Manual for Streets (parts I & II) – provides guidance to help achieve well designed public streets and spaces.
- Affordable Housing SPD – Outlines the Council's requirements for affordable housing as part of new residential development.
- Building for Life (2005) – sets out standards for sustainable construction of buildings.

### **a) Relevant Planning History**

DOV/13/0805 – Environmental Impact Assessment Screening Opinion – EIA not required

### **b) Consultee and Third Party Responses**

KCC Archaeology: The site has potential to contain archaeological remains, potentially of prehistoric, Romano-British and medieval date and that any such remains present would be affected by the proposals. Should planning permission be forthcoming, a condition requiring the implementation of a programme of archaeological work, should be imposed.

KCC PROW: No objection to the principle of the development subject to consideration of a number of detailed points. The inclusion of a payment towards the cost of producing the Public Rights of Way publications that will be included within the welcome packs for new residents is welcomed.

KCC Development Contributions: KCC have assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through direct provision of infrastructure or the payment of an appropriate financial contribution. KCC have identified a requirement for developer contributions towards primary education provision, libraries, youth services and adult social services (families and social care) equating to a total requested contribution amount of £644,857.91. KCC have confirmed that there is currently no identified need for a contribution towards Secondary Education.

In addition to the above contributions KCC have identified a need for the provision of three specifically designed Life Time Home Wheelchair Accessible units by the developer, at no extra cost to KCC, as part of the affordable home delivery, with KCC given nomination rights.

Kent Police: No objection to the principle of the development in regard to crime prevention subject to a condition requiring the incorporation of measures to minimise risk of crime. Kent Police have requested a developer contribution of

£27,818 towards the cost of providing additional policing resources as a result of this development.

Kent Fire & Rescue Service: The proposed means of access is considered to be satisfactory

Highways Agency: Planning permission should either be refused, or granted only subject to the following condition:

*Prior to first occupation of any part of the development hereby permitted, a detailed Travel Plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework Travel Plan (as amended) produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highways Agency) and thereafter operated as approved.*

*Reason: To minimise traffic generated by the development and to ensure that the A2 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

KCC Highways: KCC are satisfied that the developers have proposed to mitigate impacts on the highway network beyond those anticipated by the trips generated by the proposed development which would provide betterment to the road network in the area as a whole. The mitigation measures should be secured by the developer providing a contribution to KCC to cover the entire cost of the proposed mitigation works (bus stop/on-street parking/TROs) through the S106 Agreement or for the developer to directly carry out the agreed works in consultation with KCC Highways. The development itself would not have an adverse impact on the surrounding roads and will have the benefit of providing turning facilities for existing vehicles using Mayers Road. No objection subject to the attachment of safeguarding conditions and conditions requiring further detailed information.

In terms of the detailed layout of the development KCC Highways have raised a number of detailed issues regarding the visibility splays and sight lines shown. Additionally, there are issues regarding vehicle swept paths, and the limits of highway identified for adoption. However KCC Highways are satisfied that these issues can be covered by way of condition, and/or they will in any case need to be resolved at the later stage of securing a Section 38 Agreement.

Stagecoach: Stagecoach has been directly involved in discussions between the applicant and KCC Highways regarding the proposed off-site highway works and has raised no objection in principle.

DDC Agricultural Advisor: In this case, the 11.49 ha site is indicated on the Agricultural Land Classification (ALC) 1:250,000 map as lying within a general area of excellent quality agricultural land (Grade 1). Local Soil Survey data indicates that soils in this immediate area fall within the Hamble series, comprising silty or very fine sandy loam, and with a high land capability class.

Given the above, whilst a detailed soil survey of the site would be required to definitely confirm its ALC grade, it is suggested that the site can be assumed, as matters stand, to be very good or excellent quality, and in the "best and most versatile" category.

Natural England (NE): The application site is within close proximity to, and has the potential to indirectly affect European designated sites (Natura 2000 sites), and therefore has the potential to affect their interest features. The application site is in close proximity to the Thanet Coast Special Area of Conservation (SAC) and the Thanet Coast and Sandwich Bay Special Protection Area (SPA) which are European sites. The Thanet Coast and Sandwich Bay SPA is also listed as the Thanet Coast and Sandwich Bay Ramsar site. Collectively these are notified at the national level as the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

The proposal is not necessary for the management of the European Site and the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. The applicant has confirmed that they will contribute to the previously agreed, Dover wide Thanet Coast Special Protection Area Mitigation Strategy. No objection is therefore raised in terms of impact on designated sites.

NE standing advice is applicable in respect of protected species.

Environment Agency: No objection in principle to the development proposed subject to the attachment of safeguarding conditions relating to flood risk, ground water protection, contaminated land, drainage and fuel/oil/chemical storage.

Folkestone & Dover Water: No comments received

Southern Water: Following initial investigations there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. An informative is recommended to alert the developer to the need to enter into a formal agreement with Southern Water to provide the necessary infrastructure. A condition requiring details of foul and surface water disposal to be submitted and approved prior to the commencement of development is recommended.

There is also inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the development. An informative to alert the developer to the need to apply to requisition water infrastructure, and a condition requiring details of the proposed water infrastructure plans to be submitted and approved prior to the commencement of development are recommended.

UK Power Networks: No objection

EDF Energy: No comments received

Scotia Gas: No comments received

Transco: No comments received

Public Representation: A significant number of representations have been received in respect of this application, of which 116 object and 5 are in support.

Summary of Objections:

- The development would be detrimental to the character of Walmer by destroying the open countryside and wildlife habitat on the site.
- The development, if permitted, will establish a precedent for the development of the remaining open space in the area.
- The development will detract from the character of Station Road, turning it into a main through route rather than a residential street.
- The existing fields with the public rights of way are a local asset and are regularly used. They form an important part of the setting of the adjacent conservation area. The development would destroy this local asset.
- The development will result in the loss of valuable agricultural land.
- Future housing should be located on brownfield sites where transport and job infrastructure is already in place rather than on greenfield sites such as this.
- The stunning views across the fields from Mayers Road, Station Road and the caravan park will be destroyed.
- The on-street parking along Mayers Road will restrict the use of this road as an emergency access for the development. Parking for existing residents in Mayers Road should be provided to ensure that Mayers Road is clear for emergency vehicles. The existing on street parking from residents in Mayers Road means that vehicles any bigger than a transit van struggle to pass.
- There are no job opportunities for the increased population;
- The suggestion in the application that the Highway Authority may wish to give consideration to parking restrictions along Mayers Road to control its contested as there is no alternative parking available for existing residents.
- The proposed turning head at the end of Mayers Road is referenced repeatedly throughout the documents however it is not evident on the plans.
- The vehicular access onto Station Road does not benefit from sufficient visibility and will increase the risk of accidents along this road.
- There is insufficient parking provided to serve the development which will lead to an increase in on-street parking, to the detriment of existing residents.
- The junction of Station Road and Dover Road (at the Londis junction) is a bottle neck and already very congested, especially at peak times and has poor visibility. Vehicles have to queue at this junction. Despite the conclusions of the Transport Assessment the development will exacerbate this problem. An alternative access to serve the development should be found.
- The single access point into the site is not sufficient and will cause all traffic to use Station Road and the A258 junction. The potential for a second access should be explored.
- The proposed highway works will not alleviate the existing highway problem which will be exacerbated by the additional population from the development.

The highway interventions should be trialled for a limited period to show the true impact – or the LPA should commission an independent assessment of the traffic impact modelled by the applicant.

- The proposal to remove two parking spaces in Dover Road will have a detrimental impact on local businesses that depend on passing trade. Deletion of these spaces will cause drivers to park illegally along Dover Road impeding the free flow of traffic.
- The development is contrary to Core Strategy policy DM12 which seeks to resist development that would involve construction of a new access or increased use of an existing access onto a trunk or primary road.
- The area around the Court Road, Mayers Road, Station Road junction already has significant levels of on-street parking causing the flow of traffic to be restricted and makes turning into and out of driveways in this area difficult and dangerous. Parking restrictions should be introduced in this area to alleviate the problem as it will only be exacerbated by the new development.
- As there are no additional employment opportunities in the area new residents will have to travel to work by car, increasing yet further the congestion on the local road network.
- The development will put a strain on existing utilities.
- The development will put a strain on existing local services such as dentists, doctors, hospitals etc. There are no local facilities for children and young adults.
- Existing facilities and facilities with sufficient capacity for the additional population are not within easy access of the development. Many of the residents will drive to access these facilities making the development unsustainable.
- There is no secondary school within 1km of the site (as it has recently closed) and the remaining school in in 'special measures' – therefore there is insufficient secondary school capacity to accommodate the increased local population resulting from this development. Pupils having to travel further afield will also increase traffic on the roads at peak times.
- The existing PROW network will be degraded as a result of the development proposals.
- The additional traffic congestion will lead to increased noise and air pollution for local residents and will make roads hazardous to drivers, pedestrians and cyclists.
- Existing residents will suffer from noise and air pollution during the construction process.
- There is a natural fall in the ground level from the site down to Mayers Road and Station Road, residents are concerned that the development will lead to increased surface water run-off. Surface water draining into both Mayers Road and Station Road from the field is already causes localised flooding.
- The erection of 226 new dwellings is excessive and will severely impact upon local services. The recent closure of Walmer Secondary School, along with South Deal will have far reaching consequences. Deal police station is rarely manned and responses are usually via Dover, Folkestone or Thanet. Deal fire station is part time.
- The development will have a detrimental impact on the residential amenities of existing neighbouring properties.
- Units 005 to 008 are located in very close proximity to the boundary of the site shared with properties in John Tapping Close. There is insufficient landscaping provided to the site boundaries.

- A number of properties in John Tapping Close have long established private accesses from their rear gardens onto the development site. The proposed layout does not make provision for these rights of access;
- Units 106/107/108 will overlook the private rear garden of 77 Station Road to the detriment of residential amenity.
- The development does not take account of views of the site from the A258 near Mill Service Station; or from the Lord Nelson's seat footpath area.
- The development retains views of the windmill from within the development, however no effort has been made to retain other views of the mill e.g. from Station Road, Court Road, Menzies Avenue. Steep roof pitches and three-storey buildings further curtail these views.
- Policy LA12 states that the development will only be permitted if it retaining long views of the windmill and of the wider countryside. This vista will not be preserved for existing residents of Station Road or the wider community. The application only refers to preserving the views for residents within the new development. This is an insufficient interpretation of policy LA12.
- The development will ruin the view and peaceful environment that is currently enjoyed by occupants of the caravans sited at Clifford Park which is directly adjacent to the development.
- The development is shown to be built in red brick with white window frames, this will contrast starkly with the brown bricks and brown window frames of the adjacent and surrounding development. It is important to ensure that the choice of materials is well considered as it has the potential to impact greatly on the landscape.
- Parked cars along the southern edge of the development can be equally intrusive in terms of visual impact. Landscaping can soften the visual impact.
- The development proposes shared surfaces throughout. The vast majority of pedestrians will be children and young people. The concern is that the development will cause a safety risk for pedestrians walking through the site to access the countryside.
- The Design & Access Statement incorrectly refers to the development being located in Walmer town centre, and an urban or a suburban area. This is not an urban or a suburban area. The development is in Upper Walmer which is a small rural hamlet, separated from Walmer itself. This is not a town centre, there are only five small shops, a take-away and a public house.
- The proposals represent overdevelopment of a greenfield site and would appear totally out of character with its surroundings. The inclusion of three-storey buildings is wholly inappropriate.
- The application proposes that the on-going management and maintenance of all areas of open space within the development would be overseen by a management company. This should be established prior to the grant of any planning permission.
- The proposed development will have a detrimental impact on the rural setting of the adjacent caravan park. Clifford Park. The proposed buffer zone will do little to compensate for the increased noise, visual impact of a large housing estate. The boundary hedge between the caravan site and housing development is only 1.5m high and the floor level of the caravans are elevated above the ground giving clear views to and from the adjacent caravans.
- The development will have a negative impact on local tourism as a result of its detrimental impact on the adjacent caravan park.

A local ward Councillor has reported matters that have been raised by members of the public:

- Transport: Dover Road/Station Road cross roads - despite some minor changes to the bus stop and removal of two car parking spaces at this junction, none of the modelling that has been carried out has come up with a solution that could satisfy NPPG or LDF 3.179 requirements. A far more radical approach needs to be taken if these houses are to be granted planning permission and help to fulfil the LDF need. Single Exit to Station Road – presents safety problems. Mayers Road – to be used as an emergency access presents problems with road width and accessibility.
- Water and Flooding – There is an existing problem of surface water run off from the fields on the site. The use of bore holes on site to mitigate against surface water runoff is questioned as they only have a lifespan of 15 years before they become clogged with silt and inefficient. Assurances should be sought to ensure that the proposed method is sustainable.
- Open Space – this has been retained in the NE corner. This is essential for continuing biodiversity of the site and its wider context. The railway line is an important biodiversity corridor in and out of Walmer and Deal. It is suggested that this open space should be secured in perpetuity and incorporated into the Draft Parks and Amenity Space Strategy of the Land Allocations Plans of DDC.

Summary of Supporting Comments:

- The site is not a rural site, unlike the development sites at Sholden. The developer should be required to fund improvements to the road network and local services through S106 contributions.
- The development will be of great benefit to the area with the construction of new homes for young and growing families.
- The development will offer affordable housing to those key workers and individuals who struggle to get on the property ladder.

Walmer Parish Council: object to the proposal on the following grounds:

- The proposals for the proposed emergency access along Mayers Road rely on residents in the immediate vicinity policing the turning area. Residents and councillors have reservations regarding how this will be effective;
- Station Road is already subject to flooding concerns especially from Court Road and Station Drive and the sewerage system in the immediate vicinity is already at capacity;
- Vehicles using the A258 Dover Road at peak times, approaching the Jubilee roundabout, already creates heavy congestion. This will be compounded by the additional traffic generated from 223 new homes. The development would be contrary to CS policy DM12 which seeks to resist development if there would be a significant increase in the risk of traffic delays or crashes;
- Residents in John Tapping Close are concerned at the proximity of proposed dwellings to the rear of existing to the detriment of privacy and outlook. The proposed amendments to the scheme do not go far enough to alleviate this concern;
- Residents are concerned at the potential impact of construction vehicles using the local road network during the construction period;



- New properties on Station Road will overlook existing dwellings;
- What measures will be put in place to ensure the protection and management of the green spaces within the development?

Sutton by Dover Parish Council: wish to register concern of the amount of traffic that would pass through the parish of Sutton as a result of this development. The Parish Council would give their support for an alternative access for these plant on to the Deal/Dover Road.

Langdon Parish Council: has serious concerns about the impact on the A258 by traffic generated from a development of this scale. An increase in traffic on the rural lanes by those seeking short cuts is also not acceptable. Any development should include a condition for the provision and enforcement of 20mph speed limits together with traffic calming measures to protect the rural environment.

Ripple Parish Council: raise 'major concerns' regarding the development proposals which principally relate to traffic movements in Station Road and at the junction with the A258. Concerns have also been raised that Ripple and other surrounding villages will be used as short cuts by the additional traffic that this development will generate. The development has not adequately provided for the additional traffic, or infrastructure with a lack of facilities in the area for schools, doctors, dentists etc. Concern has also been expressed that the development will establish a precedent for development on adjacent areas of open space.

At the time of writing this report and further to the most recent re-advertisement of this application, 32 additional letters of representation have been received, of which 31 object to the proposal. The following issues were raised:

- Deal has insufficient infrastructure to support the increased population including health care, education, parking, highway capacity, sewage disposal.
- The development will increase flood risk in the surrounding area.
- The additional parking in the area will add to the existing congestion within Mayers Road, and will impede access by emergency vehicles.
- The development will have a detrimental impact on the quality of life of local residents in the area
- Menzies Avenue is already used as a short cut between Station Road and Court Road. The development will exacerbate this problem to the detriment of highway safety.
- The development will have a detrimental impact on the caravan business adjacent to the site.
- This development will compound the detrimental impact on infrastructure that will be created by the other two large housing development sites in the area.

Walmer Parish Council maintains its objection to the proposal and has raised the following additional points:

- Residents have expressed deep concern as Station Road and Church Street is already subject to flooding. The existing sewage system was already at capacity 20 years ago;

- The traffic congestion that the development will cause along the Dover Road (A258) will lead to drivers using other minor roads as rat runs to avoid the congestion.
- There are no consultee comments on the Highway Agency on the impact on the A258.
- Moving the bus stop on Station Road would impede the access to an existing property.
- Should this development proceed a condition should be imposed to limit hours of construction.
- Concern is expressed at the future management and preservation of new trees to be planted within the development.
- The 5-way junction at the end of Mayers Road onto Station Road leading from the development into the local town and schools will become congested as a result of this development leading to concerns of highway and pedestrian safety.

**f) The Site and the Proposal**

- 1.1 The application site (11.5ha) lies to the south west of Walmer, at the periphery of existing built development, approximately 3km from Deal town centre and c.250m walk south of Walmer railway station. The site has a road frontage to Station Road which connects with the A258 approximately 330m to the east.
- 1.2 The site has historically been used for agriculture and is currently an arable field. The land is indicated on the Agricultural Land Classification (ALC) map as lying within a general area of excellent quality (Grade I) agricultural land. Although a more detailed and reliable study of the eastern two-thirds of the site shows that area to be Grade 2 (very good quality).
- 1.3 The road frontage to Station Road is approximately 75m in width from where it extends southwards to give a depth of approximately 431m, and a maximum width of 390m along the southern boundary. The narrower part of the site fronting Station Road is framed on three sides by existing residential development; Station Road to the north and the cul-de-sacs of Mayers Road to the west and John Tapping Close to the east. The site then widens and is contained by the tree lined railway line and Cold Blow level crossing to the west and by the tree and hedge boundary of Clifford Park Caravan Park to the east. There is no physical boundary marking the southern perimeter of the site, however the alignment of public rights of way EE444 and EE443 coincides with the extent of the application site at its southern edge.
- 1.4 There are no marked topographical features on the site the land is gently undulating. Topographical information confirms that the site level falls from 36m (OHD) from the south west to 22m (OHD) to the east and north eastern boundaries. Land to the south of the application site extends out to open arable fields where the land gently rises up towards the Grade II Listed Ripple Mill.
- 1.5 The site is well connected to the existing network of public rights of way. Public Bridleway ED58 runs through the site from Mayer Road and Public Footpath ED36 runs diagonally through the site from Station Road to Cold Blow Crossing at the south-west corner of the site. Both routes connect to Public Footpaths

EE444 and EE 443 which run along the southern boundary of the application site and public footpath EE442 which extends to the south.

- 1.6 This detailed planning application was submitted by Taylor Wimpey UK Limited in April this year for the construction of 226 dwellings and associated work as described at the start of this report. The application was publicized and following negotiations with Officers and consideration of consultee and third party views, the scheme was revised and now proposes a total of 223 dwellings.
- 1.7 The planning application is supported by a set of detailed plans and range of other supporting documentation. A list of the main reports/studies received is set out below:
- Planning Statement
  - Design & Access Statement
  - Housing Schedule
  - Draft Section 106 & Schedule of Draft Heads of Terms
  - Landscape Overview
  - Archaeological Assessment
  - Flood Risk Assessment
  - Foul Drainage Strategy
  - Statement of Community Involvement
  - Geophysical Survey Report
  - Environmental Noise & Vibration Assessment
  - Air Quality Assessment
  - Ecological Appraisal with Protected Species Surveys
  - Reptile Mitigation Strategy
  - Transport Assessment
- 1.8 The applicant's vision for the development is to propose *'a sustainable extension to the historic settlement of Walmer to provide a range of family homes ... the development will help to meet local housing need in a sustainable location'* (Design & Access Statement).
- 1.9 The application proposes a total of 223 dwellings served by a main pedestrian and vehicular access centrally positioned within the Station Road frontage, with an emergency access and turning head (also serving 6 new units) at the end of Mayers Road. The layout provides a mixture of detached, semi-detached and terrace properties built predominantly over two-storeys, together with three, three-storey apartment blocks. These offer a range of unit sizes (between 1 & 2 bed apartments to 4 bed dwellings) of which 66 (30%) are proposed as affordable housing. Parking is on-plot, on street and in parking courts and the majority of dwellings are also provided with on-plot garages.
- 1.10 With the exception of the apartment blocks, all units within the development are provided within their own private garden. In addition a series of publically accessible open spaces and green links are proposed throughout the development including a centrally located equipped children's play area together with two areas of open space (pocket parks) within the development. The development also proposes a large area of accessible open space to the south of the proposed housing along the boundary with the public right of way and

agricultural fields to the south, which is shown to contain retained vegetation, new tree and shrub planting and wildflower meadows. This open space is multifunctional. It provides new and existing communities with easily accessible open space, it serves as a visual buffer to the development along the interface with the open fields and views from the south, and it provides a natural habitat for local wildlife.

- 1.11 Off-site highway works include modifications to the Station Road/A258 junction to the east of the proposed main site access including alterations to the arrangement of bus stop and car parking; the details of which are considered elsewhere within this report.
- 1.12 The application is supported by a commitment to pay all necessary developer contributions arising from demands placed on local infrastructure. These include payments to Kent County Council for social services, youth facilities, education, libraries, travel plan incentives and off-site highway works (if it is not to be provided directly by the developer – yet to be confirmed, see below); and; to DDC for mitigation of the Thanet Coast Special Protection Area (SPA) and local sports facilities.

## 2.0 **Main Issues**

2.1 The main issues in the consideration of this application are:

- Policy Context and Principle of Development
- Transport & Highway Impact
- Housing: Housing Mix & Affordable Housing
- Design, Layout & Visual Amenity
- Residential Amenities & Adjacent Land Use
- Accessible Open Space, Children’s Play Space, Sports Facilities
- Natural Environment; including loss of agricultural land, impact on countryside, landscape, biodiversity and green infrastructure
- Environmental Protection
- Archaeology
- Flood Risk & Drainage
- Social Infrastructure & Public Services
- Phasing
- Sustainability Overview
- Summary: Heads of Terms for Section 106 Agreement

## 3.0 **Assessment**

### **Policy Context and Principle of Development**

- 3.1 All decisions need to be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF, which is a material consideration, states that relevant policies for the supply of housing should not be considered up-to-date if a five year supply of deliverable housing sites cannot be demonstrated (para 49). Based upon information in the Council’s last published Annual Monitoring Report 2012/13, pending the adoption of the LALP, the Council falls significantly short in its provision of a five year housing land

supply. Hence, in accordance with the provisions of the NPPF paragraph 49, the following CS policies appear to fall under this category of being 'out of date':

- CP1 (settlement hierarchy)
- CP3 (distribution of housing allocations)
- DM1 (settlement boundaries)
- DM4 (reuse or conversion of rural buildings)
- DM5 (affordable housing)
- DM15 (protection of the countryside)
- DM16 (landscape character)

3.2 In addition to the above policies, NPPF paragraph 49 would also in theory apply to the areas identified for urban expansion within the CS. Owing to the fact that the Council does not currently have a 5 year housing land supply, the broad identification of this site for housing within the CS could be regarded as 'out of date'. Such an interpretation would, though, run counter to the NPPF's overall aim to boost significantly the supply of housing.

3.3 Notwithstanding this, the LALP is at an advanced stage in the plan making process and is progressing towards adoption. The NPPF makes provision in para 216 that due weight '*may also be given (unless material considerations indicate otherwise) to relevant policies in emerging plans*'. The LALP seeks to address the housing deficit and once adopted the Council should be able to demonstrate that they can meet the requirement for housing provision over the five year period (*based on AMR figures 2012/2013*). In which case, due weight can once again be given to the provisions of the CS as part of the prevailing Development Plan.

3.4 The policy context set out within the CS, as informed by the NPPF together with the emerging LALP policy, is therefore considered to be relevant to the assessment of the current proposal.

3.5 The application site is consistent with the proposed allocation in the LALP but until that Plan is adopted the site lies outside settlement confines as defined by the CS Proposals Map. In this location, CS policies presume against new development of the type and scale proposed by this application; policies DM1 & DM11 apply. For this reason the development is considered to be a departure from the Development Plan, and it has been advertised as such.

3.6.1 As well as safeguarding against inappropriate development the CS sets out a clear spatial strategy which identified where future development should be located in broad terms. These spatial considerations are set out in section 3.52-3.82 of the CS. For the Deal area three broad areas for urban expansion are shown; Between Middle Deal and Sholden; Land at Sholden (land adjacent to Sholden New Road), and land at Walmer (represented by this application).

3.7 By way of background, the two other sites identified for housing development have already been the subject of planning applications.

- Land at Sholden: Detailed planning permission was granted in November 2012 for the erection of 230 residential dwellings, formation of vehicular

access off A258 and emergency access of Sholden New Road, off-site pedestrian and cycle improvements, associated parking, landscaping and infrastructure: DOV/10/1065 – construction of this development is currently under way.

- Land between Middle Deal/Sholden: Outline planning permission (with all matters reserved) was granted in April 2013 for residential development up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, pond and alterations to public rights of way: DOV/10/1012.

- 3.8 In summary, the principle of residential development in this location has been established through the adopted Core Strategy. This has been taken forward through publication the Council's emerging LALP which allocates a specific area for residential development and the planning application site is consistent with the proposed allocation.
- 3.9 As noted earlier, the LALP has now reached a very advanced stage in the process leading up to its formal adoption. The LALP containing draft policy LA12 has been subject to full public consultation, followed by examination in public wherein the Inspector identified a number of Main Modifications (MMs) to be made, which have now themselves been subject to a further round of public consultation. The Inspector is currently considering public representations that were made in respect of the MMs. It should be noted that the last round of public consultation sought views on the MMs and not on the principle of the policy allocation. One of the MMs was an additional criteria relating to SPA and SAC mitigation for this site.
- 3.10 Paragraph 216 of the NPPF enables weight to be given to emerging plan policies, and the weight attributable to an emerging policy increases the further it advances towards formal adoption. While in this case the LALP process remains incomplete, it is at a very advanced stage and hence it can and should be given considerable weight. Accordingly, the information contained within LALP policy LA12 regarding the site area and detailed policy provides a highly relevant and material consideration in the assessment of this application.
- 3.12 Policy LA12 allocates the site for residential development with an estimated capacity of 220 dwellings. The planning application proposes a total of 223 dwellings and is therefore broadly within the scope of the allocation. Figure 3.18 of the LALP identifies the site boundaries of the allocation conveyed by policy LA12. The area of built development proposed by this application sits within the allocated site. An area of approximately 3.61ha extends beyond the site allocation boundary and, with the exception of two dwellings and part of two further dwellings, this area is shown to be provided as open space.
- 3.13 It is considered that the proposed development is compliant with the spatial vision of the CS and with the more specific allocation of LALP policy LA12 in terms of number of units and site boundaries, and which in principle provide reasoned justification for a departure from CS policies DM1 and DM11 in respect of settlement confines and the location of development.

- 3.14 The nine policy criteria of LA12 address more site specific aspects of the development and its context, and these are considered in detail under relevant headings below.

### **Transport & Highway Impact**

- 3.15 The NPPF (at para 32) states that *'all developments that generate significant amounts of movement should be supported by a Transport Statement. Plans and decisions should take account of whether:*
- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
  - *Safe and suitable access to the site can be achieved for all people; and*
  - *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transportation grounds where the residual cumulative impacts of development are severe'.*
- 3.16 KCC Highways have commented that the applicant has adopted a robust approach to assessing the traffic impacts of the development including initial video surveillance of the junction of Dover Road (A258) and Station Road and the approach routes - to attain a full understanding of how traffic is moving on the network and establishing the typical extents of queuing and journeys times.
- 3.17 In addition to video surveillance, the applicant has built a VISSIM model which has allowed the adjustment of different parameters to reflect different scenarios as indicated by the video surveillance. The VISSIM is a micro-simulation traffic model capable of replicating day to day random variability by reflecting individual driver decisions such as speed selection, lane changing, driver route choice and bus and parked vehicle dwell times, as well as use of the pedestrian crossing on Dover Road.
- 3.18 The junction capacity was assessed using traditional PICARDY assessment tools and found to operate well within capacity during the peak periods both with and without the proposed development. The maximum Flow to Capacity Analysis result is 0.749 (with development - during the PM peak) (observed peak 0.63). The point at which a junction is subject to delay is when the capacity is exceeding approximately 0.85 (Practical Capacity Limit).
- 3.19 The developers were however mindful of the anecdotal evidence taken from the public responses to consultation and the view that the junction of Station Road and Dover Road suffers from congestion, giving rise to queuing at peak periods. The video footage was supplemented by further site visits to specifically observe the traffic patterns and interaction between vehicles at the junction. The review confirmed that some queuing did take place and that on occasion exceeded 10 vehicles in length, however this was over relatively short periods of time and dissipated quickly and was often followed by extended periods of limited or no demand on Station Road. Further investigation resolved that the sporadic nature of the surges of traffic queues at the junction was often a result of "exit blocking"

- i.e. the inability of vehicles to leave Station Road due to stationary traffic on the road they are trying to turn into (Dover Road).
- 3.20 Whilst the pedestrian crossing attributed sometimes to the "exit blocking" the main reason is because during the AM peak the southbound bus stop on Dover Road is regularly used giving rise to stationary buses whilst passengers are boarding or alighting the bus. Due to the proximity of the on street parking bays, which were noted to be regularly occupied during the AM peak, Dover Road is effectively reduced to a single lane of traffic dominated by northbound movement which was noted to have general priority. Due to the comparably high southbound flow on Dover Road, queuing can quickly form behind the bus, extending back towards and across the junction with Station Road, preventing exit from Station Road. This situation is further compounded by use of the pedestrian crossing.
- 3.21 In addition to the above, the developer's highway consultant noted that the buses (or other large vehicles) turning into Station Road needed to use most of the carriageway to make the turn, due to the existing lane widths. When vehicles are already queuing or waiting at the 'Give-Way' line in Station Road, buses are required to wait on Dover Road until the way ahead is clear to make the turn.
- 3.22 The development will increase movements on Station Road and therefore will give rise to a limited increase in the scale of the queues resulting from the exit blocking that has been identified. The additional development traffic is forecast to be at a level of approximately 1 vehicle per minute during the peaks.
- 3.23 To address the above, the developers have offered to fund a mitigation package that would comprise the following:
- Modification of the kerb radii to Station Road to increase the overall width of the carriageway and thus allow large vehicles (including buses) to turn unimpeded by cars waiting to exit.
  - Creating a bus cage to ensure that the bus stops in exactly the right place.
  - Northbound bus stop swapped with two on-street parking spaces (2 other spaces to be deleted) which would allow waiting restrictions to provide a protected run-in for the bus, whilst also placing the car parking in a slightly wider section of the carriageway.
  - Waiting restrictions to extend behind relocated bus stop to end of 355 but to be a single yellow line (with 0700 - 1900) parking restriction allowing nearby residents overnight parking.
- 3.24 Although the proposed solution would remove two of the four effective on street parking spaces, it would allow traffic to flow in both directions freely when both bus stops are in use. It is not considered that the proposed off-site highways works would affect the setting of the adjoining Conservation Area.
- 3.25 It is considered that the work carried out by the developer has gone beyond that which could be reasonably required since the development impact at the junction



- of Dover Road and Station Road was proven through the Transport Assessment to be acceptable in accordance with current guidance and certainly could not be considered severe in terms of a refusal under the NPPF (para 32).
- 3.26 The developers have identified the cause of the queues, which occur at the junction, and any blocking back occurring on Dover Road due to large vehicles not being able to turn into Station Road and have offered to mitigate these existing impacts as part of any consented scheme.
- 3.27 The distribution and assignment of the trips on the network suggest that very little traffic would choose to use Ellen's Road and that there are several routes from the development that could be utilised.
- 3.28 In view of the above, KCC Highways are satisfied that the developers have proposed to mitigate impacts beyond those anticipated by the trips generated by the proposed development which would provide betterment to the road network in the area as a whole. The development itself would not have an adverse impact on the surrounding roads and will have the additional benefit of providing turning facilities for existing vehicles using Mayers Road.
- 3.29 The applicant is currently in liaison with KCC Highways regarding the cost, safety audit and technical approval of the mitigation measures proposed and the intention is for the applicant to make a payment to KCC, equivalent to the cost of undertaking the work, prior to the commencement of development and for the off-site highway works to be complete, operational and available for use prior to first occupation of any unit on the site. Alternatively, it would fall to the applicant to directly carry out and complete the off-site highway works and to ensure they are operational and available for use prior to first occupation of any part of the development. Discussions between the applicant and KCC Highways are ongoing in this respect.
- 3.30 In addition to the proposed off-site highway works two other factors will further reduce the reliance of the development on use of the private car; the location of the site, and the development of and adherence to a robust Travel Plan.
- 3.31 The site occupies a sustainable location being within walking distance of both the train station and good bus routes to Walmer, Deal, Dover and Sandwich. The closest bus stops are on each side of the carriageway opposite proposed unit 001 on Station Road. The train station is a direct 250m walk from the Station Road frontage of the development along paved and level surfaces, and the proposed layout provides clear and easy access from within the development.
- 3.32 Additionally the site is well connected to an existing network of public rights of way and cycle links connecting the site to the wider area. Hence the development's location gives the opportunity to encourage sustainable transport choices. This can be maximized through the requirement of a robust Travel Plan for the development.
- 3.33 As part of the Transport Assessment submitted in support of the planning application a Framework Travel Plan (FTP) was included. It sets out how the proposed development could support and encourage sustainable travel through

- the mechanism of a Travel Plan. Through the consultation process KCC Highways identified a number of specific measures that should be included within the FTP and consequently included within the S106 Agreement.
- 3.34 An addendum to the FTP was submitted by the applicant's agent, which sets out those additional commitments including incentives to encourage the use of buses and trains. Such incentives could include subsidized travel of bus and rail services, information packs promoting the use of rail, bus, walking and cycling opportunities, information on broadband connection in new homes, the provision of benches throughout the development to encourage walking, bus and rail travel. Benches will be placed on main routes to the bus stops and railway station within the boundary of the development. Additionally, KCC have published a series of walking and cycling guides for the Dover and Deal areas and these are to be included within the welcome packs for new residents. The applicant has committed to make a payment of £500 to KCC to cover the cost of reproducing and supplying the documents for the welcome packs.
- 3.35 The exact details of the incentives have yet to be concluded, however a standard approach is to require submission of a detailed Travel Plan for the site, prior to first occupation of any part of the development through the attachment of a suitably worded condition. The £500 payment to KCC for supply of the information documents for the welcome pack can be secured through the S106 – the recommendation set out below is made accordingly.
- 3.36 The requirement for a robust and detailed Travel Plan for the development also coincides with the requirement of the Highway Agency in terms of seeking to reduce potential traffic impact on the Duke of York Roundabout. Following the submission of further information from the applicant's highway consultant, which demonstrated that there would be minimal impact arising from the development on the Duke of York roundabout, the HA have lifted their initial holding objection subject to a condition requiring the submission of a detailed Travel Plan showing practical ways of securing a modal shift to more sustainable transport systems, such as those outlined above.
- 3.37 In conclusion, it is considered that sufficient evidence has been provided by the applicant to demonstrate that the potential highway impact arising from the development will not have a detrimental impact on the functioning of the local road network. Furthermore, the proposed package of mitigation measures can further enhance the functioning of the existing road network through off-site improvements (A258/Station Road junction) and maximize opportunities presented by existing connections to public rights of way, and public transport networks to increase the overall sustainability of the site. In this respect the development is considered to comply with the policy framework of the NPPF, the CS and detailed criteria of LALP policy LA23 (viii & ix), subject to conditions and S106.

### **Housing Mix, Density & Affordable Housing**

- 3.38 Policy CP4 requires housing allocations and planning applications for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and

development of an ‘appropriate’ housing mix and design taking account of the guidance in the Strategic Housing Market Assessment (SHMA).

- 3.39 The SHMA identified the following broad split of demand for market housing based upon the profile of projected newly forming households in the District, and this split is set against the range of market housing proposed through this application in the table below.

<b>Unit Size</b>	<b>Proposed Market Housing Units</b>	<b>% of Proposed Market Housing Units</b>	<b>Overall Proposed Mix (including AH)</b>	<b>Core Strategy Proportion</b>
1 bed homes	0	0	6%	15%
2 bed homes	33	21%	29%	35%
3 bed homes	48	31%	29%	40%
4 bed homes	76	48%	36%	10%
<b>TOTAL</b>	<b>157</b>			

- 3.40 The CS confirms that the proportions sought should be used to inform decisions on the housing mix of development proposals seeking planning permission and that they will need to be adjusted by market information on the housing needs and preferences of people moving into/within the District. From the above, it is apparent that the proposal includes a greater proportion of 4 bed units than that anticipated by the SHMA.

- 3.41 The applicant has submitted a report setting out a reasoned justification for the variation from the SHMA proportions. The report is based upon search and sales data as well as anecdotal information gathered from a range of local estate agents active in the Walmer/Deal area. The research undertaken has found that:

- 3.42 *‘The market in Walmer and Deal is currently active for all property types, with good demand for first time buyers, second home owners, downsizers and investors. This mirrors recent activity in other areas of the County and demonstrates a significant return of confidence in the housing market. Locally the market is driven by investors and first time buyers who appear to be satisfied locally within the existing housing stock and for whom price is a key parameter in their buying decision. ... research has found that there is a good level of interest in larger properties with 50% of all searches on Right Move based on 4 and 5 bedroom properties ... it is clear that fewer searches for larger properties go on to make a purchase and this could indicate a lack of choice in the local supply ... taking all the evidence into account ... the proposed mix is broadly suitable for the location and local market and should prove to be an attractive development that will appeal to both local buyers and from those further afield’.* The report also notes that the research has *‘utilized data based on recent, but historic transactions. Past activity does not always indicate future trends and given that this site is unlikely to come to market in the immediate future, it is important that where possible the development is planned and built in phases to allow changes in the market to be accommodated’.*

- 3.43 A further consideration affecting the mix, which is acknowledged within the CS, is design and the need to ensure an appropriate character of development for its context. Design is discussed in more detail in a following section, however the

location of the site at the urban periphery is such that a looser urban grain and lower density, integrated with structural landscaping is required to provide a natural transition to the surrounding countryside. The grain of the development does gradually tighten towards the Station Road side of the site where it is framed by existing tighter grain development.

- 3.44 In terms of density, the CS seeks to contribute to the regional housing target by adopting the 40 dwellings per hectare (dph) target as the minimum average to be achieved across the District. Rather than set a blanket density standard, the Strategy's approach is to encourage the achievement of higher density development (and more efficient use of land) through a design-led process giving careful consideration to the context of the development. The proposed development achieves a density of c.34dph, which is a reflection of the greater proportion of 4 bed units.
- 3.45 As a whole, the provision of smaller units (such as one and two bed units) would, in addition to increasing the density of the development, add to infrastructure needs such as a requirement for more parking to meet current standards. This would create a more urban character which would not be appropriate at the urban/rural transition. Conversely the introduction of a higher proportion of larger 3 and 4 bed units, in addition to lowering density, also helps create a more spacious and potentially sylvan character with opportunities for additional landscaping.
- 3.46 Overall, it is considered that the need for an appropriate design that responds to the particulars of the sites context, together with evidence from the applicant's market research is sufficient to justify a variation from the CS proportions.
- 3.47 In accordance with the requirements of CS policy DM5 and DDCs Affordable Housing SPD, the application proposes 30% affordable housing, which in this case equates to 66units. These are proposed within phases 1, 2, 3 and 5 of the development (total of 6 phases – please refer to the 'phasing' sub heading for further details) which is considered to be a reasonable approach to secure the timely delivery of the affordable housing units, whilst being mindful of the economic interests of the developer. The units are grouped into eight clusters throughout the area of the development in a manner that aims to balance the objectives of integrating the units within the overall development and allowing efficient management by a Registered Provider. It is felt that this is successfully achieved by the proposed layout and unit distribution.
- 3.48 The proposed mix of affordable housing units is set out in the table below.

<b>Unit Size</b>	<b>No: of Units</b>	<b>% of Affordable Housing (approx.)</b>
1 bed flat	13	20%
2 bed flat	16*	24%
2 bed house	15	23%
3 bed house	18	27%
4 bed house	4	6%
<b>TOTAL</b>	<b>66</b>	

*\*Three units are proposed as (Lifetime Homes) wheel chair accessible in accordance with KCC requirements, see relevant section below.*

- 3.49 In terms of tenure mix, the Council's Affordable Housing SPD seeks a 70/30 rented/shared ownership tenure split which the applicant has confirmed as acceptable in relation to this development proposal.
- 3.50 The Housing Manager raises no objection to the proposed range of affordable unit types proposed or their distribution throughout the development. However eight of the two bed flats proposed are shown as 3 person units, which is not considered to offer sufficient flexibility to meet a range of housing needs and the smaller of these units could prove difficult to let. The Housing Manager comments that they are unlikely to be attractive to existing tenants needing to downsize (for bedroom tax reasons), and that it would be preferable for these units to be provided as 4 person units.
- 3.51 The applicant has responded to this point as follows, '(the application) *has provided a range of apartment buildings across the site (including) 30 affordable apartments, of which 6 (20%) are 3 person units. This is a small percentage and adds to the mix of units available across the site ... (and the applicant is) reluctant to make further changes to the proposal ...*'. Whilst the change of the 6 apartments from three person to four person units would be preferable for the aforementioned reasons, in light of meeting the full requirement of 30% affordable housing, together with the optimal tenure split, it is not considered that this remaining issue is of such significance to warrant the refusal of planning permission, and hence is not pursued further.
- 3.52 On balance and overall, it is considered that the density of units, range of unit sizes, types and tenure of both affordable and open market housing are acceptable and comply with the NPPF, CS policy and requirements of the AH SPD.

### **Design, Layout & Visual Amenity**

- 3.53 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (paras 56-57, NPPF).
- 3.54 The Kent Design Guide (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. In order to respect context the KDG sets out that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; and form a harmonious composition with surrounding buildings or landscape features.
- 3.55 In this instance, the assessment of whether the development is appropriate to context is inextricably bound to the identification of the site as an area for urban

extension within the Core Strategy, which is taken further by the emerging LALP allocation policy. It is inevitable that residential development, extending into the countryside would, to some extent, be out of context with the prevailing rural character. Given the policy support for the urban expansion, the question in this case is how well the development responds to the sensitivities of an urban fringe location. The manner in which the development does this is considered here, and should be read alongside the section below under the sub-heading '*Natural Environment; including landscape impact, green infrastructure, biodiversity and loss of agricultural land*'.

- 3.56 Responding to context also involves accommodating site specific constraints and wider planning policy objectives which include in this case: housing mix/density objectives; the protection of residential amenities of neighbouring properties; the enhancement of green infrastructure and accommodating on-site open space; provision of an equipped children's play area; retention and incorporation of existing PROWs; the protection of residential amenity for future occupants of the site; the need to safeguard incorporate and retain long views of Ripple Windmill and the wider countryside; the need to provide frontage development to Station Road; compliance with highway and parking standards; biodiversity enhancements; the retention and attenuation of surface water drainage on site; and the need to provide a landscape buffer to the adjacent countryside and existing development. The objective is to balance these considerations in order to deliver a high quality development.
- 3.57 The application has been accompanied by a Design & Access Statement (DAS). This identifies that in addition to site specific factors, the evolution of the design and layout of the development has been informed by the principles set out within the Walmer Design Statement (WDS). The WDS identifies character areas within Walmer based upon the age, architectural style and layout of development. The application site lies adjacent to three of the identified character areas: 'Upper Walmer Village', 'Walmer Station Area' and 'Modern Cul-de-sac', the characteristics of which have influenced the design approach of this application.
- 3.58 The assessment of the scheme has also been informed by the Building for Life principles. This is a national standard for well-designed homes and neighbourhoods. The CS states that the Council will use the standard to help inform the assessment of how well proposals have responded to their design objectives.
- 3.59 The submitted DAS sets out the design philosophy for the overall development which is to:
- Promote pedestrian and vehicular links within the areas surrounding the site;
  - Maximise visual connections with the major new open space – the new green corridor; and
  - Create a recognizable hierarchy of streets, reinforced through distinct different architectural and landscape character areas to aid legibility, whilst creating an overall character for the neighbourhood.
- 3.60 The main site access is from Station Road which punctuates the proposed frontage development. The layout of the development is articulated by distinct

character areas and a clear road hierarchy which assists in creating a sense of place within different parts of the development. The DAS states that the character areas are defined by street type and open space design, and also by the scale, massing, roof treatment and architectural detailing of the new buildings. The main character areas are summarised as follows:

- A 'Village Green' is located within the centre of the development and is characterized by an informal open space with equipped play area, general amenity space, seating and new tree planting. The space is enclosed by a series of large two-storey dwellings and a three storey apartment block, which frame the space and provide a high level of natural surveillance to this area. The issue of play facilities is addressed in more detail elsewhere in this report.
- 'Boulevard Street' is the principle route into the centre of the site from Station Road and leads directly to a central amenity space at the heart of the development (see Village Green) and beyond to the main landscape buffer to the south. The Boulevard is characterised by a wider road treatment with large street trees. Two storey housing is set back from the road allowing generous areas of street planting and landscaping to front gardens. The DAS describes Boulevard Street as providing a focus for the neighbourhood, linking Station Road with areas of open space and forming a spine running through the development.

On entering the site along Boulevard Street from Sandwich Road, a three-storey apartment block with foreground landscaped area provides an immediate focal point and aids legibility of the site. Houses are designed to provide a sense of continuous frontage, forming a robust edge to the space and helping give the street a strong sense of enclosure. The DAS notes that flank walls facing directly onto the side streets are carefully treated with additional windows to ensure the continuation of active frontages and overlooking at street junction.

Stemming from the main Boulevard Street are a series of 'Back Streets', 'Lanes' and 'Mews'.

- 'Back Streets' run parallel to Boulevard Street and are characterized by a narrower road treatment with housing set close to the highway. The DAS describes them as designed with a single footpath with soft verge to its opposite side. It is linked to the main spine road by Lanes and Mews.
- 'Lanes' are secondary in nature and form the main lateral links from Boulevard Street to the Back Streets. Lanes are characterized by two-storey terraced housing, off-street parking and tree planting. These areas aim to provide safe and attractive places, with a pedestrian orientated streetscape with shared and calmed carriageways.
- 'Mews' are the narrowest streets within the development and the DAS describes them as having a small and intimate scale and character. These streets are generally short with houses of no more than two-storeys on either side, with street trees located where space allows. Due to the relatively small

number of houses fronting these streets, maintaining good levels of passive surveillance is critical to ensuring the Mews feel safe. All houses along the Mews are designed with entrances on the front facades to maximize street activity. Landscape treatments to back garden walls which flank the street are also critical to the success of these streets.

Other features of the proposed layout include:

- Frontage development to Station Road consisting of detached two-storey dwellinghouses with on-plot parking accessed directly from Station Road. It is considered that the proposed development provides a positive interface with existing development along Station Road and is compliant with the requirements of emerging LALP policy LA12 (ii).
- The 'Park Edge', development along the southern perimeter of the site is shown to face 'outwards' from the development. This provides a positive interface with the adjoining open space and landscape to the south and permits a good level of natural surveillance over these areas. The edge of built form is irregular, giving a soft and 'natural' perimeter to the development at this important transition area. The perimeter allows the green area to extend into the built form where this coincides with the alignment of key views from within the development towards Ripple windmill to the south.

Dwellings are limited to two-storeys set along an informal street interspersed with green margins and tree planting with limited areas of on street parking. Here the scale of the highway has been minimized so that it does not dominate the periphery of the development. The location of dwellings at the southern edge of the site has also informed the choice and spatial distribution of materials. With the exception of one white rendered unit, all are proposed in soft muted tones. The inclusion of a rendered property at the boundary of the site is considered appropriate to articulate the development and is a reflection of existing white rendered properties at the periphery of existing development, such as that at the end of Mayers Road.

The proposed treatment of this important 'edge' boundary is considered to be appropriate. It successfully meets the requirements of LALP policy LA12 (i and iii).

- Existing PROWs; development fronting the existing PROWs that bisect the site have been sited and designed to provide as far as possible an active frontage to the PROW to enhance the environment of these routes and to provide natural surveillance. It is considered that the proposed development has been successful in incorporating the existing routes into the development, in accordance with LALP policy LA12(iv).

3.61 The application is supported by a Landscape Strategy which sets out the framework and rationale behind the proposed areas of accessible open space. The DAS describes the development as landscape-led based on Green Infrastructure (GI) principles, retaining, enhancing, linking and utilising the existing natural features of the site. In addition to the 'Village Green' and tree lined 'green routes' through the development, the key landscaped areas are:



- The southern amenity space, which has been proposed as a multi-functional, semi-natural open space which also acts as a visual buffer in long views from the south. The Landscape Strategy describes this as an amenity grass area and a location for informal recreation, incorporating new tree planting and structured shrub planting to provide a robust edge to the development and softening views from the south. It is intended to create new informal mown grass footpaths throughout this area to increase connectivity with the existing footpath network;
- Landscaped buffers and additional tree planting are proposed for the east and west boundaries of the site again to soften the appearance of the development within the wider landscape context, but also to contribute to the mitigation of potential impacts of the development on the residential amenities of neighbouring occupants, including the adjacent caravan park – Please note that the issue of impact on residential amenity is discussed in more detail below.

3.62 These two key areas of Green Infrastructure are sufficient to integrate the proposed urban expansion in to the wider landscape and hence comply with the policy framework of the NPPF, CS and in particular the requirement of LALP policy LA12 (i).

3.63 Additional landscape features include:

- A Pocket Park adjacent to proposed residential units in the northern area of the site, to provide a small doorstep green as an area of open space with associated seating and planting.
- A 'soakage depression' within the north west corner of the site. This feature is proposed to create a large predominantly dry shallow depression to provide additional overland drainage capacity in peak conditions, and forms part of the overall SUDs strategy for the development.

3.64 Conditions requiring the submission of details in respect of the landscaped areas and the management thereof are set out within the recommendation below (please also refer to the section titled 'Open Space' at paragraph 3.90).

3.65 Building heights are predominantly two-storey, interspersed with single storey elements (porches/garages) and with three, three-storey apartment buildings providing focal points within the development to give variation and aid legibility. It is considered that the proposed distribution of building heights is appropriate to the context of the site.

3.66 As noted above the site lies adjacent to three distinct character areas, as defined by the WDS. The applicant has analysed the existing townscape of both Walmer and Deal to determine the continuant components that make up the vernacular style of the area. The approach to architectural style for this development does not seek to directly replicate existing development, which comprises a variety of building styles and character. Instead, as described by the DAS, it seeks to create a high quality design with an individual identity that will sit comfortably

- within the surrounding environment. It is considered that the overall approach to the design of the proposed development has successfully achieved this objective, and is acceptable.
- 3.67 The main external cladding to buildings is brick and the DAS describes the use of a complimentary mortar colour rather than contrast with the brick colours. The predominant brick work will be interspersed with render that will give variation and aid legibility. The DAS describes secondary focal elements of tile hanging and weather boarding. The overall colour pallet is intended to create a cohesive overall character to the development and one that compliments the surrounding context of existing development.
- 3.68 The proposed parking strategy for the site is provided in accordance with current requirements. The proposed layout incorporates a variety of parking arrangements including on-plot, on-street and a number of small parking courts. It is considered that this varied approach to parking is appropriate for this development as it gives variation and enables the layout to respond to the different character areas within.
- 3.69 In terms of the level of parking proposed and the operational function of the layout, KCC Highways are satisfied with the overall parameters of the layout. However KCC Highways have advised that the span of visibility splays and sight lines do not in all cases fall within the adoptable highway. Some are shown to fall over third party land within the development, placing the onus on the landowner to keep boundary fences and shrubs low in order for the sight line envelopes to be maintained. Notwithstanding this, KCC Highways are satisfied that these detailed matters can be resolved through the submission of details pursuant to condition.
- 3.70 Similarly, the areas of highway identified for adoption and the proposed service margins within the development site are not entirely compatible with KCC Highways requirements. KCC Highways note that these issues are not strictly necessary for the planning permission, and that these matters will in any case require address through the later Section 38 Agreement process.
- 3.71 The proposed layout provides an emergency access at the south-west end of Mayers Road, in accordance with the requirements of LALP policy LA12(viii), together with a turning head to be made available for use by existing and future residents, to be provided as part of phase 3 of the development. In terms of the operation of the turning head KCC Highways have confirmed that it meets minimum dimensions to enable the turning of all vehicles up to and including a pantechinon. A condition requiring the submission of details in respect of the turning head and emergency access has been included within the recommendation below and the S106 requires provision and availability of the agreed turning head and emergency access prior to the first occupation of any market housing within phase 3.
- 3.72 In addition to the emergency access, the proposed turning head and Mayers Road would provide vehicular access to six of the proposed units. KCC Highways are satisfied that Mayers Road, through the provision of a turning head, provides suitable access to these additional units. The required heads of

terms for the S106 makes provision for the completion and operation of the turning head prior to the first occupation of any unit within phase 3 of the development. Hence the additional units to be served from Mayers Road will not be occupied until the turning head and parking for these units are provided and made available for use.

- 3.73 Subject to the resolution of matters relating to the detailed highway layout which can be secured by way of condition, it is considered that the proposed layout and design of individual dwellings, apartment blocks and spaces strikes an appropriate balance between the design objectives of the NPPF, CS, emerging policy LA12, and other national, county and local design guides; the objective of using land efficiently and effectively and the need to tailor the development to reconcile the various opportunities and constraints presented by this site.

### **Residential Amenities & Adjacent Land Use**

- 3.74 Representations have been received from a number of neighbouring residents, and owners of adjacent caravans, raising concerns over the impact of the development on residential amenity. It is without question that the development would fundamentally alter the character and appearance of the site and views that many of the existing adjacent residential properties currently enjoy across the existing open field. Protection of long views across adjacent land is not a material consideration. However it is nonetheless important to ensure that the direct outlook from the existing dwellings is not compromised by the development to an unacceptable level to the detriment of residential amenity. This consideration is in addition to other key factors when considering impact on amenity such as potential overlooking, overshadowing, sense of enclosure, and noise/disturbance
- 3.75 Existing residential properties that adjoin the site are located in Station Road, Mayers Road and John Tapping Close. Clifford Caravan Park (occupied by static holiday caravans) is located adjacent to the east site boundary. Through negotiations with the applicant's agent the layout of units within the site has been adjusted in several places to enable a better relationship with existing neighbouring buildings and uses. The changes are minor in nature and provide for an overall improvement to the development in these terms. At the time of writing this report, minor revisions to the plans are currently the subject of public consultation, which is due to conclude prior to the committee meeting. Should any further representations be received which raise material issues not already covered by this report, they will be reported verbally to Members at the meeting.
- 3.76 Adjacent properties in Station Road comprise detached two-storey dwellings that flank either side of the new frontage development. Here, to the north of proposed unit 093 is an area of open land which intervenes between the development site and the adjacent property 77 Station Road, giving a side to side separation distance of c. 28metres. Proposed unit 093 is set c.8m off the site boundary. In view of the separation, and the presence of boundary trees, it is not considered that the development would have a detrimental impact on this neighbouring property. The development returns along the rear boundary of 77 Station Road where proposed units 107-109 (two-storey terrace with ground and first floor rear facing windows) are set c. 11m off the boundary giving a first floor back to back

separation distance of c. 37metres, and; the side elevation of proposed unit 096 is located c.16m off the boundary. It is considered that the degree of separation afforded by the proposed layout would mitigate the degree of overlooking between the existing and proposed properties to an acceptable level. Furthermore, details of the boundary treatment proposed for the perimeter of the development can be required by way of condition.

- 3.77 Where the development site extends back away from Station Road, the north-west site boundary is flanked by the rear gardens associated with properties in Mayers Road which largely comprise two-storey terrace properties, together with a U-shaped terrace of two/three storey properties. PROW E36 also runs parallel to the rear boundaries of properties towards the southern end of Mayers Road. The proposed housing is set off the shared boundary with Mayers Road properties by c.9-15m, and the depth of rear gardens of the Mayers Road properties give separation distances of c.26-53m between existing and proposed dwellings. It is considered that the proposed layout presents an acceptable relationship with neighbouring properties in this respect.
- 3.78 As noted above, the alignment of PROW ED36, running through the development, requires consideration in terms of layout and the need to ensure that the route benefits from natural surveillance. Where the PROW runs along the rear boundaries of properties in Mayers Road this gives rise to a tension between the need to ensure that the PROW has natural surveillance and the need to protect existing residents from overlooking. Through negotiations with the applicant's agent, amendments have been made to remove a number of first floor habitable room windows from units flanking the PROW where this would have overlooked neighbouring properties. It is now considered that an acceptable compromise has been reached in this respect. Furthermore, the proposed landscaping for the development proposes to supplement existing tree planting along the shared boundary to soften the interface between existing and proposed development and to improve the environment of the PROW. Conditions requiring obscure glazing to non-habitable rooms and removal of permitted development rights for the insertion of further openings within the elevations of properties adjacent to the PROW are recommended.
- 3.79 Proposed unit 131 was initially shown to be located approximately 6m to the south of the side elevation of the end unit in Mayers Road (number 82). The existing property has four large windows within the side elevation facing towards the side elevation of unit 131. It has not been possible to ascertain what rooms these windows serve and so for the purposes of this assessment they are assumed to be main habitable room windows. Officers were concerned that the proximity of unit 131 to the existing property could have a detrimental impact in terms of loss of outlook from two of the four side windows, together with the creation of a sense of enclosure and overshadowing. Through negotiations with officers, the applicants have amended the layout to address this issue. The revised plan now gives a separation distance of c.10m between the side elevations of the existing and proposed properties, which has necessitated setting units 131/132 c.2m further back from the building line of Mayers Road to accommodate the alignment of the PROW. The amendments have the advantage of improving the outlook from the side windows of 82 Mayers Road, however being located to the south of the existing property some overshadowing

- of the area between the units will be caused during the middle part of the day, particularly during the winter months. However, by reason of the 10m separation between existing and proposed properties, it is not considered that the extent of this impact would cause significant detriment to the residential amenities of the existing property, and on balance no objection is raised.
- 3.80 The side elevation of unit 131 facing Mayers Road does not contain any openings and hence will not overlook the adjacent property. A condition to prevent the erection of extensions and the insertion of openings within the north side elevation of unit 131 is recommended.
- 3.81 To the east of the proposed frontage development to Station Road, is a large detached two-storey dwellinghouse (number 51) that is at a slightly higher level and set back from Station Road by c.18m. The development site directly adjoins the side and rear boundaries of this property, divided by a mature hedge row and existing boundary trees. Adjacent proposed units flanking the rear garden of this property are sited c.13-15m from the side boundary. By reason of the proposed layout and orientation of development, the separation distances achieved, the existing hedge screening and the relative position of windows, it is not considered that it would give rise to an unacceptable impact in terms of overlooking, overshadowing, sense of enclosure or direct loss of outlook. A condition to require the retention, protection and maintenance of the boundary hedge and trees has been recommended.
- 3.82 Properties in John Tapping Close comprise detached and semi-detached two-storey dwellings arranged around a central cul-de-sac accessed from Station Road. Properties on the west side of the cul-de-sac (numbers 13-21 - odd) back onto the application site. The boundary is varied, comprising a mixture of hedge row, trees and fencing. Proposed units are set away from the shared boundary by between 11-17m giving back to back separation distances to the existing properties of between 26-35m. The ground level of the proposed units is shown to be c.1.8m lower than properties in John Tapping Close.
- 3.83 Negotiations with the applicant's agent have led to the submission of amended plans that move units 006-009 further away from the boundary, increasing the separation distance between unit 009 and 17 John Tapping Close from c.24m to c.27m, together with boundary tree planting. The house type proposed for unit 010 has been substituted for an alternative with a shallower plan depth to enable a greater back to back separation distance with 15 John Tapping Close to be achieved (was c. 22m, now c.26m at first floor level). These amendments are considered to be improvements to the scheme in terms of the relationship between existing and proposed units.
- 3.84 It is considered that the ground level difference, together with the separation distances now provided are sufficient to adequately mitigate the impact of the development on the residential amenities of neighbouring properties in terms of overlooking, sense of enclosure and overshadowing. Furthermore the relationship between existing and proposed units can be further mitigated through supplementary planting along the shared boundaries. Whilst there will be a change to the aspect/views from the rear of existing properties in John Tapping Close, taking into account the mitigation measures employed and on balance, it

is not considered that the development would cause direct or significant harm to residential amenities.

- 3.85 Further to the south along the eastern boundary, the site is adjoined by Clifford Caravan Park, a private Caravan Park which is understood to open annually from 1st March to 31st October. The site accommodates a number of static caravans, a row of which are sited within 5-10m along the site boundary, and which currently enjoy open views out across the site. Here the boundary comprises a mature and continuous hedgerow (current height c. 1.5m) with sporadic tree planting.
- 3.86 The proposed layout of the development incorporates a linear green open space with structural landscaping along the majority of the boundary shared with the caravan site (to be provided as part of phase 2 of the development). This provides for separation distances of c.25-33m between the caravans and proposed dwellings. It is considered that this distance, together with the mitigation afforded by the intervening linear park would result in an acceptable relationship between the existing caravan site and proposed units. Provided as part of phase 2, landscaping within the linear open space will have some time to establish before the units within phase 5 (which make up the majority of units that are sited opposite the caravan park) are occupied.
- 3.87 At the northern end of the linear open space there are a number of proposed dwellings that are located in closer proximity to the caravan park boundary. Here units 014-017 are within 12m of the shared boundary however these are proposed at a lower ground level (c.1.5m) and are sited adjacent to an amenity/play area within the caravan park where no caravans are sited. There is also existing tree planting along this section of the shared boundary. Units 018-019 are again at a slightly lower level and within 23m of the boundary. The existing hedge and trees along the boundary in this location are shown to be retained and supplemented with additional planting. Unit 021 would be sited within 15m of the shared boundary however there are no windows within the east side elevation.
- 3.88 Subject to the attachment of conditions to: prevent the insertion of side windows to unit 021; retain, safeguard and maintain the existing boundary trees and hedge, and; to secure the provision of the linear open space and structural landscaping as part of phase 2, it is considered that the proposed development has an acceptable relationship with the adjoining landuse. In a similar way to properties in John Tapping Close, whilst there will unquestionably be a change to the aspect/views from the caravan site, taking into account the mitigation measures employed and on balance, it is not considered that the development would cause direct or significant harm to the amenities or functioning of the caravan site.
- 3.89 Overall, and on balance it is considered that the proposed development, as amended, together with the mitigation measures identified, would sufficiently safeguard the living conditions of neighbouring residential occupiers and the amenity and functioning of the adjacent caravan park, in accordance with the aims of good design as required by both the Kent Design Guide and the NPPF.

## **Open Space, Sports Facilities & Children's Play Space**

- 3.90 Emerging DDC standards for determining the provision of open space for development proposals are set out within the Land Allocations Document and subjected to examination in public. The standards can therefore be given appropriate weight. Based on these standards the development gives rise to a need for 1.3ha of open space. The proposed layout provides for a total of 4.56ha of accessible open space of all types throughout the development and this is considered to be sufficient to accommodate the requirements for landscaping, amenity and ecology. The development is therefore considered to comply with emerging standards in respect of accessible open space provision.
- 3.91 In addition to the proposed standards, saved Local Plan policy OS2 requires new residential development to provide children's play space in accordance with adopted standards either on-site, or where appropriate, through a commuted sum towards off-site provision at a level equivalent to the cost of providing the play area on site to meet the additional demand by increasing the capacity of existing facilities. In this case there are no facilities within a reasonable access distance from the proposed development (as identified in the Council's adopted play area strategy - Review of Play Area Provision 2012-2028), therefore the proposed development includes the provision of an equipped children's play space with associated green open space at the centre of the development site, to be provided as part of phase 2 of the development.
- 3.92 The play area and associated open space is located at the heart of the development and benefits from direct natural surveillance from surrounding properties. Through negotiations with the applicant team, the layout has been amended to reduce the dominance of roads and car parking surrounding the play area to reinforce the function pedestrian accessibility of this central amenity space. Details of the exact layout and equipment proposed for the play area have not been provided as part of the application, however officers are satisfied that the area indicated is sufficient to determine that play space requirements can be adequately met by this proposal. A condition requiring details of the layout, equipment and management of the play area is included within the recommendation set out below. The development is therefore considered to comply with the requirements of saved policy OS2, CS policy CP6 and emerging LALP policy LA12 (v).
- 3.93 In terms of implementation, saved Local Plan policy OS2 requires the provision of an equipped play area in developments of 50 dwellings or more. Based on the phasing strategy proposed by the applicant, the play area is shown to be provided as part of phase 2 of the development, i.e. after 84 units, which exceeds the policy trigger. However the proposed location of the play area means that it is impractical to construct it before the latter stages of phase 2 - for example there would be a high level of risk of vandalism if the play area is completed in isolation without any natural surveillance from adjacent occupied homes, together with logistical and safety issues of public access conflicting with construction traffic and processes. The proposed location is considered to be the best option for the development as a whole, and therefore the delayed provision of the play area is considered to be acceptable in this instance. The summary heads of terms set

- out below provide for the completion and availability of the play space prior to the first occupation of phase 3 of the development.
- 3.94 The development proposed will have an impact on the demand for local sports facilities. Based on the application of the Outdoor Sports Facilities standard as proposed in the Land Allocations Document and the expected population of the development this development generates a need for 0.67ha of outdoor sports facilities. This area equates to approximately half the size of an adult football pitch, if run offs are included.
- 3.95 Rather than meet the need for additional sports facilities on site, the applicant has proposed to provide an off-site contribution to upgrade existing facilities and increase their capacity by the equivalent of half a pitch. The sum requested (£75,000) was based on Sport England standard costings, tailored to the particular conditions at Markewood. The heads of terms set out below provides for the phased payment of this sum in line with the progression of the development and the generation of demand. On this basis the proposed development is acceptable in terms of meeting local requirements for the provision of outdoor sports facilities and therefore satisfies CS policy CP6.
- 3.96 Walmer Parish Council has submitted a response to the Playing Pitch and Outdoor Sports Facilities Strategy highlighting the need for increased capacity at the rugby facilities in Drill Field. On this basis the contribution could be directed towards the upgrade of rugby pitches at Drill Field, as opposed to the football pitches at Markewood as originally identified. If a deliverable project at Drill Field is developed the sum could be transferred to the Parish Council, otherwise it will be used as originally envisaged. The S106 Agreement can be drafted to enable the contribution to be made to either of the two potential recipient projects. In either case it is considered that the proposed development, through the contribution towards improvements to off-site facilities, satisfies the requirements for additional capacity in outdoor sports facilities to meet the need arising.
- 3.97 Saved Local Plan policy OS3 indicates that permission for housing will only be granted where the developer has made long term arrangements to meet the open space needs arising. In this case, some 4.56 ha of assessable open space is proposed, the long term management of which would be essential to the quality of the scheme throughout the lifetime of the development. This is particularly important in respect of the open space buffer running along the southern perimeter of the site where it also has a strategic landscape function in mitigating the visual impact of the development on the surrounding landscape.
- 3.98 The application has not been accompanied by a proposed management plan for the areas of open space within the development. However the applicant has confirmed the intention to set up a management scheme to oversee this function. A fully detailed Landscape Management Plan (linked to an ecological management plan for the same) setting out the management/maintenance responsibilities of the management scheme would be sought by condition and this is reflected in the recommendation below. The management plan would be expected to include details of landscape maintenance and replacement (as necessary) to ensure the ongoing benefit of the landscaping measures; an inspection and repair regime for SUDs areas and street furniture including



seating, bins, lighting etc.; mowing, grass watering schedules; litter removal; tree care; hedge and shrub management; and weed control.

- 3.99 Subject to the requirement of a detailed Landscape and Ecological Management Plan for all areas of open space throughout the application site, it is considered that the proposal satisfactorily addresses the objectives of saved policy OS3, CS policy CP6 and LALP policy DM27, and should ensure that a high quality public realm and areas of open space are maintained during the lifetime of the development.

**Natural Environment; including landscape impact, green infrastructure, biodiversity and loss of agricultural land**

- 3.100 At a regional level, the Landscape of Kent (October 2004) published by KCC, identifies the area around Deal as falling into the East Kent Arable Belt Character Area. The key characteristics of this area are as follows:

- Open, rolling landform with large arable fields and well-wooded hilltops;
- Simple pattern to the landscape;
- Narrow winding lanes and dispersed settlements;
- Parkland trees and 18<sup>th</sup> Century estate villages;
- Pine trees on field boundaries; and;
- Disused collieries and associated colliery villages.

- 3.101 The Dover District Landscape Assessment (January 2006) identifies the site as falling within 'Eastry Arable and Woodland Clumps' Landscape Character Area. This large character area covers the central band of the District from Deal in the east, to Wingham in the west. It is an undulating landscape generally lacking in enclosure with woodland belts and tree clumps adding to enclosure in places. Settlements tend to be located on higher ground. This part of the character area is described as a landscape of freely draining silty soils over chalk.

- 3.102 Neither the site nor the landscape adjoining it, are covered by any statutory landscape designations for character or quality. There are no listed buildings within the site, although there are several within the Deal Conservation Area, approximately 0.5km to the north east. Ripple Windmill is a Grade II Listed Building located c.0.7km from the southern boundary of the site.

- 3.103 There are Conservation Areas at the villages of Ringwould c.1.3km to the south west, and Sutton, c.2.5km to the southwest. There is no inter-visibility between any of these Conservation Areas and the site due to existing intervening development.

- 3.104 CS policies DM15 and DM16 apply in terms of protection of landscape character and countryside. These are summarized elsewhere within this report. LALP policy LA12 sets out a number of criteria that seek to ensure that the development of the allocated site is well integrated into the wider landscape setting. The main criteria relating to landscape is the requirement to incorporate a landscape boundary between the development and adjacent rural area, incorporating structural and open space landscaping features. This is to reduce

the visual impact in the wider landscape and help to create a new rural-urban transition (LALP para 3.187).

- 3.105 Public views of the site and its context are possible from the higher ground to the south of the site, principally along Ripple Road, the adjacent section of the A258 and the PROW network. From here the site is 'framed' and set against the background context of existing residential development within Walmer, and although a different kind of 'development' the Clifford Caravan site to the east. Notwithstanding the marginal encroachment of development beyond the LALP allocation boundary, it is considered that the proposed development, buffered by the proposed green open space with structural landscaping pockets, together with the undulating building line of development along the southern perimeter will appear as a natural extension of the urban area in this location.
- 3.106 Wider views of the site from the west are constrained by the tree lined railway line and from the east by intervening development. More immediate views of the development will be possible from the existing residential properties bordering the site and from within the existing caravan park to the east. The impact of the development on its immediate context in terms of residential amenity is addressed elsewhere within this report.
- 3.107 It is considered that the proposed development, together with the landscape mitigation proposed, satisfies the policy requirements of CS policies DM15 & DM16 and is in accordance with the emerging site allocation policy (LA12) set out within the LALP in terms of landscape impact.
- 3.108 In terms of Green Infrastructure, the Landscape Strategy (CSa/2062/117) has merit in providing substantial informal open space utilising the existing public footpaths ED36 and ED58, thus supporting the wider green infrastructure in Walmer, and it is considered to satisfy the requirements of CS policy CP7. The concept of a central open space and formal play area, providing a green heart to the development is also welcome. The attempt at 'greening' the public footpath routes through the development have been reasonably successful in avoiding the creation of 'hidden' alleyways. Minor amendments to the Landscape Strategy (CSa/2062/117A) provide improvements in two locations by reducing the car parking/open space interface, although this is increased in one other area where a pocket park is proposed.
- 3.109 The proposed public open space to the southwest of the site will provide two complimentary types of open space – amenity grassland and meadow. The formal paths ED36 and ED58 are indicated as being wheelchair accessible and it would be advantageous if the maintenance of the mown paths was such that, at least, in dry conditions a circular route was created that was also wheelchair accessible.
- 3.110 The boundary treatments of landscape buffer and hedge planting are satisfactory in landscape terms.
- 3.111 In terms of ecology, biodiversity and habitats, the arable field margins within the site have been under Higher Level Stewardship (HLS) for farmland birds (Corn Bunting and Grey Partridge) as well as arable plants. A comprehensive

- ecological appraisal of the site has been carried out including field surveys. While development will have some impact on the total area available for non-breeding farmland birds, the site is considered sub-optimal, due to the presence of people and dogs. However, habitat enhancements could favour other species. Similarly, there will be adverse impacts on invertebrates that utilise arable field margins, but development could favour those invertebrates that benefit from more structural vegetation, including meadows.
- 3.112 It is not anticipated that any mammal species would be adversely impacted, although a number of bat species utilise the site margins for commuting and foraging.
- 3.113 Low levels of common reptiles occur and the proposed open space treatment to the south of the site will provide more habitat. However, a mitigation strategy to protect the species during construction will be required.
- 3.114 The provision of the new informal open space including meadow and a soakage depression will benefit wildlife in general and further enhancement have been suggested including bat and bird boxes.
- 3.115 In order to ensure that the ecology of the site is not significantly diminished and that there are actual wildlife enhancements to accompany development, a detailed Landscape and Ecology Management Plan (construction & operational phases), to include a reptile mitigation strategy, is required prior to the commencement of the development and is included within the recommendation set out below. It is considered that the proposal complies with the requirements of the NPPF, CS and LALP policy LA12 (vi) in terms of biodiversity protection and enhancement.
- 3.116 The applicant has confirmed that they will contribute to the previously agreed, Dover wide Thanet Coast Special Protection Area Mitigation Strategy to off-set potential impacts arising from this development on the identified designated sites, this is reflected in the summary heads of terms and recommendation below. In this respect the development accords with the LALP policy LA12(vii) as proposed through the MMs.
- 3.117 The NPPF states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (para 125). External illumination of this periphery site on the fringe of the open countryside has the potential to impact upon the local nighttime landscape. A condition is therefore recommended to require details of a lighting strategy for the site to ensure that the development complies with saved Local Plan policy ER6.
- 3.118 As noted above, the site has historically been used for agriculture and is currently an arable field. It is regarded as 'the best and most versatile' agricultural land for the purposes of application of NPPF policy.
- 3.119 The principle of residential development in this location has been established through the Core Strategy and the issue of the loss of 'the best and most versatile' agricultural land was considered as part of that site selection process.

This has carried through to the site allocation within the Land Allocations Local Plan – see also ‘Sustainability Overview’ below.

- 3.120 A Sustainability Appraisal (SA) of the LALP has also been carried out and has been subject to public consultation concurrently with the MMs. Any representations made in respect of the SA have been sent to the Inspector for consideration.

### **Environmental Protection**

- 3.121 The application was accompanied by an AQ Assessment. The assessment criteria were agreed with DDC Environmental Protection Officers and the results of the modelling demonstrates that for both the construction and operational phase of the development there is no breach of either UK or European Air Quality objectives. No mitigation is therefore required.
- 3.122 In terms of potential for an increase in dust levels during the construction phase, the assessment concluded that the site is classed as a medium risk site. In view of dust problems experienced at other large construction sites, and in the interests of protecting residential amenity, it is recommended that a suitable condition be attached to any forthcoming planning permission to require the submission of a Dust Management Plan (DMP) as part of an overall Construction Management Plan, to be submitted to and approved in writing by the LPA and to remain in force for the duration of the construction phase.
- 3.123 The Construction Management Plan will be required to address all matters relating to the construction operation including construction noise attenuation, construction hours, contamination controls, construction traffic management, construction parking, deliveries, wheel washing facilities etc. It is considered that a condition requiring submission of a CMP will enable measures to be adopted to minimise impact on existing neighbouring residential properties during construction.
- 3.124 The originally submitted noise and vibration report recommended standard glazing for the whole of the site. This met the ‘reasonable’ standard of BS8233, but following advice from DDC Environmental Protection Officers the ‘good’ standard should be achieved by this development. A revised Environmental Noise & Vibration Assessment was submitted by the applicant and sets out the achievement of ‘good’ standard of BS8233, which will safeguard future residents from potential noise disturbance from adjacent noise sources. A condition requiring the construction of the residential units in accordance with the details set out within the revised report has been included within the recommendation below.
- 3.125 With reference to contaminated land a phase I and II Geo-Environmental Assessment was submitted in support of this application. The report recommends specific action to supplement investigation works already carried out which are supported by DDC Environmental Protection officers. A number of conditions relating to contaminated land have been suggested which are reflected within the recommendation set out below.

## **Archaeology**

- 3.126 KCC has confirmed that the proposed development site lies in an area that is very rich in archaeological remains. There are extensive and complex crop and soil marks in the fields immediately to the south. These crop-marks include features that appear to project into the site in question. Intrusive investigations nearby have shown evidence for Neolithic, Bronze Age, Iron Age and Romano-British activity, including a possible Neolithic working floor to the west, Iron Age burials to the east at the rear of properties on Dover Road and a possible villa site also to the east at Downlands.
- 3.127 The archaeological potential of the area is summarized in a desk-based assessment prepared by CgMs which has been submitted in support of the planning application. The assessment provides a reasonable account of the archaeology of the area and concludes that the site is considered to have potential for prehistoric, Romano-British and medieval remains. Further to the desk based assessment the applicant has undertaken a geophysical survey of the site. This has not identified any archaeological remains, but this does not mean that such remains are not present as the results can be affected by a number of factors.
- 3.128 The site therefore has potential to contain archaeological remains and that any remains present would be affected by the proposals. Provision should therefore be made for a program of archaeological work. A condition to secure this is included within the recommendation set out below.

## **Flood Risk, Drainage & Water Supply**

- 3.129 The NPPF makes it clear that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations (para 94).
- 3.130 The application was accompanied by a Flood Risk Assessment (FRA) on which the views of Southern Water and the Environment Agency have been obtained. The responses are summarized elsewhere within this report.
- 3.131 The development site lies within Flood Zone 1 (Low probability of flooding) which categorizes land that has less than 1 in 1,000 annual probability of river or sea flooding. Residential development is classified as a 'more vulnerable' land use in terms of flooding. Applying the 'Flood Risk Vulnerability Classification' set out within the NPPG, the proposed development in this location is 'appropriate' in terms of flood risk.
- 3.132 The NPPF requires that at all stages of planning a 'Sequential Test' is applied with the aim of steering new development to areas of the lowest probability of flooding. A Strategic Flood Risk Assessment (SFRA) was prepared as part of the evidence base for the Core Strategy, and this informed the identification of this area for urban expansion. However the SFRA is not site specific. The specific characteristics of the site and its risk to flooding have been considered through the submitted FRA. As the residential development is to be located within Flood Risk Zone 1, the site is considered to have satisfied the Sequential Test, and the

Exception Test is not applicable in this case. The Environment Agency has raised no objection in principle to the residential development of this site.

- 3.133 Whilst the residential development of this site is considered to be appropriate in terms of its risk to flooding, it must also be demonstrated that the site will not increase risk of flooding elsewhere through increased or diverted surface water drainage. It is noted that several local residents have raised the issue of localised flooding from surface water draining from the existing field.
- 3.134 Due to its geology the FRA confirms that the site is conducive to utilising Sustainable Urban Drainage (SUDs) techniques and this approach to surface water drainage on the site has been put forward as part of the development. The Environment Agency welcomes the inclusion of sustainable drainage measures and has offered advice regarding the design of SUDs for this site.
- 3.135 The proposed Landscape Strategy for the site proposes a 'soakage depression' at the north-west corner of the site within the belt of open space that surrounds the periphery of the development site. This is described as 'a large predominantly dry, shallow depression to provide additional overland drainage capacity in peak conditions ... planted with isolated parkland trees and wetland style woodland/thicket to provide shade and interest, utilizing species tolerant of potentially seasonally wet conditions'. It is noted that above ground SUDs measures cannot only help to control and reduce surface water rates and volumes, they can also help to treat surface water prior to discharge and provide wildlife habitats.
- 3.136 The EA have raised no objection to the proposed approach to surface water drainage subject to the attachment of safeguarding conditions requiring a detailed scheme, including management plan, to be submitted to the LPA for approval prior to the commencement of development, this is reflected in the recommendation set out below. It is further recommended that the consultation response from the Environment Agency is appended to the planning permission (if approved) by way of informative.
- 3.137 With regard to water supply and foul and surface drainage, Southern Water has advised that there is currently inadequate capacity in the local networks to provide foul sewerage disposal and water supply to service the proposed development. Southern Water is seeking to ensure that the developer provides the necessary on and off-site infrastructure.
- 3.138 Conditions requiring details of on and off-site foul and surface water sewerage disposal and details of the proposed on and off-site water infrastructure strategy for the development have been recommended by Southern Water and these are also reflected in the recommendation set out below. It is further recommended that the consultation response from the Southern Water is appended to the planning permission (if approved) by way of informative.

### **Social Infrastructure & Public Services**

- 3.139 KCC has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on

the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

3.140 Planning Obligations, in the form of agreements under Section 106 of the Planning Acts (s106 Agreements) are normally signed by both the developer and those in receipt of a contribution. They must meet certain tests in order to be acceptable.

3.141 The Community Infrastructure Levy (CIL) regulations 2010 came into force on 6<sup>th</sup> April 2010 and gave these tests legal force. Part of CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

3.142 KCC has confirmed that in applying these tests in the context of this planning application, it gives rise to the following specific requirements (for which supporting evidence has been submitted):

- A primary school contribution of £471,011.52 (total) based on the size and number of units proposed by this development, to be directed towards locally in the Deal area. The impact of this development in Deal substantially increases an existing deficit of local primary school places, and in accordance with NPPF is required to mitigate this impact.

KCC have confirmed that there is currently no requirement in respect of secondary school places.

- A financial contribution towards the provision of Deal Library book-stock (£13,024.79 total) and youth facilities in Deal (£109,836 total). KCC have confirmed that the development will generate additional youth attendees and that they are currently working with DDC to deliver a new youth centre in Deal at a cost of £998,000. The project is beginning now, and is expected to be completed by January 2015. Using the required youth contribution, KCC have confirmed that they will mitigate the impact arising from this development as part of the new youth centre facility in Deal.
- A financial contribution towards adult social services (£50,985.60 total), plus the provision of 3 (Lifetime Homes) wheel chair accessible affordable housing units on site. KCC have confirmed that the development will increase demand on existing facilities and a contribution is sought to mitigate this impact. The contribution will be directed to a number of local projects as part of KCC's community strategy.

3.143 The applicant has confirmed that all of KCC's requirements can be met by this development, and provision for the payment of the contributions is made within the draft heads of terms, which are addressed in more detail below, including the phased payment of contributions linked to the proposed phasing of the overall development.

- 3.144 Please note that the figures quoted above are based on the initial figures set out by KCC in their consultation response dated 8<sup>th</sup> May 2014. It will be necessary to review the exact sums required prior to completion of the Section 106 Agreement to ensure that they are up to date and in line with any changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls and build costs.

### **Phasing of Development**

- 3.145 The application is supported by a phasing plan which divides the development of the site into six main phases. The configuration of the phasing plan seeks to ensure that the development progresses in a logical manner that is appropriate to the sites context and to ensure that appropriate infrastructure mitigation (such as affordable housing, sports facilities, community infrastructure etc.) is delivered at the right time and in the right place (where provided on site).

Phase 1 – (54 units or 24% of overall housing) is the area adjacent to Station Road. This phase contains 14 affordable housing units and a small pocket park.

Phase 2 – (30 units or 13% of overall housing) is an area adjoining phase 1 and includes the central area of green space, children’s play area and the landscape buffer (linear open space) along the eastern boundary with the caravan park. It provides a total of 14 affordable housing units.

Phase 3 – (46 units or 21% of overall housing) adjoins phases 1 and 2 and includes provision of the turning head to Mayers Road and emergency access, together with 16 affordable housing units.

Phase 4 – (23 units or 10% of overall housing) adjoins phase 3 and incorporates part of the southern open space and landscape buffer. This phase provides 2 affordable housing units.

Phase 5 – (54 units or 24% of overall housing) adjoins phase 2 and runs parallel to the remaining stretch of the adjacent caravan park. This phase provides 20 affordable housing units.

Phase 6 – (16 units or 8% of overall housing) is the final phase of the development and includes delivery of the remaining section of the southern open space and landscape buffer. There is no affordable housing within this phase.

- 3.146 The section below ‘Summary of Heads of Terms’ sets out the proposed mitigation strategy for off-site infrastructure which is linked to the sequence of the proposed phasing plan.
- 3.147 Overall it is considered that the proposed phasing strategy ensures an appropriate sequence of development in terms of both layout and the provision of on-site and off-site infrastructure. It is recommended that a clause is incorporated into the proposed S106 to ensure compliance with the agreed phasing plan.



## Sustainability Overview

- 3.148 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. (Para 7) These dimensions give rise to the need for the planning system to perform a number of roles which are identified as:
- An *economic* role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A *social* role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - An *environmental* role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 3.149 It is inevitable that circumstances arise where two or more sustainability objectives appear to conflict. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system and that the planning system should play an active role in guiding development to sustainable solutions (para 8).
- 3.150 The land the subject of the current application has been identified in the CS as an area of urban expansion, which has been carried forward to an advanced stage within the LALP. The provision of more housing land through the CS is identified as necessary to maintain existing local population levels over the Plan period (to 2026). This in turn is necessary to support local services and the overall social and economic well-being of the community. As with the other two areas identified for urban expansion through the CS, the identification of this greenfield site for urban expansion followed analysis of other site options including the capacity of brownfield options. The loss of the green field site and its 'best and most versatile' agricultural land to housing would support the social and economic dimensions of sustainable development, but it would undermine the objective of environmental sustainability to some degree.
- 3.151 This conflict was fully considered when the CS was assessed through Examination in Public. The approval of the urban expansion was, in effect, an acknowledgement that the wider sustainability objectives embraced by the CS, outweighed the harm arising from developing on greenfield land. As the site in question was preferable to other options, the proposal was and is considered to be compliant with the overall sustainability objectives of Government planning policy.

- 3.152 Further to the principle of sustainable development, it remains to consider whether the proposal has taken all reasonable steps to ensure that it delivers a sustainable *form* of development. As considered elsewhere within this report, the design/layout of the development has achieved an appropriate balance of delivering the level of housing anticipated by the LALP and safeguarding the landscape character of the wider setting, and should in itself provide a good quality living environment. Sustainable urban drainage solutions are proposed for the development to manage surface water drainage; residents would have access to local services, and the wider countryside by foot, cycle and public transport; and the development can deliver the full range of infrastructure requirements identified in the Development Plan, LALP and by statutory consultees.
- 3.153 In terms of sustainable construction, CS policy CP5 requires new residential development permitted after the adoption of the CS should meet Code for Sustainable Homes (CfSH) level 4. The applicant has confirmed that the development will meet these requirements and a condition has been included within the recommendation set out below. The condition will require the construction of the development to meet CfSH Level 4 or any future national equivalent applicable at the time of construction of the development, unless evidence can be submitted to show that this Code Level is no longer achievable.
- 3.154 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a 'golden thread' running through both plan-making and decision-taking. In sustainability terms, based on the policy reasoning for the identification of this site for urban expansion and on site specific factors, which serve to maximise the sustainability of the development itself, it is considered that this application represents a sustainable form of development. It is therefore considered to be compliant with the overarching sustainability objectives of the NPPF and Development Plan.

### **Other Matters**

- 3.155 Several neighbouring occupants in John Tapping Close whose properties border the site have noted that they have historically used pedestrian gates within their rear boundaries to access the land to the rear (now the application site). Where these have been identified, the proposed layout has sought to accommodate these access points. However, the legal right of access from these properties over the application site is a private matter to be resolved between the applicant and neighbouring landowners.
- 3.156 Kent Police have calculated that through the plan period of the CS a total of £2,139,831 will be required to cover various additional expenses arising from planned developments within the district, including items such as recruitment costs for additional staff and unspecified 'furniture, fixtures and fittings'. This overall costing is used to request a contribution of £27,818 from the Station Road development, which is described as 'pooled'.
- 3.157 It is not considered that that Kent Police's request meets the requirements of the three tests set out in Community Infrastructure Regulations 122 and 123;

*Necessary to make the development acceptable in planning terms:* The letter from Kent Police cites CP6 of the CS, but the accompanying table does not specify any required infrastructure relevant to this request. In addition, no standards of provision are specified against which the request could be judged.

*Directly related to the development:* The request discusses general needs across the district, rather than the way this request relates to the application in question. This approach may be compared with requests that DDC supports, e.g. provision of additional primary school places in a location that will meet the needs of families that move into the new housing.

*Fairly and reasonably related in scale and kind to the development:* The request does not include information about specific, deliverable projects that would meet the need arising from this proposed development.

- 3.158 In summary, this request does not meet the regulatory tests and therefore has not been pursued further.

### **Summary of Heads of Terms for Section 106 Agreement**

- 3.159 Various matters relating to a potential agreement under S.106 of the Town & Country Planning Act have been referred to throughout this report. The heads of terms to be covered by way of S106 Agreement are summarized below, all of which are considered to meet the aforementioned CIL Regulations tests and are accepted by the applicant. The required heads of terms have been set in sequence of the proposed phasing plan and are considered to be acceptable:

- Affordable housing definition and tenure (70% rented; 30% shared equity)
- Adherence to the approved phasing plan to ensure compliance with the agreed sequence of development and triggers for the delivery of infrastructure mitigation.
- All agreed off-site highway works to be completed and operational prior to first occupation of any part of the development

#### Prior to commencement of development:

- Payment of a sum (100%) to KCC for the completion of all off-site highway works (sum and technical specification to be agreed in liaison with KCC Highways), or direct provision and completion of the approved off-site highway works by the applicant (yet to be determined in liaison with KCC Highways).
- Payment of a contribution (100%) of £500 to KCC for the supply of local walking/cycling guides to be included within welcome packs for all new residents
- Payment of a contribution (100%) towards the Thanet Coast SPA mitigation.

Prior to first occupation of any open market housing within phase 1:

- Completion and availability of 14 affordable units (c.21% of total AH) – *including 1 x (Lifetime Homes) wheel chair accessible affordable unit*
- Payment of 50% library contribution
- Payment of 50% youth centre contribution
- Payment of 50% adult social services
- Payment of 50% primary education contribution

Prior to first occupation of any open market housing within phase 2:

- Completion and availability of 14 affordable units (c.21% of total AH) – *including 1 x (Lifetime Homes) wheel chair accessible affordable unit*
- Completion and availability of the open space within phase 1
- Payment of 50% sports facility contribution
- Completion and availability of the open space and landscaping along the east boundary within phase 2

Prior to first occupation of any open market housing within phase 3:

- Completion and availability of 16 affordable units (c. 24% of total AH)
- Payment of 50% library contribution
- Payment of 50% youth centre contribution
- Payment of 50% adult social services
- Payment of 50% primary education contribution
- Provision and availability of the on-site equipped children's play area within phase 2
- Provision and availability of vehicular turning head and emergency access from Mayers Road

Prior to first occupation of any open market housing within phase 4:

- Completion and availability of 2 affordable units (c.3% of total AH)
- Payment of 50% sports facility contribution

- Completion and availability of the green open space and associated landscaping to the south of the development within phase 4

Prior to first occupation of any open market housing within phase 5:

- Completion and availability of 20 affordable units (c.30% of total AH) – *including 1 x (Lifetime Homes) wheel chair accessible affordable unit*

Prior to first occupation of any housing within phase 6:

- Completion and availability of the green open space and associated landscaping to the south of the development within phase 6

**Overall Conclusion**

- 3.160 The principle of residential development has been established by the Council's adopted development plan. The intention for residential development on this site has been taken forward by the LALP which is at an advanced stage in the adoption process. It is therefore considered that considerable weight can be attributed to the LALP policy, and that together with the NPPF & CS, it represents the relevant context for the consideration of the application.
- 3.161 It is considered that the proposed development complies with the site specific criteria set out within LALP policy LA12. The views of local residents in respect of the potential highway impact of this development are fully acknowledged, however the applicant has demonstrated to the satisfaction of the Highway Agency, KCC Highways and officers that, subject to the mitigation measures identified and to the attachment of safeguarding conditions, the proposal is acceptable in terms of highway capacity and road safety.
- 3.162 Furthermore, subject to the attachment of safeguarding conditions and to the completion of a S106 Agreement to address the aforementioned issues, the development is considered to be acceptable in terms of sustainability, layout, design, housing mix, infrastructure, parking, environmental protection, archaeology, flood risk, drainage, utilities, phasing, and; residential amenity; and is compliant with the provisions of the development plan (as advanced by the LALP) and NPPF.
- 3.163 There are no implications under the Equality Act that would alter this conclusion.

**g) Recommendation**

I Subject to: no additional material matters being raised during the re-consultation period (see paragraph 3.75); the determination of responsibility for the implementation of the off-site highway works (see paragraph 3.29); the completion of a Section 106 Legal Agreement to address the identified Heads of Terms (see paragraph 3.160), and; to the attachment of conditions and informatives relating to the key issues identified below,

delegated powers be granted to the Head of Regeneration and Development to GRANT PLANNING PERMISSION:-

II Summary of terms for conditions, to include:

- (i) Standard 3 year time limit for commencement
- (ii) Schedule of amended plans
- (iii) The development shall be constructed in accordance with the approved layout plan drawing number 2254-315 rev G
- (iv) Contaminated land investigation and safeguards
- (v) Program of archaeological work
- (vi) Construction Method Statement & Management Plan, including Dust suppression, construction vehicle loading/unloading & turning facilities, parking facilities for site personnel & visitors, wheel washing, safeguarding of protected species during construction
- (vii) Development to be carried out in accordance with the recommendations of the revised Environmental Noise & Vibration Assessment, dated 08/07/14
- (viii) Code for Sustainable Homes – Code Level 4 (or future national equivalent)
- (ix) On and off-site foul and surface water sewerage disposal infrastructure strategy, including SUDS principles, timetable of provision and management strategy, which shall include measures to prevent the discharge of surface water onto the highway
- (x) On and off-site water infrastructure strategy including timetable of provision and management
- (xi) All telephone, electricity and communal television services to be contained within underground ducts
- (xii) Details of existing and proposed ground levels and contours
- (xiii) Removal of permitted development rights (extensions, outbuildings and insertion of additional windows) from selected properties adjacent to sensitive boundaries i.e. units 001, 003-019, 021, 093, 096, 107-109, 131, 130, 126, 124, 112-115.
- (xiv) Travel Plan (as directed by the HA)
- (xv) Provision and maintenance of visibility splays to Station Road access
- (xvi) The proposed roads, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhanging margins, embankments, visibility splays, accesses, carriageway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved in writing by the LPA;
- (xvii) Completion of the following between a dwelling and the adopted highway prior to first occupation of that dwelling: footways & carriageways (with the exception of the wearing course but including turning facility, highway drainage, visibility splays, street lighting, street name plates and highway structures (if any),
- (xviii) Provision, retention and maintenance of parking prior to first occupation of each dwelling
- (xix) Provision, retention and maintenance of pedestrian and vehicular access and access roads prior to first occupation of each dwelling
- (xx) Details, provision and permanent retention of vehicle loading/unloading and turning facilities
- (xxi) No part of the built development shall overhang, open outwards or encroach upon the public highway

- (xxii) Details of surface finish materials (which shall include bound surface for the first 5 metres of the access from the highway, highways furniture and features.
- (xxiii) Details, permanent provision and retention of cycle parking facilities
- (xxiv) Details, permanent provision and retention of sight lines & visibility splays (pedestrian and vehicular) throughout the development
- (xxv) Protection of PROW within and adjacent to the site (construction and occupation phases)
- (xxvi) Detailed layout of turning head and emergency access at Mayers Road, to include surface treatment, detailed layout, bollards and other highway structures
- (xxvii) Turning head and emergency access to be permanently retained and maintained free from obstruction
- (xxviii) Schedule of external surface materials and submission of material samples
- (xxix) Detailed (hard and soft) landscaping scheme – adhering to the principles set out at 5.1 of the submitted landscape strategy and including all boundary treatments and means of enclosure, boundary planting to south, east and west boundaries, and timetable of implementation, prior to first occupation of any part of the development
- (xxx) Detailed Ecological and Landscape Management Plan (construction and operational phases) to include the recommendations set out within section 5.0 & 6.0 of the Ecological Appraisal with Protected Species Surveys, including management and maintenance details
- (xxxi) Tree and hedgerow retention, protection and maintenance which shall include the existing site boundary trees, and in particular the existing trees to the rear of Mayers Road properties, tree/hedge boundaries to 51 Station Road and west boundary of Clifford Caravan Park
- (xxxii) Details of play area layout, boundary treatment, ground levels, equipment, materials, including management/maintenance plan
- (xxxiii) External lighting scheme;
- (xxxiv) Submission of a crime prevention strategy
- (xxxv) All other conditions to be delegated to the Head of Regeneration & Development

### III Informatives:

- (i) Consultation response from the Environment Agency;
- (ii) Consultation response from Southern Water;
- (iii) Natural England Standing Advice;
- (iv) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents (where required) are obtained, and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the work prior to the commencement of development.

### IV Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and informatives, in line with the issues set out within the recommendation and as resolved by Planning Committee.

**Case Officer**

Nicola Coles