

- a) **DOV/17/00661 - Reserved matters application for approval of layout, appearance, scale, means of access and landscaping of the site and submission of details pursuant to condition 1 of DOV/16/00706 for the erection of nine dwellings - Site south of Marlborough Road, Deal,**

Reason for report - Number of contrary views (50)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

CP3 - Distribution of Housing Allocations

CP6 - Infrastructure

DM1 - Settlement Boundaries

DM11 - Location of Development and Managing Travel Demand

DM13 - Parking Provision

DM16 - Landscape Character

DM17 - Groundwater Source Protection

DM25 – Open Space

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2012)

Paragraph 7 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states that development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 - Presumption in favour of sustainable development for decision-taking.

Paragraph 17 - Core planning principles which identify that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the home and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 32 - requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether 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 transport grounds where the residual cumulative impacts of development are severe.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified that affordable housing is needed, set policies for meeting this need on site.

Paragraph 56 - 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.

Paragraph 61 Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 70 – To deliver the social, recreational and cultural facilities and services the community needs which should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the loss of valued facilities; ensure established facilities are retained for the benefit of the community; and ensure an integrated approach to considering community facilities.

Paragraph 73 – Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the 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.

Paragraph 74 – Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- As assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Paragraph 103 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 109 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. 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.

Paragraph 114 – LPA's should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

Paragraph 120 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development.

d) Relevant Planning History

DOV/16/00706 – Outline application for the erection of nine dwellings (all matters reserved) - Approved

e) Consultee and Third Party Representations

DDC Environmental Health - No objection and no further observations other than those made under DOV/16/00706. (These identified no noise complaints or history of contamination and a contamination safeguarding condition is required.)

KCC Highways and Transportation - No objection as accepted in principle under the outline planning application and the proposed parking arrangements are unlikely to lead to unacceptable parking on the highway. The proposed road within the site will remain private and not adopted by the highways authority, in addition, the section of road off Magness Road is also not adopted highway. Clarification is required in respect of a refuse vehicle swept path submitted and the need for a pedestrian connection to Magness Road may remove existing lay-by parking and the proposed footpath may need repositioning.

KCC Flooding and Waste Management - No comments as not a major application.

KCC Archaeology – It is possible that significant archaeological remains may be affected by the development proposals; it is therefore recommended that provision is made in any forthcoming consent for archaeological evaluation to be followed by further safeguarding or investigation as appropriate. A field evaluation should be conditioned.

Southern Water - No comments and no change from previous response in respect of DOV/16/00706. (Previous comment on outline: No objection as they can provide foul sewage disposal to service the proposed development, however a formal application is required. Maintenance measures for any SuDS scheme should be in place and appropriate means of surface water disposal is required. The site is in a Source Protection Zone for public water supplies and further details of means of foul and surface waters disposal are required.)

Environment Agency – No objection. The submitted drainage details are acceptable and infrastructure should be installed fully in accordance with these agreed designs.

(Previous comments on outline: No objections subject to conditions in respect of pollution prevention to ensure protection of groundwater through control of infiltration methods and safeguarding for potential contamination. The site lies in Source Protection Zone.)

Deal Town Council – Objects due to loss of employment land, concerns over access on to St Richards Road and the grounds set out in Kent Highways and the Environment Agencies consultation responses.

Third Party Representations - A total of 50 representations have been received. The following is a summary of the objections received:

- Area should be left for the benefit of the community and local area
- Disruption for local people
- Site is used by horses and their owners for over 27 years and is their home
- Over capacity of existing local facilities, doctors, schools, infrastructure and roads
- No need for extra housing there are already lots of housing developments in the area generating more traffic
- Affect privacy and amenities of nearby residents
- Roads can't accommodate the extra cars especially St Richards Road and Dover Road at rush hour
- Drainage in the area is poor, if the system able to cope with extra demands
- Land should be used for commercial or business uses
- Wildlife will be affected and need to preserve natural habitats
- This site has always been green and should not be built on, it will destroy the local area, loss of more countryside to housing
- Sited in an industrial estate and the steelwork opposite causes noise, residential housing opposite is not appropriate
- Deal is being ruined
- How will construction traffic be managed
- Road access is unsuitable, dangerous and very busy
- Poor quality of life for potential occupiers adjacent to an industrial estate.
- Residential development will affect existing businesses and their growth due to potential complaints
- Will result in a precedent for future development on other sites
- People need green areas and fields of any size
- The existing cul-de-sac is used by residents and children, the development will increase traffic, parking and increase hazards reducing the benefits for the local community and local children, why has this not been considered.
- Why is the access from Magness Road and not Marlborough Road, existing parking will be lost

f) **1. The Site and Proposal**

1.1 The site is a rectangular shape of mainly open paddock/grassland that has been designated as Protected Open Space on the Policies Map (Policy DM25). It is not accessible to the public and is being used for private stabling of horses, with two small buildings located centrally within the site. The site has a number of trees located across it, with a strong band of tree and landscaping on the north-eastern boundary and south-eastern boundary. A tree and landscaping band also exists along the south west boundary but is not as tall or dense as the other boundaries. Existing access to the site is from a private road serving a small industrial estate to the North West, which does not appear well used. The access is in the form of a barred gate.

1.2 To the north east is the small residential estate served by Marlborough Road and Magness Road. A terraced block of maisonettes/flats overlooks the site with an open grassed amenity area between it and the application site. To the south east is The Conifers, a small cul-de-sac of detached houses. To the south is another similar paddock area for horses. To the North West and south west are a number of industrial and commercial uses served by a private road off Marlborough Road. Opposite the site is a B2 use, with open storage to the front and there is a vehicle workshop in a large building to the south west of the adjoining land. Other uses include offices, open storage and Class B8 uses. The planning history of the uses on the estate is varied, but more recently planning permissions have been granted for Car Repairs/MOT, Showroom, Joinery and Workshops which have limitations on the hours and days of operation. The vehicle workshop to the south of the paddock land adjoining the application site is limited by a planning condition to operate until 6pm weekdays and until 4pm on Saturdays only. The 6pm closing time during the week is also imposed as a condition on the office building granted for Unit 2 on the adjacent industrial unit, and a workshop building with car sales granted in 1989 to the west of the application site.

1.3 Further west are open fields that fall southwards. There are no public footpaths within the immediate vicinity although there is a clear path to the west of the car vehicle workshop that crosses what appears to be private land leading to Cross Road.

The Proposal

1.4 The proposal is a Reserved Matters application and the principle of the development for nine dwellings on the site has already been sought and was granted outline planning permission under DOV/16/00706 on 9th February 2017. The proposal is for the erection of 9 dwellings comprising 6 x 3 bed semi-detached houses, 2 x 4 bed detached houses and a 1 x 5 bed detached house. The access would come from Magness Road and lead to a drive that would go through the centre of the site serving both the semi-detached and detached properties on either side.

1.5 The proposed layout includes the retention of most of the existing boundary trees, especially along the north eastern boundary to the rear of the existing flats on Magness Road, a car turning head adjacent to Marlborough Road and a separate fire/refuse turning head.

1.6 The design of the proposed units are modern two storey dwellings with simple detailing including flat canopy porch roofs and gabled bays to the front. The materials proposed are yellow stock brickwork or horizontal white weatherboarding and vertical cedar cladding detail to some bays and elevations. All roofs are to be grey slate or concrete tiles with grey UPVC joinery. The layout also includes one detached carport serving 2 units and an integral garage with accommodation above to the largest dwelling.

1.7 The proposed access from Magness Road would be the only access to the site and includes 18 off-street car parking spaces including 5 visitor spaces which would all be accessed from the internal access road. A small pedestrian gate/access is proposed along the north western boundary of the site to link with Marlborough Road. A footpath link is also proposed to Magness Road extending into the application site.

1.8 The following documents have been submitted in support of this application:

- Design & Access Statement
- Arboricultural Report

- Drainage Impact and Flood Risk Assessment

1.9 A number of amendments have been submitted since submission including a revised site layout resulting in some minor changes which sought to reposition the dwellings further away from the north eastern boundary and retain these boundary trees, provide additional car parking, increase the width of the access road and turning head and the provision of a pedestrian link to Marlborough Road, with additional clarification of a number of issues. The above reports were also subsequently submitted.

1.10 It should be noted that in respect of the outline planning permission an Open Space Assessment, Planning, Design and Access Statement and Phase 1 Habitat Survey were all submitted and assessed at the outline application stage.

2. Main Issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways Issues
- Drainage and Flooding
- Other Material Considerations

Assessment

Principle of Development

2.2 The application site lies within the settlement confines of Deal, a District Centre as identified in Policy CP1 of the Core Strategy, where the focus for urban development is appropriate. The proposal is therefore in accordance with Policies CP1 and DM1 of the Core Strategy, as it is within the settlement boundary. The principle of residential development on the site has also been established by the granting of outline planning permission in February 2017.

2.3 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development which accords with the development plan should be approved without delay. On 1 March 2017 Cabinet agreed that the 2015/2016 Annual Monitoring Report be approved, which included the most recent housing supply figure of 6.02 years. This meets the Government requirement that local planning authorities should be able to demonstrate a 5 year supply of deliverable housing land and therefore a 5 year land supply can be demonstrated. Consequently the policies set out in the Core Strategy and Land Allocations Local Plan are to be given full weight in the decision making process.

2.4 However, at the time of the determination of the outline planning application the LPA could not demonstrate a 5 year supply of housing land and the District's housing policies were not in accordance with the NPPF. In the context of Paragraphs 14 & 49 of the NPPF, although losing a site that has some open space value to the immediate area, it was determined that the site could satisfactorily accommodate 9 dwellings, was appropriately located and was considered to be a sustainable housing development that increased the supply of housing. It was therefore approved in principle, subject to conditions.

2.5 Therefore, although the policy position has changed between the outline and

reserved matters applications, the principle of residential development on this site has been established by the outline planning permission which would take precedence. In terms of sustainability, the site is within the urban confines and is reasonably located to local facilities and amenities with local schools and a doctor's surgery within walking distance. It is therefore considered to be an appropriately located site for residential development.

2.6 When considering the acceptability of the proposed development, the impact this would have on the protected open space allocation needs to be addressed. Policy DM25 of the Core Strategy safeguards the site as open space and identifies that the loss of open space will not be permitted unless:

- i there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space or
- ii where there is such a deficiency the site is incapable of contributing to make it good or
- iii where there is such a deficiency the site is capable of contributing to making it good a replacement area with at least the same qualities and equivalent community benefits including ease of access can be made available or
- iv the case of a school site the development is for educational purposes or
- v in the case of small-scale development it is ancillary to the enjoyment of the open space and
- vi In all cases except point 2 the site has no overriding visual amenity interest environmental role, cultural importance or nature conservation role.

2.7 Nevertheless, the outline planning application submission included an assessment of the loss of this open space in an Open Space Assessment. This set out that there is no local deficiency of green spaces in the Mill Hill Ward, the site is not publically accessible, there was no visual amenity assessment of the protected open space within the evidence base documents for the Core Strategy or LALP, there are no nature conservation issues to address and the site is not public open space that is open to the public. As such, the site does not have public access, as it is in use for private stabling and a paddock for horses with access from a private road. It does not provide recreational or sporting activity for the public (only recreational use for a private individual) and there are no nature conservation issues that arise from the land or the proposal. These factors all therefore contributed to a justification for the loss of this open space.

2.8 In addition, to assess the degree of visual benefit that the site provides to the immediate area the case officer for the outline planning application undertook a visual assessment, noting that the site provides a softening effect to the rear of the Magness Road properties with the existing trees along the boundary. From the west, there are two buildings within the industrial estate that are quite prominent and these draw the eye from views from the west. There is a strong line of trees along the boundary of the adjacent open space site that helps to provide some softening, with only the roofline of the terraced block visible from public views to the west. The land is not visible from the west and provides no longer distance open space benefit. As such, it was concluded that the site only provides a moderate benefit to open visual amenity and the setting of the urban area, with the key views affected from Magness Road and Marlborough Road only.

2.9 For these reasons it was considered that the development of the site for housing would not result in an overall loss of open space and the impact of its loss from a visual amenity perspective is also limited. The proposal would replace the open space with built development; however, the existing site is not accessible to the public and therefore only has an open space value for its visual benefits and its benefit to the setting of the urban confines. In addition, it should be noted that 0.3

hectares of the protected open space allocation would remain and would still be available to the south west that does not form part of this application. Consequently, the loss of this section of open space is not considered to be environmentally sensitive and would not have a detrimental impact of significance to justify resisting the residential development proposed or the retention of the existing open space.

Impact on Visual Amenity

- 2.10 In terms of the impact on the wider landscape Policy DM16 of the Core Strategy is most relevant. Although not situated in the countryside, consideration of the proposals impact on the character and appearance of the adjoining countryside and the wider landscape is appropriate. Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, will only be permitted if it is in accordance with allocations, sited to avoid harm and/or incorporates any necessary mitigation measures to mitigate the impacts to an acceptable level. The proposal, due to its siting and its limited impact overall on wider visual amenities is therefore in accordance with Policy DM16 of the Core Strategy and paragraph 114 of the NPPF.
- 2.11 The site is visible from Marlborough Road and in part from Magness Road and has landscaped boundaries that are visible from these vantage points. However, most of the site cannot be seen from Magness Road due to the existing trees along the boundary. The site is therefore in part visually isolated from the built form in these adjoining roads, but it is not so isolated to be unrelated to the surrounding residential development. As the proposal would not form part of the existing street scene which has built frontages onto Magness and Marlborough Roads, it is not considered that the street scene would be unduly affected by the proposal.
- 2.12 All the buildings are to be two storeys in height which would be in scale and mass with the surrounding two storey housing. The layout demonstrates that nine dwellings can be accommodated on the site with access from Magness Road only. The design of the units is simple but modern with yellow stock brickwork or white weatherboard elevations, supplemented with cedar cladding. The proposed materials are considered to be appropriate for a new development and complement existing residential development with the simple form and details. Nevertheless, details of the materials will need to be submitted for approval and conditioned to ensure the quality is retained.
- 2.13 At street level the design and layout incorporate some retention of the existing trees along the boundaries and seeks to replace those lost with new tree planting. The dwellings proposed are set back from the site boundaries and allow the key existing trees to be retained, although there will be some loss due to the poor quality of a significant number of trees on site.
- 2.14 In respect of existing trees on the site these have been surveyed and a Tree Report submitted. The majority of tree cover is associated with the line of the site boundaries. A proportion of low category trees are proposed to be removed to facilitate development and access to the site. However, it is proposed to reinstate gaps with appropriate species along the site boundaries. To minimise the impact on the trees to be retained, the necessary protection measures have been controlled by conditions under the outline consent. The proposed layout therefore allows the existing trees to be retained and additional planting a scheme of which needs to be conditioned for further landscaping details.
- 2.15 In terms of other conditions to be attached to this reserved matters application. Limited details of existing and proposed site levels and sections have been

submitted as required under the reserved matters application and therefore a further condition needs to be included. However, from the limited information submitted it appears that the proposed finished floor levels of the dwellings would be in keeping with adjacent building and would not be out of scale in the locality, but further details are required to clarify this position. In addition a public footpath link is also now proposed to the north western boundary to Marlborough Road to provide pedestrian accessibility. This was specifically limited in the outline planning permission under conditions 5 & 6 due to concerns regarding noise from the adjacent commercial uses. However DDC Environmental Health have not raised a noise objection and a pedestrian link would provide greater permeability for the site which would link it better into the wider area and is therefore an acceptable change to the proposed layout.

- 2.16 In assessing appearance, design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide that supports good design. At the local level the design of the units is considered appropriate for this location and complies with the relevant policies identified above.

Impact on Residential Amenity

- 2.17 The proposed site layout would provide the largest of the proposed dwellings to the southern boundary, furthest away from existing residential buildings. The smaller semi-detached units would be sited adjacent to the adjoining residential boundary and would be closest to the existing properties along Magness Road which comprises a terraced block of flats to the north east with communal gardens to the rear. Originally these 6 units were sited slightly closer to the associated residential boundaries but this has been amended and the plans identify the proposed dwellings would now be sited at 21 to 23 metres away from opposing habitable room windows of the flat block. This distance would accord with recommended guidance in the Kent Design Guide and is therefore considered to be an acceptable relationship. To the east of the site, the orientation of the proposed houses results in a reasonable separation to those properties in The Conifers.
- 2.18 Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook or overshadowing are anticipated for either existing or future occupiers of the existing and proposed dwellings respectively. Therefore the juxtaposition of the proposed units suggests no adverse amenity issues. However, to ensure this relationship is retained and the impact on the amenities of the occupiers of the adjacent flats is maintained it is considered reasonable to include a condition to remove the permitted development rights for extensions to these 6 adjacent units. This enables control over future changes to those dwellings and the impact this would have on the flats to the north east.
- 2.19 The plans therefore demonstrate that the proposed development can be accommodated in a manner which would ensure that a reasonable separation distance between existing and proposed dwellings and a reasonable standard of accommodation can be achieved. Given the above, it is not considered that the living conditions of any residential properties would be directly harmed by the proposed development.
- 2.20 In respect of the future living conditions of the proposed new build dwellings, the layout of the site is more than sufficient to demonstrate that a reasonable standard of accommodation is being proposed and would be acceptable. It would be necessary to erect a close boarded 2m fence along the boundary with the adjacent industrial estate so that the future residents have a degree of safeguarded amenity from noise and disturbance. Similarly, the retention of the trees along the north eastern and south eastern boundaries with supplemental

planting would be necessary to safeguard the amenities of the occupiers of the adjacent residential properties. It is not considered that a limited pedestrian link along the north western boundary would have a resulting detrimental impact on noise levels or cause an unacceptable level of amenity.

2.21 With regard to potential noise, Environmental Health confirmed under the outline planning permission that the residential amenities of future occupiers would be acceptable in this regard. Furthermore, the existing opening hours and restrictions on most of the operations on the adjacent estate are important as there is an element of control on the hours of use and potential noise levels that can be enforced to ensure that the living conditions of the occupiers of the future dwellings could be safeguarded to a reasonable degree.

2.22 The views expressed by residents have been taken into account in the determination of this application and on the basis that the proposal safeguards residential amenity, such as the provision of a satisfactory distance between existing and proposed dwellings, retaining or replacing landscaping along the common boundaries with the open rear gardens of those properties the site avoids undue harm to amenities. For the above reasons, the principle of the development is acceptable in this regard.

Highway Impacts

2.23 The relevant Core Strategy policies are DM11 and to a lesser degree DM13. DM11 requires planning applications for development that increases travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public transport. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. Although a transport statement has not been provided due to the size of the development being proposed, it is considered that the increase traffic impact of 9 units is limited overall and the site is considered to be in a sustainable location with easy access to local facilities and public transport.

2.24 The means of access includes a single 5.1m wide access road to serve the site and 18 car parking spaces are proposed throughout the development. The proposed site layout and associated car parking arrangements for the dwellings are considered acceptable and in accordance with current guidance, including parking standards. KCC Highways has confirmed that adequate access and turning facilities would be available and cycle parking is shown for all the proposed units. It is considered necessary to include a condition to protect the car parking provision being provided.

2.25 It was identified at outline planning application stage that there is a section of land at the point of access which is not highway land and is likely to be owned by DDC. The Council's Property Section had identified that some form of arrangement would have to be reached with regards to allowing a right of way across this land to form access to the site. Should an arrangement not be reached, the site would not have a suitable access to serve the development, as it is not considered that an alternative access could or should be provided via the private road serving the estate to the west. Nevertheless, as there remains a reasonable possibility that an arrangement could be reached for access across land owner by DDC the view was taken at outline stage that this was acceptable under the circumstances and could be dealt with independently of the planning application process.

2.26 The layout does not have vehicular access from the private road that serves the industrial estate, as the private road is not conducive to vehicles from any future residential access along this section of the road as it is well used by commercial and industrial vehicles. Nevertheless, notwithstanding the outline planning permission a footpath link is to be provided on this boundary to provide increased accessibility to the site.

2.27 Concerns have been raised by third parties that the development would significantly and detrimentally increase traffic and have an impact on the local highway network which is identified as struggling to cope with existing levels of traffic locally. However KCC Highways have not raised an objection and the proposal would not result in a severe highway impact and would therefore accord with paragraph 32 of the NPPF. It is therefore considered that the highway aspects of this proposal have been appropriately addressed and are in accordance with all the relevant standards including national and local planning policies.

Drainage and Flooding

2.28 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.

2.29 A Drainage Impact & Flood Risk Assessment that includes Surface Water Drainage has been submitted in support of the application which confirms that infiltration drainage and the use of soakaways is suitable on this site. It is proposed to deal with all surface water and run-off by infiltration into the subsoil below, so that there will be no increase in run-off from the site as a result of the proposed development. This will be in the form of purpose built soakaways and porous paving throughout.

2.30 This method of surface water disposal is considered acceptable for this site with the Environment Agency raising no objection but advising that the site lies on Principle Aquifer of Chalk geology, as well as in Groundwater Source Protection Zones 1 & 2. Therefore measures should be taken to ensure the protection of the groundwater quality in respect of pollution prevention. The proposed drainage measures are therefore considered to be acceptable, subject to a condition for the drainage works to fully accord with the drainage details submitted to support this application.

2.31 Southern Water supplies water and foul waste at this location. They have raised no objection as they can provide foul sewage disposal capacity for the proposed development. The proposal is therefore acceptable in this regard.

Other Material Considerations

2.32 In respect of planning contributions no off-site contribution for open space was considered necessary or secured under the outline planning application in respect of Policy DM27 of the LALP and therefore it would not be reasonable to request such a contribution at reserved matters stage.

2.33 In accordance with the Habitats Directive 1992 (to ensure the precautionary

principle is applied) and the Wildlife and Countryside Act 1981, it is necessary to ensure the application has no adverse impact. In furtherance, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 109 and 118 of the NPPF. The outline planning application was originally supported by a Phase 1 Ecological Survey which considered aspects of flora and fauna on the site. The report identified that the site is grazed horse pasture of low ecological significance and no species of note use the site. The Councils Ecologist (at outline stage) confirmed that the findings of the submitted ecological report are accepted and there are no biodiversity constraints to development, however, biodiversity enhancements should be included as a condition and this has been incorporated in the landscape condition.

- 2.34 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination, a condition was therefore included at outline stage to ensure that should any contamination identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved. This aspect has therefore been addressed.
- 2.35 Details of external lighting have not been submitted but would need to be addressed as the road is unlikely to be adopted by KCC. External lighting details will therefore need to be included as a condition for further details to be submitted for approval.

Conclusion

3. Development of this site within the settlement boundaries is acceptable in principle and is in accordance with Policies DM1 and CP1 of the Core Strategy and the NPPF. The site layout is unlikely to give rise to any adverse impact on the adjoining landscape character, open space provision, residential or visual amenity, drainage or highway considerations subject to conditions. The proposed development is therefore an acceptable form of development for this site and accords with relevant development plan policies and the NPPF. Consequently it is recommended for approval, subject to conditions.

4. Recommendation

- I PLANNING PERMISSION BE GRANTED subject to the following conditions to include:
- (1) Approved plans list (2) Samples of external materials (3) Retention of parking spaces (4) Construction Management Plan (5) Details of external lighting (6) Landscaping scheme submitted for approval (7) Removal of permitted development rights for extensions of Units 1-6 (8) Details of drainage and SuDS measures in accordance with the submitted details (9) Sections through the application site and adjoining land, floor levels and thresholds,
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach