

- a) **DOV/16/01476 – Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) - Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden**

Reason for report – Number of contrary representations (29).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). 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 other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- CP1 – Settlement hierarchy.
- CP3 – Distribution of housing allocations.
- CP4 – Housing quality, mix, density and design.
- CP6 – Infrastructure.
- DM1 – Settlement boundaries.
- DM5 – Affordable housing.
- DM11 – Location of development and managing travel demand.
- DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA13 – Land between Deal and Sholden.

The site is allocated for residential development with an estimated capacity of 230 dwellings. Planning permission will be permitted provided that:

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;

- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. 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;
- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vi. footways are preserved, and where necessary enhanced and integrated into the development; and
- vii. measures provided to mitigate against impacts on the wider road network including sustainable transport measures.

National Planning Policy Framework (NPPF)(2012)

7. There are 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:

- 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.

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

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

14. 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.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay...

17. Core planning principles... 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 homes, business and industrial units, infrastructure 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...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

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 following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

OTHER CONSIDERATIONS

Flood zone 3a

d) **Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of 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, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 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, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

DDC Regeneration and Delivery (Planning Policy) – No objection – The application site is within the boundary of land allocation LA13. Subject to highways and flooding/drainage issues being satisfactorily addressed, the proposal would likely be policy compliant.

DDC Principal Infrastructure Delivery Officer – No objection – The request for book stock for Deal Library exceeds the five obligation limit. The remaining infrastructure requests made of the development are CIL compliant and are therefore justified. The infrastructure officer comments that subject to a formal sports provision contribution, the open space requirements of the development have been satisfactorily met and that in relation to children's play space, there is existing satisfactory provision within the walking distance guidelines, such that no further provision is necessary.

DDC Heritage – No comments.

DDC Environmental Health – No objection, subject to conditions – Contaminated land, construction management plan, dust management plan (prior to commencement of development).

DDC Strategic Housing – No objection, subject to provision of affordable housing.

KCC Highways – No objection, subject to conditions – I refer to the amended plans and additional information submitted for the above.

The proposals are likely to generate approximately 35 two-way vehicle movements in each of the am and pm network peak hours, the majority of which are likely to route via Church Lane and Orchard Avenue and then be split and distributed further through the local highway network. Whilst the impact is therefore greatest at the Hyton Drive/Church Lane and Church Lane/Orchard Avenue junctions, these have been assessed and the proposals are unlikely to have a severe impact. The subsequent distribution of vehicle movements through junctions on the various routes available in the local highway network is such that they will amount to less than the typical variation in daily flow and are therefore also unlikely to have a severe impact. Whilst some on-street parking takes place on some of these routes and in some sections this reduces the carriageway to single-way working, intervisible and regular passing places are available and the additional vehicle movements across the peak hours are therefore unlikely to have a severe impact on the flow of traffic.

The proposed site access points off Hyton Drive and Corn Field Row are acceptable and provide suitable visibility. Corn Field Row itself and the streets within the development are to remain private and will not be adopted by the highway authority. The total amount of 129 car parking spaces provided within the site is in excess of the 122 required under Policy DM13 and unlikely to result in unacceptable parking on the highway. The four replacement parking spaces, required at the rear of 2 Hyton Drive

under the planning permission for the adjacent site, are retained in the proposed layout.

The site will benefit from the improved bus, pedestrian and cycle links being provided for the adjacent permitted site. However, there is a footpath connection to Southwall Road to be provided under the planning permission for the adjacent site, and the current proposals include a link to that footpath. Bearing in mind Southwall Road forms part of the cycle route towards Betteshanger Country Park and the town centre, I would wish to see the approved footpath connection improved to provide a route for cyclists between the proposed development site and Southwall Road.

Construction traffic routing, timing, associated parking and wheel washing facilities can be dealt with through a Construction Management Plan secured by condition.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a refusal on highway grounds

Stagecoach – No comment received.

KCC Infrastructure – No objection, subject to following contributions –

Primary education – Deal Parochial Primary School Phase 1 – £217,722.00.
Secondary education – Sir Roger Manwood's Phase 3 Expansion – £154,566.90.
Community learning – Deal Adult Education Centre IT equipment – £2,307.50.
Libraries – Deal Library large print books – £3,361.11.
Social Care – Meadowside Social Care Hub, Deal – £5,338.20.

Informative – fibre optic broadband provision.

Environment Agency – No objection, subject to conditions – Conditions as follows: unexpected contamination, infiltration drainage systems, piling/foundation designs, ground floor levels at 5m AODN. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event.

KCC Local Lead Flood Authority (LLFA) – No objection, subject to conditions – We have reviewed the latest Drainage Design Statement provided by GTA Civils, dated 7th September 2017, and consider this addresses all of our previous queries in relation to the proposed surface water drainage system. Accordingly we are able to remove our previous objections to the development. The submitted information is sufficiently detailed to recommend approval of the Drainage Design Statement. The surface water drainage should therefore be implemented as per these details.

We would note that the proposals indicate foul sewers beneath permeable pavements. This arrangement is generally not acceptable to the sewerage undertaker, therefore the foul drainage design could be subject to change. This should be discussed with Southern Water prior to finalising the foul drainage design. We would recommend details for the implementation, maintenance and management of the drainage system are secured by condition prior to occupation of the development.

In this instance, we would also strongly recommend the inclusion of condition for a verification report to ensure that the drainage system, as constructed, meets with the objectives contained within the drainage design statement. Areas downstream of the site are known to have a high risk of flooding, therefore it is important that the development is carried out in full accordance with its approved details.

River Stour Internal Drainage Board (IDB) – The River Stour IDB lodged objections to the development based on unsatisfactory evidence in relation to surface water drainage. These objections were largely in support of the position taken by the KCC SUDS team. However, where the SUDS team has now removed its objection, the IDB did not respond to the most recent consultation.

KCC Archaeology – No objection, subject to condition – Archaeological fieldworks and safeguarding measures to preserve important archaeological remains in situ.

Rural adviser – Observation – I note that the proposal relates to a 2.26 ha site (including buildings to be demolished) adjoining a much larger newly permitted housing development, immediately to the west.

The current site has been surveyed (along with the adjoining permitted housing site to the west) as lying within an area of Grade 1 agricultural quality.

However that was clearly not a bar, in itself, to development in this part of the District, and indeed I note that the current site already falls within Policy LA13 of the Council's adopted Land Allocations Plan.

I do not believe there is any further relevant agricultural advice I can provide in this case.

KCC PRoW – Observation – Providing foot / cycle paths within green corridors or areas of open space to create a traffic free, safe environment to enjoy will encourage use of such routes for walking and cycling. Unfortunately the site layout has not included this type of provision for cycling and walking and has included footways next to the access roads, not in line with current design and planning guidance.

We would ask that the applicant includes a green corridor within the design layout, to accommodate walking / cycling movement across the site, to the open space area and linking to the Sholden Development site boundary path which facilitates access to the surrounding countryside. Such paths provide good opportunities to residents for recreation, active travel and exercise, making the proposed development a more desirable place to live.

DDC Ecology – No objection, subject to condition and securing SPA contribution – Condition to secure recommendations in ecology survey.

DDC Trees – No comment received.

Natural England – No objection, subject to contribution and drainage details – Contribution for Thanet Coast and Sandwich Bay SPA mitigation strategy, and drainage details to ensure no adverse effect on Ramsar site.

Kent Wildlife Trust – No objection, subject to implementation of recommendations – Permeability of gardens to outside areas, hedgehog access, consideration of existing hedgerow habitats, SPA mitigation contribution.

Historic England – Considered, no comment.

NHS/CCG – No objection, subject to contribution – Seeks contribution of £65,916 towards one or more local GP surgeries in Deal.

The Coal Authority – Observation – Informative relating to Coal Authority standing advice.

Southern Gas Networks – Observations regarding safety in proximity to gas network.

Southern Water – No objection, subject to conditions and informatives – Conditions: measures to protect public apparatus, means of foul and surface water sewerage disposal – Informatives: sewer capacity check, details of SUDS. Water supply to site is achievable.

EDF Energy – No comment received.

National Grid – No comment received.

Crime prevention officer – No comment received.

Dover Town Council – Objection – Object as site in the middle of Zone 3 high risk flood zone, additional 70 homes would put intense pressure on current drainage system; lack of provisions in place, shops, schools and surgeries. Lack of infrastructure, concerns over width of road and parking issues. Application is contrary to the Local Development Policy and Current Transport Statement re local traffic movement is dated March 2014 so not accurate record.

Sholden Parish Council – Objection – The application contravenes Policy LA13. The 70 homes on this site have been considered by DDC and rejected. There has been no change to the site or the surrounding infrastructure, we see no reason why these additional homes should go ahead now.

No upgrading of infrastructure has occurred despite the significant increase in development in the area of 500+ new homes. Highways data is not up to date and does not reflect the increase in traffic since the completion of Sholden Fields, the near completion of Timperley Place and other smaller developments in the area which have had a significant effect on the traffic in Sholden and Deal. A new traffic survey must be carried out that reflects the current situation.

Local roads are unsuitable for increases in traffic. Church Lane, Middle Deal Road, Orchard Avenue, Bowling Green Lane, Southwall Road are all affected. Access to the development site is via these small roads. A new road is needed before any further development is undertaken in Deal/Sholden/Walmer.

No new schools or GP surgeries have opened since the large-scale developments in the area have been populated. Residents travel to take children to school or visit their GP. This is unsustainable.

We note that the South Kent Coast Clinical Commissioning Group have requested s106 funds and have identified significant risks that will impact on medical care provision in Deal should further development go ahead.

Flooding regularly occurs in nearby Albert Road, located approximately 400m from the proposed development. The site is located on a flood plain. We note that KCC Flood & Water Management maintain their objection pending fuller information from the developer, this clearly indicates problems with the site in terms of flooding and this has always been the case in this area.

Wildlife bats in the barns. Persimmon tore up hedgerows of nesting birds when clearing the land for the Timperley Place development against the planning conditions set down by DDC.

Public representations – 29 x objections, 1 x support, 1 x neutral.

Objections

- Flood risk, provide drainage before homes occupied.
- Sewer capacity.
- Ecology information incorrect, bats, loss of established hedge.
- Policy for 230 dwellings, not 300.
- No to access from Homefield Avenue.
- Needs road infrastructure, investment, traffic, road safety concerns.
- Relationship to existing buildings, height, density.
- Noise and pollution, construction traffic.
- No capacity in local amenities.
- Direct development elsewhere.

Support

- Provision of new dwellings, should be for first time buyers.

Neutral

- New road development required.

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

1.1. Site

1.2. The application site is located to the rear (north-west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development (DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

1.3. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.

1.4. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.

1.5. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely residential on both sides. Some open countryside still separates middle Deal from Sholden.

- 1.6. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.
- 1.7. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.
- 1.8. Approximate dimensions of the site are:
 - Width – between 80 and 120 metres.
 - Depth – 225 metres (from rear of Hyton Drive properties).
- 1.9. Proposal
- 1.10. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the reprovision of parking spaces for existing residents at Hyton Drive. All affordable dwellings would be located in this section.
- 1.11. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.
- 1.12. At the south eastern end of the perimeter road the carriageway stops approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.
- 1.13. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields.
- 1.14. The proposed housing mix is as follows:
- 1.15. Market dwellings
 - 2 bed x 6 – Alnwick house type.
 - 2 bed x 12 – Hanbury house type.
 - 3 bed x 3 – Hatfield house type.
 - 3 bed x 1 – Hatfield Corner house type.
 - 3 bed x 2 – Clayton house type.
 - 3 bed x 4 – Clayton Corner house type.
 - 3 bed x 6 – Leicester house type.
 - 4 bed x 2 – Lumley house type.
 - 4 bed x 7 – Chedworth house type.
 - 4 bed x 6 – Corfe house type.
 - TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.
- 1.16. Affordable dwellings
 - 2 bed x 7 – 2L house type.
 - 3 bed x 6 – 3L house type.
 - 4 bed x 2 – 4L house type.
 - 2 bed x 6 – 2BF flat type.

- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.17. Ridge heights of the proposed buildings are:

- Alnwick house type (x6) – 7.8 metres.
- Hanbury house type (x12) – 8 metres.
- Hatfield house type (x3) – 8 metres.
- Hatfield Corner house type (x1) – 8 metres.
- Clayton house type (x2) – 7.4 metres.
- Clayton Corner house type (x4) – 7.4 metres
- Leicester house type (x6) – 9.9 metres.
- Lumley house type (x2) – 9.4 metres.
- Chedworth house type (x7) – 8 metres.
- Corfe house type (x6) – 8 metres.
- 2L house type (x7) – 8.7 metres.
- 3L house type (x6) – 8.6 metres.
- 4L house type (x2) – 8.8 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (single and double) – 5.1 metres.

1.18. Parking provision comes in the form of allocated parking spaces. Some are located next to dwellings and some in front. Some spaces are covered by car barns. Visitor spaces are provided throughout the development. Footways are provided throughout the development area and tie up with the existing adjacent development off Hyton Drive to the south.

1.19. The applicant has indicated a range of soft landscaping throughout the development.

2. Main Issues

2.1. The main issues to consider are:

- Principle
- Design, visual and rural amenity
- Residential amenity
- Highways
- Flooding, drainage and sewerage
- Utilities
- Affordable housing and planning obligations
- Ecology
- Employment uses

3. Assessment

3.1. Principle

3.2. The proposed development is located within the Deal urban settlement boundary, as extended by housing allocation LA13 – Land between Deal and Sholden, adopted as part of the Land Allocations Local Plan (LALP) 2015.

3.3. Accordingly, the proposed residential development is in basic terms acceptable, subject to its details and to the extent to which these accord with the requirements of policy LA13. The land allocated under LA13 extends beyond the application site to the south west – now Timperley Place and to a lesser extent to the north east – towards Southwall Road.

- 3.4. Notably, the land allocation policy makes reference to an “estimated” capacity of 230 dwellings on the overall site, which when considering the area of allocation, have already been developed under the permission granted for DOV/10/01012. However, the policy acknowledges that the planning application informed the site allocation and at that time this was itself informed by flooding constraints on site.
- 3.5. Subject to these constraints being adequately addressed, there is no part of the policy which would preclude development beyond the estimated capacity. In that sense, the proposed development is acceptable in principle, subject to its details and any material considerations.
- 3.6. Design, Visual and Rural Amenity
- 3.7. The proposed estate layout is fed from Hyton Drive and Corn Field Row (the existing Timperley Place perimeter road). The layout of the estate roads is considered to be acceptable, and typical of a cul-de-sac arrangement, with dwellings arranged mostly in a perimeter formation looking out from the development.
- 3.8. Towards the north of the site, accessed from the edge of development road, is a close with dwellings facing in towards each other. Dwellings in the close are larger in size with sufficient parking spaces provided, such that enough space is provided for residents to live comfortably.
- 3.9. A further close is formed from Hyton Drive, however, the access and dwellings here are arranged more conventionally parallel or at right angles with one another.
- 3.10. At the western end of the development, open space is proposed, which provides amenity space and that can be used by the occupants of this and the adjacent development.
- 3.11. The development is laid out to achieve an acceptable degree of permeability as far as pedestrian links are concerned, and is typical of an edge of development layout arrangement.
- 3.12. The design of the development in terms of the dwellings incorporates a number of house types, with varying ridge heights, and combined with varying materials, with the effect being that there is a degree of interest when moving through the estate. The tallest of the buildings are located toward the centre of the development, meaning that seen from outside of the site, any prominence that they might have is reduced. Overall and seen in the context of the 70 dwellings proposed, as well as the 230 dwellings under construction, the development creates its own reference and is considered to be acceptable. The layout, scale, form and arrangement of the development physically and visually links the new development to adjoining and neighbouring development areas.
- 3.13. The edge of development layout arrangement is low key and has spaces and gaps to it, which would present a sufficiently soft edge where it meets the undeveloped area to the north.
- 3.14. The majority of dwellings offer parking to the side with a car barn, with the remainder offering frontage parking. This is a typical parking arrangement of suburban style developments. It is, however, considered necessary to restrict permitted development on hard surfaces to safeguard front gardens where they are proposed, enabling the local planning authority to control any proposed

changes that might cumulatively alter this edge of settlement development.

3.15. Residential Amenity

- 3.16. **Overlooking.** Units 10 to 14, due to their location, have the potential to overlook numbers 18, 16 and 8 Roman Close, being sited at a distance of approximately 10 metres from the dividing boundary and between 15 and 18 metres from the existing dwellings themselves. The existing dwellings are back to backs, meaning that there are no rear gardens as such and the front gardens are semi-private. The side garden of number 16 has been extended onto at ground level, and the side garden at number 18 forms a contiguous part of the semi-private front garden. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 10 and 11 in particular.
- 3.17. The rear elevation of units 13 and 14 face toward the side and front garden of number 8 Roman Close. This space is semi-private and incorporates the entrance into numbers 8 and 6. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 13 and 14 in particular.
- 3.18. **Interlooking.** The side elevations of 18 and 16 have flank windows at first floor level, which are to the rear of proposed units 10 and 11. Mitigating the potential for interlooking is that these are secondary/bathroom windows. At ground floor level in number 18 is a kitchen window. It is not considered that the effect of erecting units 10 and 11 would be materially harmful, such that it would merit a reason for refusal.
- 3.19. The rear of unit 14 faces toward the flank elevation of 8 Roman Close. There are no flank windows in number 8. The rear windows to a previous extension of number 6 Roman Close can be seen, however, the relationship between the rear of unit 14 and 6 Roman Close is oblique and would not give rise to any clear interlooking.
- 3.20. Unit 15 is sited oblique to a front projecting extension at 6 Roman Close. While the proposed and existing dwellings are in close proximity to one another, they are not directly opposite and such it is considered that the relationship between the dwellings is acceptable.
- 3.21. Concern has been raised by residents on Cornfield Row about the proposed siting of two and a half storey dwellings at plots 50 and 51 which are perceived as impinging on privacy. Front to front distances are 19.5 metres and it should be noted that these units are set back slightly from the neighbouring units at 49 and 52. Any views would be across the existing highway in a typical arrangement and no views are achievable into rear gardens. This is considered to be an acceptable arrangement.
- 3.22. **Overbearing.** At the rear of Hyton Drive/Court Lodge, unit 4 is in relatively close proximity with existing dwelling number 12. However, due to its side on arrangement with no side windows and the otherwise open nature of this location, this part of the proposal is considered to be acceptable.
- 3.23. **Overshadowing.** No undue harm from overshadowing is likely to occur from the new development due to distances involved and the location of new dwellings primarily to the north/north west of existing dwellings.
- 3.24. **Noise and disturbance.** No undue harm is likely to arise from the ongoing occupation of the new dwellings following the construction period.

- 3.25. **Air quality.** A particular aspect of concern raised by the environmental health officer related to dust emissions during not only the construction phase, but also during archaeological works. Accordingly, measures to prevent dust emissions during these stages of site investigation and development would be sought as part of any grant of permission.
- 3.26. The proposed development is considered to be acceptable in terms of residential amenity.
- 3.27. Highways
- 3.28. The highways officer has commented that the development itself would result in approximately 35 two way vehicle movements during the am and pm peak periods. This, however, is considered not to result in a severe impact on the highway network due to the likely spread of routes that the vehicles would take and the fact that this number of movements is within the existing daily variation of traffic flow.
- 3.29. The access points into the site are considered to be of an acceptable standard in visibility terms, while the internal site roads are recognised as not being proposed for adoption by the highway authority. Proposed parking is recognised as being in excess of the guideline (129 vs 122), however, the nature of parking guidance in suburban/edge of settlement locations is expressed as minimum rather than maximum, allowing for over provision, which in any event is relatively low at 5.7%. In any case, the highways officer concludes that this is unlikely to result in unacceptable parking on the highway.
- 3.30. In terms of the location of the development and the requirements of policy LA13, measures are required that mitigate against impacts on the wider road network, including sustainable transport measures. The applicant notes that a planning contribution has already been paid in connection with the permission granted under DOV/10/01012 to pump prime a bus service within Timperley Place for the purposes of mitigating any impact on the wider road network.
- 3.31. In general terms, the characteristics of the local road network are recognised and highway space is acknowledged as being at a premium, however, the transport study accompanying the application, and agreed by the KCC Highways officer, shows that regardless of the current status of mitigation measures i.e. the proposed bus service, movements generated by the proposal are within daily traffic flow variations. The impact of the proposed development itself is not considered to be severe and that is the test of any proposal. The scheme is therefore considered to be acceptable in highways terms.
- 3.32. Condition 39 of DOV/10/01012 required details of the peripheral footpath, including the link between the site and Southwall Road to be submitted before the development commenced. It is noted that these details have not yet been submitted. Condition 40 required the peripheral footpath and footpath link to be provided before the occupation of 110 dwellings. This matter has now been referred to the enforcement team to pursue. Notwithstanding this, KCC are requiring the upgrading of the footpath to a cycle link. This requirement can be conditioned to be provided (and will be pursued accordingly).
- 3.33. The Public Rights of Way (PRoW) officer has requested that the development includes a green corridor to accommodate walking and cycling movements across the site, similar to that shown within the indicative layout for

DOV/10/01012. No green corridor arrangement is included in this application, however, provision for movements across the site is inherent in the proposed layout and there is sufficient open/green space around the periphery of the site. At the western end of the site an amenity green space area is provided, which links this proposal to the existing Timperley Place development. The requirement of the PRow officer is considered to be adequately addressed by other means.

- 3.34. Similarly the PRow officer sought a separation of space between motor traffic and pedestrians and cyclists. The scale and layout of the site, in combination with the assessment above, is considered to be such that these requirements are not strictly necessary.
- 3.35. Flooding, Drainage and Sewerage
- 3.36. **Flood zone.** The original scheme under DOV/10/01012 was originally for 300 units. This was reduced at the time to take account of the flood zone.
- 3.37. The application site is within flood zone 3a. This means that nominally, it is at the highest risk of flooding, accepting that the government flood maps are based on a generalised risk analysis, rather than site specific assessment.
- 3.38. This means that for development to be permitted, the site needs to be subject to a sequential test and an exceptions test, both of which must be passed.
- 3.39. The applicant has submitted a sequential test, which rather than undertaking an analysis of other available development sites, which has been the standard approach adopted to date, seeks to justify the acceptability of the development on the basis that the purpose of the sequential test is to direct development away from areas at risk of flooding to areas not at risk/at less risk of flooding.
- 3.40. The conclusion of the test is that as a result of sea defence works undertaken along Deal sea front as far as Sandown, the site, as detailed in the site specific flood risk analysis (FRA), is safe from flooding up to a 1 in 300 year standard. The conclusion follows that there is no safer location to direct development to.
- 3.41. The approach adopted in the sequential test is somewhat unorthodox, however, the reasoning is considered to be sound.
- 3.42. The Environment Agency has not objected to the development and has indicated that subject to conditions for finished floor levels and sleeping accommodation, the proposal would pass the exceptions test. Therefore, in terms of its flood risk, the proposed development is considered to be acceptable.
- 3.43. **Surface water drainage and DOV/10/01012.** Kent County Council as the local lead flood authority, originally placed a holding objection against the development, having concern about the proposed surface water drainage, in particular relating to run off being directed to the existing infiltration pond and the Southwall Dyke. The applicant has worked with the comments from KCC and the River Stour Internal Drainage Board and submitted a site drainage scheme which is now considered to be acceptable by KCC, subject to the use of conditions on any grant of permission.
- 3.44. In flooding and drainage terms, the proposed development is therefore considered to be acceptable.
- 3.45. **Sewerage.** Southern Water has submitted a plan which shows the approximate

position of foul sewers crossing the site. They have not raised any objection to the scheme and have requested a condition seeking details of foul water sewerage disposal, to be agreed by the council, before development commences.

3.46. Accordingly, no objections are raised in relation to the potential sewerage arrangements for the development.

3.47. Utilities

3.48. No responses have been received which suggest that the development could not be served by any of the utilities providers. Southern Water, in its supply capacity, has noted that it can supply clean water to the site. Southern Gas has provided standard information relating to development in close proximity to its apparatus. Where responses have not been received e.g. National Grid/EDF, it is unlikely that they would be unable to serve the development.

3.49. Affordable Housing and Planning Obligations

3.50. **Affordable housing.** Policy DM5 of the Core Strategy seeks the provision of affordable housing at the rate of 30% for developments of 15 and above. For 70 dwellings, this equates to 21 – the amount which is proposed on site. The DDC strategic housing officer has not objected to the provision, noting that DDC usually seeks a tenure split of 70% social rented and 30% shared ownership. The officer notes that the final tenure split would be agreed with the DDC affordable housing officer. The provision of affordable housing would be secured by the use of planning condition on any grant of permission.

3.51. **Planning obligations.** The circumstances under which planning obligations, or contributions, can be sought, or indeed offered, are restricted by regulation 122 of the Community Infrastructure Levy (CIL) regulations 2010. The restrictions are that the obligation must be:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

3.52. Regulation 123 further stipulates that the obligation cannot be used towards an infrastructure project or type, where five or more obligations have already been entered into.

3.53. The following planning obligations have been requested:

3.54. **Primary education – £217,722** – Expansion of Deal Parochial Church of England School (phase 1). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

3.55. **Secondary education – £154,566.90** – Expansion of Sir Roger Manwood's School (phase 3). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.

3.56. **Community learning – £2,307.50** – Deal Adult Education Centre. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.

3.57. **Libraries – £3,361.11 – Deal Library (towards specialised large print books for specific borrowing needs).** The applicant has agreed to this request,

however, seven obligations have already been entered into in respect of book stock for Deal Library. Accordingly, this contribution will not be sought.

- 3.58. **Social Care – £5,338.20 – Meadowside social care hub, Deal.** The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.59. **NHS – £65,916 – towards the expansion of Balmoral GP surgery in Deal.** The principle of contributing towards the capital costs of NHS related projects is well established and the applicant has agreed the contribution. The request is acceptable and within the five obligation limit.
- 3.60. **Thanet Coast and Sandwich Bay SPA mitigation contribution – £3591.11.** The applicant has agreed to contribute to the SPA mitigation scheme. This is a standard approach to mitigate the impact of new development on an internationally designated wildlife habitat. This contribution falls outside of the definition of infrastructure and accordingly is not subject to the five obligation limit.
- 3.61. **Sports facilities contribution – £28,300.** This request is made in accordance with policy DM27. The contribution would go towards the refurbishment of one playing pitch at Marke Wood Rec. in Walmer. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.62. In round numbers, the total contribution requested is: **£481,102**. Of this **£477,741** is considered to be acceptable. The applicant has agreed to meet the infrastructure request, which in turn, satisfies the requirements of policy CP6.
- 3.63. Ecology
- 3.64. The DDC Ecology officer has commented that the proposed ecology mitigation and enhancement measures included within the accompanying ecology survey should be conditioned in any grant of permission.
- 3.65. The accompanying Habitat Regulations Assessment sought for the on site green space to be accepted as negating the need for the development to contribute to the Thanet Coast and Sandwich Bay SPA mitigation scheme. The mitigation payment is required from developments of 15 dwellings and above, regardless of the location and regardless of any on site open space provision. Accordingly, the mitigation payment of £3497.43 has been sought from the developer, who has agreed to pay.
- 3.66. The ecological implications of the proposal are therefore considered to have been adequately addressed.
- 3.67. Other Matters
- 3.68. **Compliance with policy LA13:**
- i. *The design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church.*
This is addressed above – the design of the development is considered sufficiently low key with adequate landscaping to meet this criterion.
 - ii. *Views of St Nicholas's Church and the wider landscape are incorporated into any design and retained.*
The proposed development at a sufficient distance with intervening development that views of St Nicholas's Church are not affected by this proposal.

- iii. *Community facilities are provided to benefit existing and new residents in the area.*
The development permitted under DOV/10/01012 has adequately addressed this requirement of the policy – in addition to this, the applicant has agreed contributions towards sports facilities and the NHS.
- iv. *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.*
The applicant has agreed to contribute towards the now established Thanet Coast and Sandwich Bay SPA mitigation strategy.
- v. *The development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*
Southern Water has indicated the presence of an existing public sewer and has not objected to the proposal. There is also grant of deed of easement pertaining to any future access.
- vi. *Footways are preserved, and where necessary enhanced and integrated into the development.*
This is addressed above, no public footpaths cross the site, but footways are provided that link through the site and into the existing development to the south.
- vii. *Measures provided to mitigate against impacts on the wider road network including sustainable transport measures.*
The existing Timperley Place development permitted under DOV/10/01012 included a payment towards the provision of a local bus service. KCC Highways has also requested a condition seeking a travel plan for the development.

3.69. The criteria set out under policy LA13 are shown to have been adequately addressed, therefore meeting the requirements of the policy.

3.70. **Employment space.** Loss of employment space/farmyard. Some concern has been raised in relation to the use of the farmyard and the displacement/replacement of any commercial floorspace which would be lost as a result of the proposed development. Policy LA13 of the LALP does not seek any compensatory provision of this space, which itself was not protected through any form of designation within the local plan. Accordingly, there is not considered to be any need for re-provision of this space.

3.71. **Conclusion**

3.72. The proposed development is considered to be acceptable.

3.73. It is important to reemphasise the basis for decision making, which is set in statute at section 38(6) of the Planning and Compulsory Purchase Act 2004 and reiterated at paragraphs 11, 14 and 196 of the National Planning Policy Framework – that is to say, decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

3.74. The NPPF also directs local planning authorities to boost the supply of housing.

3.75. The application site is allocated within the Land Allocations Local Plan 2015, that is to say it has been assessed at an independent examination as being suitable for housing development. The applicant has worked to address the key issues facing any further development at this location, these primarily being those related to flooding, the capacity of the highways network to accommodate further development, and the capacity of other local infrastructure. Therefore, it is

considered that any material considerations that may have precluded granting permission have been satisfactorily addressed.

3.76. The design of the development is considered to be acceptable and its relationship with the open countryside adjacent will soften with time, particularly as the landscaping scheme begins to take effect.

3.77. In overall terms, the proposal is of a good standard, that will fit well with existing development, and it meets all infrastructure requests that have been made of it.

g) **Recommendation**

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of species) (5) provision of affordable housing (6) management plan open space (7) units 10-14, first floor rear, obscure glazing level 4, non-opening up to 1.7 metres (8) permitted development restrictions to prevent parking in front gardens (where provided) (9) contaminated land (10) archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions (11) foul and surface water sewerage disposal (12) implementation of SUDS before occupation (13) verification of SUDS work (14) protection of public sewerage and water supply apparatus (15) penetrative foundation works to be agreed (16) ground floor finished levels 5m above ODN (17) sections and thresholds (18) ecology enhancement/mitigation measures, including hedgehog access (19) measures to prevent discharge of surface water onto highway (20) provision and retention of parking spaces (21) provision and retention of turning areas (22) bound surface 5 metres from edge of highway (23) provision of cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (24) travel plan (25) details and provision of pedestrian link to Southwall Road (26) completion of alterations to Hyton Drive and Corn Field Row before use of site commences (27) completion of works between a dwelling and adopted highway before occupation of dwelling (28) construction management plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop off and pick up times), parking and turning areas for site personnel, wheel washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site.
- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett