

DOVER DISTRICT COUNCIL

PLANNING COMMITTEE – 10 APRIL 2014

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

- a) **DOV/13/00945 – Reserved Matters application (landscaping, appearance, layout and design) for residential development of 230 dwellings and public open space (with access from Hancock’s Field, Hunter’s Walk and Hyton Drive), including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond and alterations to existing Public Rights of Way, land between Deal and Sholden, Church Lane, Sholden**

Reason for Report: The number of contrary views to recommendation. Matters relating to the provision of affordable housing were also requested by the Vice Chairman of Committee and the Portfolio Holder for Environment, Waste and Planning to be reported to Committee at the Reserved Matters stage.

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policy and Guidance**

Core Strategy (CS) Policies

- CP1 identifies the Settlement Hierarchy, with Deal (which includes the parish of Sholden) as a ‘District Centre’ – a secondary focus for development.
- CP3 indicates that land will be allocated in Deal to accommodate 1,600 units.
- CP4 requires the housing mix to accord with the Strategic Housing Market Assessment and seeks a design-led approach to density. Density should normally exceed 40 dwellings net per hectare and should seldom be less than 30 dwelling per hectare.
- CP5 relates to the Code for Sustainable Homes requirements.
- CP6 outlines the need for infrastructure to be in place to support new development.
- CP7 requires any pressures on green infrastructure to be offset.
- DM1 states that development will not be permitted on land outside the urban boundary unless specifically justified by other policies or it functionally requires such a location.
- DM5 states that 30% of homes provided on residential schemes over more than 15 dwellings shall be affordable housing units.
- DM11 states that development that generates travel will not be permitted outside the urban confines unless justified by policies. Development generating high

levels of travel will only be permitted within urban areas in locations that are/can be made to be well served by a range of transport means.

- DM13 requires parking provision to be a design-led process. Vehicle and parking guidance should be followed.
- DM15 states that development that results in the loss/ adversely affects the character or appearance of the countryside will only be permitted if it meets certain criteria, including that it is in accordance with the allocations made in the Local Plan Documents and does not result in the loss of ecological habitats.
- DM16 states that development that harms the character of the landscape will only be permitted if it is in accordance with Development Plan allocations and incorporates avoidance and mitigation measures and can be sited to avoid or reduce harm.

Dover District Local Plan Saved Policies

- CO8 states that development adversely affecting a hedgerow will only be permitted if no practical alternative exists, suitable replacement planting is provided and future maintenance is secured.

Land Allocations Pre-Submission Local Plan (LAPSLP)

- This document has been through Examination in Public, but is not yet adopted. The document refers specifically to this site and sets out that it was identified as a broad area for an urban extension in the Core Strategy.
- Policy LA11 states that any application must comply with a list of criteria:
 - The design of the site creates a soft edge between the development and the surrounding countryside and St. Nicholas's Church;
 - Views of St. Nicholas's Church and the wider landscape are incorporated into the design and retained;
 - Community facilities are provided to benefit existing and new residents in the area;
 - A mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites
 - Footways are preserved, enhanced (where necessary) and integrated into the new development;
 - Measures provided to mitigate against impacts on the wider road network, including sustainable transport measures.

Delivering Affordable Housing through the Planning System SPD (2007)

- This is intended to be used as a starting point for negotiating affordable housing provision.

The Dover District Strategic Flood Risk Assessment 2007 (SFRA)

- A site in broadly the same location is shown and the document advises that land raising and or flood compensation may be necessary and a suitable land level should be agreed with the Environment Agency.

- The NPPF sets out that the planning system should ensure that development is sustainable. It states that the three dimensions to sustainable development are economic, social and environmental. It provides twelve core planning principles that should underpin decision-taking.

National Planning Policy Guidance

- The National Planning Policy Guidance has recently been published, to be read in conjunction with the NPPF. This provides a range of guidance, including on design, which states that the Local Planning Authority should ensure that development can deliver a wide range of planning objectives and that it should enhance the quality buildings and spaces, by considering amongst other things, form and function, efficiency and effectiveness and its impact on well-being.

Other Guidance

- By Design
- Manual for Streets 1 and 2
- Kent Design Guide
- Building for Life 12

National Planning Policy Framework (NPPF)

d) **Relevant Planning History**

- DOV/10/01012 - Outline planning application (with all matters reserved expect access) for residential development of up to 230 dwellings and public open space, with access from Hancock's Field, Hunter's Walk and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond and alterations to existing public rights of way – granted

e) **Consultee and Third Party Responses**

County Highways: no objections.

- The layout of the site is acceptable in highway terms and provides suitable streets in accordance with Kent Design and Manual for Streets;
- Road widths, junctions and turning heads are acceptable for the size of vehicles likely to use them, including for buses on the spine road and both emergency vehicles and refuse collection vehicles on all roads;
- Acceptable speed restraint measures are incorporated in the street layout as are visibility splays, footways, cycleway connections and service margins;
- The proposed location of bus stops is acceptable, as is the bus route through the site;

- As such, the proposals are in accordance with conditions 11, 12, 33 and 34 of the outline consent;
- Car parking is provided in accordance with Policy DM13, including visitor parking provided in lay-bys within the proposed streets. Garages have not been counted as providing parking spaces and despite this; the amount of parking proposed is in excess of the minimum requirements;
- Replacement parking is provided for that lost as a result of the access arrangements from Hancock's Field and Hyton Drive and is the same as that agreed under the outline consent;
- Secure, covered cycle parking is provided for each dwelling in the form of garages, sheds or communal cycle stores. As such the proposals are in accordance with conditions 31 and 32 of the outline consent;
- The proposed phasing of the development provides suitable access for each phase of development, including the provision of the spine road at an early stage to enable the bus service to operate before occupation of the 40th dwelling. As such the proposals are in accordance with conditions 5 and 11 of the outline consent;
- A condition should be attached to the planning consent removing permitted development rights in relation to the fitting of doors to the open car ports, as this may lead to the car ports not being used for the parking of vehicles.

Environmental Health: No comments.

Southern Water: No comments raised.

Natural England: No objections. The proposal is unlikely to have significantly different impacts on the natural environment than the original proposal.

Kent Wildlife Trust: No comments received.

County Archaeology: An informative should be attached to any decision notice to remind the applicant of the need to address conditions 21 and 22 of the outline consent.

Kent Fire and Rescue: no objections. The plans meet the fire service requirements.

Environment Agency: Raised no objection to the principle of development and surface water management infrastructure. In response to the first consultation, the EA advised that it needed the agent to give further consideration to an exceedance event, the associated flow routes, any implications in the event of the capacity of the pond being reached and how the system will be managed and maintained upon occupation of the dwellings.

In response to the second consultation, in which the agent had provided additional information, plans and a Surface Water Drainage Report and Lifetime Management Statement, the EA has advised that it raises no objections.

River Stour Internal Drainage Board: No objection, provided that surface water runoff can be attenuated on-site (and subsequently discharged) for the 1 in 100 year rainfall event + climate change and the future maintenance of the drainage system is assured.

Drainage and local flood risk has been an issue at this location since the planning application was first made. The Board stated from the start that surface water drainage rates to South Wall Road Dyke must not increase. This watercourse previously flooded the road and property upstream regularly but hasn't been a problem since the IDB took on its routine maintenance. The applicant's drainage consultant analysed the site and came up with the proposed 2.4l/s attenuation rate, which is extremely low for a site of this size (approx. 14ha). This was originally thought to be as a result of high permeability but it has since been stated that soakage rates are very low. This was mainly due to the site currently draining towards other areas (which indicated that existing flooding issues could be improved by this development). The EA also raised concern about high groundwater levels and queried exceedance arrangements.

A larger than proposed discharge rate could possibly be justified by the applicant with appropriate information/calculations, and the low discharge rate is the main cause of current difficulties.

Due to this very low discharge rate, the risk of a rainfall event occurring soon after the 1 in 100 year storm (before the pond has been able to discharge) was highlighted. It is understood that the applicant has subsequently increased storage capacities and has provided an overflow arrangement. It has been stated that this overflow would only come into operation if there was a full 1 in 10 year storm very soon after a 1 in 100 year event. Whilst this appears to address this concern, provided storage calculations are correct, there would still be the risk of overtopping if the regular (and very small) outlet becomes obstructed. It is therefore essential that the system is regularly and properly inspected and maintained.

Public Rights of Way: No objections. The Public Rights of Way Officer is grateful to the developer for increasing the surfaced width of ER392A.

Rural Planning Limited: no further agricultural assessment required.

Coal Authority: No comments.

Sport England: No comments.

Deal Town Council: Objects on the following grounds (*comments in relation to initial consultation*)

- Lack of resident car parking provisions on site;
- Lack of trees and landscaping;
- Lack of proper flood protection provisions;
- Some of the roads on site are too narrow;
- The current approach roads are not adequate for the heavy goods vehicles needed to construct the development.

Sholden Parish Council: Objects on the following grounds (*comments in relation to initial consultation*):

- Road width on-site inhibits accessibility for emergency vehicles, delivery vehicles and the bus service

- Accesses and surrounding roads are already congested. Additional cars from the development will compromise the safety of road users and pedestrians
- Emergency service provision is compromised. Do the emergency services know about the poor access arrangements?
- The community centre land is in the wrong location and is not conducive for the inclusion of the wider community
- Access for construction traffic will disrupt local residents
- Design quality is poor, with too many dwellings of poor quality
- Attenuation pond capability. The pond on the Ward site is already full with the recent rain. Flood risk
- Concerns regarding the current and proposed management of the Southwall Road ditch and the knock-on effect flooding of the ditch would have on the Albert Road area, which floods regularly
- Requests clarification that the current access in the vicinity of Church Field Farm will be retained.

Public Representations: Five letters of representation were received in relation to the first advertisement period, four of which are objections. No additional letters have been received in relation to the second advertisement period.

- Traffic – congestion from cars, visitors and delivery vehicles at Orchard Avenue, Southwall Road, Middle Deal Road and onto Sholden;
- Lack of resident car parking provisions on site;
- Lack of trees and landscaping;
- Flooding. There has been water run-off and flooding at Sholden Fields and the proposed drainage and pond at this development would be inadequate. The land is higher than the surrounding area and water will run off to Church Lane and the rear of Sholden;
- The surface water drainage is flawed – concerns about the use of on line flow control devices such as hydrobrakes as they are difficult to maintain and liable to be blocked. The current outfall is an open drain adjacent to South Wall, which regularly overflows onto the highway by the waste recycling centre;
- Extra pressures on resources such as local schools, doctors and hospitals;
- Removal of grade 1 agricultural land;
- The East Kent Badger Group strongly advises a badger survey be carried out.

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

1.1 This is an irregular shaped site, located on open land, which separates Middle Deal from Sholden. The site consists predominantly of agricultural land, scrub, trees and hedgerows that run along the field boundaries. The land falls gently from south to north. The site is surrounded by agricultural fields to the north and west, business uses to the north-east, in the Southwall Road area and residential areas to the east and south of the site. The eastern part of the site falls within Flood Zones 2 and 3 and there are European nature designations to the north-east. The site provides short views of Sholden and St.

Nicholas's Church. The main vehicular access is from Hyton Drive. There are a number of pedestrian access points into the site and a public footpath that cuts through the site, running diagonally from Hunter's Walk to The Street, Sholden. There is also a route that leads off Church Lane, through Court Lodge Farm and onto Southwall Road.

- 1.2 The site has outline consent granted for residential development, which has been informed by site constraints – most notably the flood zones to the east, the accesses into the site and the landscape. The outline consent includes a Section 106 Agreement, which requires the developer to pay financial contributions and to have a management company set up, amongst other requirements (*set out in para. 3.6*).
- 1.3 This proposal seeks planning permission for the reserved matters, following on from the outline consent granted under DOV/10/01012. The proposed layout submitted as part of this application generally reflects closely that shown indicatively at the outline stage, although the detailed design within the residential development has altered.
- 1.4 The proposal is for the erection of 230 dwellings, with the housing occupying only part of the site – on both sides of the allotments that front Church Lane and at the rear of Hancock's Field, Church Meadows and Hunter's Walk/ Fenton Court – this layout enables the dwellings to be located outside the Flood Zone areas 2 and 3. A bus route would run through the estate, entering from Hancock's Field and exiting at Hyton Drive.
- 1.5 The proposal incorporates an area of open space to the north-west of the residential development, which would incorporate a Local Equipped Area of Play (LEAP) and an area to be reserved for any future community building, in line with the requirements of the Section 106 Agreement. A further open space would be provided to the north of the site, which would include a balancing pond.
- 1.6 A footpath would lead off from Church Lane and would run along the periphery of the residential development, passing the balancing pond and leading out at Southwall Road. The existing footpath from Sholden would remain and would run through the development and onto Hunter's Walk. This footpath would be a SUDs route.
- 1.7 The residential development layout incorporates road-fronting dwellings, with a mixture of dwelling types, including detached, semi-detached and terrace properties and flatted development. Parking would be provided through a mixture of off-road parking, on-road parking and parking courts. Two local areas of play (LAPs) are provided within the residential development.
- 1.8 The proposal would provide 30% affordable housing.
- 1.9 *Plans will be on display.*

2. **Main Issues**

This application is the Reserved Matters application following on from the approved outline consent. The Reserved Matters are the landscaping, appearance, layout and scale of the proposed development. The accesses into the site were approved under the outline consent and are not for further consideration in this application. Matters of principle, including the use of the land for housing, the number of residential units within the site and the traffic/ highways implications arising from this number of dwellings, have already been established as acceptable and are not for further consideration under this Reserved Matters application.

2.1 As such, the principal issues for consideration are:

- Policy context and background to the site;
- Layout and design;
- Highways implications;
- Provision of play-space;
- Housing mix;
- Affordable housing;
- Surface water drainage and flood issues;
- Ecological issues;
- Conditions and Section 106 requirements.

3. **Assessment**

Policy context and background to the site

- 3.1 Outline planning permission has been granted at the site for a residential development of up to 230 dwellings and a public open space. All matters were reserved, apart from the accesses into the site.
- 3.2 During the course of the outline application, the proposal was amended in the location and number of dwellings – to locate them on land at the lowest risk of flooding. This moved the proposed development to the west of the site and necessitated accesses from only three roads (instead of the originally proposed four).
- 3.3 The outline application was advertised as a departure from the Development Plan, due to its location outside the built confines of the Deal Urban Area. The proposal did however accord with the spatial strategy for Deal, as outlined in the Core Strategy and this weighed in favour of the development.
- 3.4 Members may recall considering the outline application for this site first of all at Planning Committee on 15th September 2011 (agenda item 1). The application was deferred, in order for officers to prepare a further report on areas of concern relating to traffic, surface water treatment, a response from the Coal Authority, site contamination, how the site relates to the Site Allocations Document and the need for a study on the usefulness of a community building.

- 3.5 A further report then went to Planning Committee on 14th December 2011 (agenda item 1), at which Members resolved to grant planning permission, subject to the Section 106 Agreement being resolved and that the Committee was to be notified of the outcome of negotiations on the developer's financial contributions. The obligations and triggers for their provision were set out in an agenda item at Planning Committee on 18th April 2013.
- 3.6 In summary, the Section 106 Agreement included the following obligations:
- Adult Social Services financial contribution;
 - Affordable Housing Scheme to be submitted as part of Reserved Matters application, with a financial contribution option included;
 - Provision of balancing pond;
 - Bus Services financial contribution;
 - Community Building Site to be reserved;
 - Community Building contribution;
 - Community Space Scheme, to include playable spaces, a LEAP, a balancing pond and Public Open Space;
 - Library contribution;
 - Thanet Coastal Mitigation Strategy contribution;
 - Southwall Road ditch contribution;
 - Management Company to be set up.
- 3.7 A Supplemental Deed to the Section 106 Agreement was also signed at a later date, which allows the Council the discretion of accept a contribution towards off-site affordable housing in lieu of the obligation in the Principal Agreement to provide on-site affordable housing. Members were updated of the Section 106 Agreement requirements at Planning Committee 18th April 2013.
- 3.8 The outline consent set out certain additional requirements that the Reserved Matters application has to include, which were set out in the conditions attached to the outline consent (*conditions 5, 10, 11, 18, 31, 42 and 46*) and the Legal Agreement that accompanied it. This required the following information to be submitted as part of the Reserved Matters application:
- A Phasing Programme for development;
 - A Surface Water Drainage Strategy (in the form of a Sustainable Urban Drainage System (SUDS));
 - Details of the layout, including details relating to play spaces, highways details and the balancing pond;
 - An Affordable Housing Scheme;
 - A Community Space Scheme;
 - Details of the provision within the site for replacement parking arising from parking areas lost as a result of the access arrangements;
 - All dwellings to be located outside flood zones 2 and 3;
 - A schedule of accommodation, to accord with the provisions of the housing mix set out in the Development Plan.

- 3.9 Other details are required under the outline consent by condition prior to commencement of development, which were delegated to be dealt with by officers. These condition details covered matters such as the submission of soft and hard landscape works, a tree survey, the provision of a Site Environment Plan, details of ground levels and sections, a Waste Management Scheme and a number of other requirements.
- 3.10 Some of the concerns raised by third parties and consultees relate to matters of principle that have already been considered and found acceptable under the outline consent. The principle of a residential development on this site, for up to 230 dwellings, is not for consideration as part of this application, nor is the traffic impacts associated with the development. The use of three accesses into the site – via Hancock’s Field, Hyton Drive and Hunter’s Walk – has been approved, as has the incorporation of a balancing pond to deal with surface water drainage.

Layout and design

- 3.11 The layout of the scheme has to some extent been dictated by the position of the three accesses into the site and the need to site the dwellings on land away from the Flood Zone 2 and 3 areas and to include open space and a balancing pond within the site, which was granted as part of the outline scheme.
- 3.12 In respect of the detailed layout of the residential development, during the course of the application, discussions have taken place with the applicant to achieve a layout that creates well defined streets and spaces. The main challenges in providing an acceptable layout have been in providing the correct level of parking spaces that are well related to the dwellings they intend to serve, whilst seeking to prevent an engineered or urbanised appearance with the over-use of hard-surfacing. This has involved discussions with planning officers and County Highways, working to create better street enclosure, achieving a better relationship between the parking spaces and the dwellings and an improved use of space.
- 3.13 Amended plans have been received, which are considered to be a significant improvement compared to the originally submitted scheme. These plans have been subject to re-advertisement and re-consultation. Associated plans (including hard and soft landscaping and plans showing tracking and visibility splays etc.) have been re-issued, to reflect the alterations carried out to the layout of the dwellings.
- 3.14 The scheme incorporates narrower streets around the periphery of the site, to help provide a soft edge and to integrate the site with the surrounding countryside, in line with LAPSLP policy LA11. The density of residential development is lower around the edges of the site – with mainly larger, detached houses within larger curtilages – to again identify the shift towards the undeveloped countryside. The location and layout of the residential development, with open space surrounding and a public footpath running around the periphery and

across the site, should enable some views of St. Nicholas's Church in Sholden to be retained.

Provision of parking and internal roads

- 3.15 The overall road layout is very similar to that shown indicatively at outline stage, with the main bus route running off Hunter's Walk and around and out of Hancock's Field. The main route incorporates on-street parking and has a boulevard character, with tree planting along either side of the road.
- 3.16 The road widths, visibility splays and traffic calming methods have been formulated as a result of consultation and discussion with County Highways throughout the course of the planning application. Efforts have been made to reduce the road widths – especially around the periphery of the site, to ensure that the development does not appear over-developed and dominated by tarmac and to help integrate the development into the rural area beyond. Effort has been made to design the streets in a way to encourage low vehicle speeds. This has included consideration of whether the streets are pedestrian-friendly and whether they would encourage cars to drive more slowly.
- 3.17 In respect of parking, the amended plans incorporate the scattered use of parking courts. These would generally be small in size and well overlooked. Most of the off-street parking spaces are provided within the curtilages of the dwellings and in most cases, where parking is positioned to the front of the property, there is also an enclosed, landscaped front garden, to reduce vehicle domination. There are instances of a few driveways and hard-standings being provided next to each other, but these are shown to be separated by thin strips of soft landscaping to help break up the hard-surfacing. This reflects the pattern of development along Church Lane, where some of the dwellings are hard-surfaced for parking with no lawns – but with strips of soft landscaping to soften the engineered frontages. On-street parking has been provided in appropriate locations.
- 3.18 A range of parking solutions has been incorporated into the scheme, including on-street and off-street parking, with some parking courts. It is considered that the resident and visitor parking would be sufficient and well-integrated, so that it would not dominate the street and would be positioned close to people's homes and that the overall parking layout would comply with the requirement of CS policy DM13 to be design-led, taking into account the parking standards set out in the CS.

Detailed design of buildings

- 3.19 Residential development surrounding the site comprises a mixture of terrace properties, semi-detached and detached dwellings, mainly brick-finished, but with some incorporating tile-hanging and painted frontages. Most dwellings have simple gable sided, or hipped roof designs, but there are instances (particularly within the more recent developments) of more varied roof designs, some incorporating dormers.

- 3.20 The proposal incorporates a mix of dwelling designs and sizes and variety is provided through the use of materials. Dwellings would be brick-built, with some incorporating render or tile-hanging at first floor level to the frontages. There is some diversity across the site, with variation in height created by the inclusion of two storey, two and a half storey and three storey buildings. All dwellings are shown to have private rear gardens. The dwellings have been designed to prevent any overlooking concerns and are considered to have an acceptable relationship with existing dwellings and with each other, to provide an acceptable standard of residential amenity for occupants.

Public Rights of Way

- 3.21 The connections into and within the site will enable it to integrate it within surrounding development. The proposed dwellings along Church Lane have been designed to overlook the existing footpath in Church Lane and this would also provide an active street frontage.
- 3.22 A SUDS route and public footpath runs through the site, linking the existing public footpath and proposed open space to the development and coming out near the edge of the site at Hunter's Walk. Dwellings have been designed to provide an element of over-looking for this route and provide natural surveillance.
- 3.23 Public Rights of Way officers have raised no objections and have expressed that they are grateful to the developer for increasing the surfaced width of the route ER392A.
- 3.24 Cycle routes are integrated into the layout and pass in front of people's houses so that they are well-overlooked.

Landscaping

- 3.25 The importance of creating a soft edge, with careful definition of the site boundary, to minimise landscape impact at this site has been identified in the CS and LAPSLP.
- 3.26 A Landscape Management Plan has been submitted, which sets out a comprehensive management plan for the maintenance of public open spaces and facilities, which is acceptable and the Council's Principal Ecologist raises no concerns.
- 3.27 The proposal incorporates a robust buffer along the northern edge of the residential development, with additional planting around the other boundaries, which would help to create the soft edge and integrate the development as much as possible within its setting.
- 3.28 The Plan identifies the management responsibilities and long-term design objectives of the proposed open space and public areas.
- 3.29 The proposal is considered to comply with the objectives of LAPSLP Policy LA11, which seeks to retain views of the wider landscape and the landscaping details are considered to be appropriate.

Highways implications

Parking provision

- 3.30 A number of meetings have been held during the course of the application (and at pre-application stage) to achieve a scheme that would provide resident and visitor parking spaces that were well-related to the dwellings they would serve.
- 3.31 Car parking, including visitor parking provided in lay-bys within the proposed street, is design-led, based on the characteristics of the site, locality and provides parking spaces in excess of the minimum requirements.
- 3.32 Replacement parking is provided for that lost as a result of the access arrangements from Hancock's Field and Hyton Drive. Secure, covered cycle parking is provided for each dwelling in the form of garages, sheds or communal cycle stores.
- 3.33 The parking layout therefore complies with CS Policy DM13 and County Highways raises no objections.
- 3.34 A condition should be attached to the planning consent to prevent the fitting of doors to the open car ports, as this may lead to the car ports not being used for the parking of vehicles.

Internal roads

- 3.35 Concerns have been raised in relation to the width of some of the internal roads and any implications on the emergency services. Kent Fire and Rescue Service has examined the amended plans and has advised that the scheme is acceptable, raising no objections.
- 3.36 County Highways has advised that the road widths, junctions and turning heads are all acceptable for the size of vehicles likely to use them, including for buses on the spine road and both emergency vehicles and refuse collection vehicles on all roads.
- 3.37 The speed restraint measures incorporated in the street layout are acceptable, as are visibility splays, footways, cycleway connections and service margins.
- 3.38 The proposed phasing of the development would provide suitable access for each phase of development, including the provision of the spine road at an early stage to enable the bus service to operate before occupation of the 40th dwelling.

Bus route

- 3.39 The Section 106 Agreement requires the developer to pay a sum towards the provision of a service connecting the land with Deal Town Centre, along a route to be agreed between the bus operator and DDC.

- 3.40 A bus service will run through the site and a condition of the outline consent requires that the spine road loop is in place to allow buses to operate before the occupation of the 40th dwelling.
- 3.41 Details of the proposed bus route (including tracking diagrams) have been provided and Stagecoach raises no objections, subject to detailed arrangements and yellow line markings being confirmed between developer and Stagecoach. County Highways has advised that the proposed location of bus stops is acceptable, as is the bus route through the site.
- 3.42 The overall layout of the site is acceptable in highway terms and would provide suitable streets in accordance with Kent Design and Manual for Streets.

Play space provision

- 3.43 The Local Plan Standards state that developments comprising 15 dwellings will provide a local area of play (LAP) and development comprising 50 family dwellings will provide a local equipped area for play (LEAP).
- 3.44 A condition of the outline consent required details of the areas of public open spaces, together with the location and size of a LEAP and the location and size of the playable spaces, to be submitted at the Reserved Matters stage. Plans and details have been submitted to comply with these requirements.
- 3.45 The Section 106 Agreement also requires a Community Space Scheme to be submitted with the Reserved Matters application, to include a plan showing the location and specifications of the LEAP, public open space and playable space, together with a scheme for the long-term management, which has also been done.
- 3.46 The proposal incorporates the provision of two LAPS within the residential development. The LAPS have been appropriately sited within the site and would be well overlooked by surrounding dwellings.
- 3.47 The LEAP would be provided to the north-west of the residential development. The LEAP would be adequately equipped with appropriate access and would be overlooked by nearby dwellings and from the pedestrian footpath.
- 3.48 The Community Space Scheme has been amended slightly, to provide acceptable trigger points for the provision of the play-spaces as part of the construction of the development. Advice was given in relation to the surfacing around the play equipment, which has been incorporated on amended plans.
- 3.49 The Community Space Scheme, required to be submitted as part of this application by the Section 106 Legal Agreement, is considered to be acceptable.

Housing mix

- 3.50 To ensure that a range of housing needs are met and to reflect the need, CS policy CP4 requires the housing mix to accord with the Strategic Housing Market Assessment. A condition of the outline consent requires the Reserved Matters application to be accompanied by a Schedule of Accommodation, which shall accord with the provision for the housing mix set out in the Development Plan.
- 3.51 During the course of pre-application discussions, the proposed mix was altered to reflect more closely the proportions set out in the Core Strategy. The mix of housing would be 46 (20%) four bed homes, 88 (38%) three-bed dwellings and 96 (42%) two bed homes, which reflects closely the mix set out in the CS. Market conditions have also dictated the proposal and the scheme is considered to provide a satisfactory mix of housing.

Affordable housing

- 3.52 The proposal incorporates 30% affordable housing and a plan has been submitted to illustrate where these dwellings would be sited within the development.
- 3.53 An Affordable Housing Scheme has been submitted as part of this application, in accordance with the requirements of the Section 106 Legal Agreement, which requires details of the affordable housing number, type, tenure mix and timing of provision, the maximum percentage of market housing units that can be occupied prior to the transfer of the affordable housing units to a registered provider and the identity of the registered provider.
- 3.54 The Affordable Housing Scheme sets out a 70:30 split between affordable rented and intermediate housing, to reflect the requirements set out in the Affordable Housing SPD. Forty-four Lifetime Homes are incorporated into the mix, as well as two wheelchair standard units. Heads of Terms have been agreed with Orbit Housing Group to be appointed to manage the affordable housing within the site.
- 3.55 The Council's Housing Initiatives Manager has advised that generally, he is very supportive of the affordable housing provision that is proposed. The Strategic Housing Market Assessment undertaken in 2009 ranked Deal as having the second greatest need for affordable housing out of the 21 local housing market areas in East Kent that were assessed. He is particularly pleased about the commitment to the provision of two wheelchair units, as the provision of such housing is a Housing Strategy priority. Similarly, the commitment to building 44 units to lifetime homes standard is also very welcome.
- 3.56 The originally suggested 1 bed units have been substituted for 2 bed units. The Housing Initiatives Manager recognises there is a benefit from this in so far as the number of persons accommodated by the scheme, although it does reduce the ability to enable households to downsize from larger social housing units. Given that 30% of the units would be for shared ownership and that it is likely that a significant number of 2 bed units will be designated for this tenure, the Housing Initiatives Manager accepts the revised unit mix.

- 3.57 The Housing Initiatives Manager is very comfortable with the developer's choice of RSL partner. Orbit manages other properties in the district and have shown a commitment to developing good quality affordable housing in the district.
- 3.58 The proposal is considered to comply with the policy requirements to provide affordable housing and the Affordable Housing Scheme is acceptable. The requirements of the Section 106 Agreement are met, as are the requirements of conditions of the outline consent to provide a schedule of accommodation and the provision of affordable housing to be based on evidenced justified need.

Drainage and flood risk

Drainage

- 3.59 A number of concerns have been received from local residents, Sholden Parish Council and Deal Town Council, in relation to how the site would be effectively drained. The need to effectively manage the surface water drainage was also acknowledged in the LAPLSP, which states that due to the low lying nature of this area, surface water management would be required.
- 3.60 The outline consent established that a balancing pond was an acceptable method of addressing the drainage of the site and a condition of the consent requires that the surface water run-off rates are restricted to a maximum of 2.4 litres per second. The outline consent also requires a Surface Water Strategy (in the form of a Sustainable Urban Drainage System) to be submitted as part of the Reserved Matters application.
- 3.61 A Strategy was submitted with the planning application and the Environment Agency, Southern Water and the River Stour Internal Drainage Board were consulted.
- 3.62 The Environment Agency and River Stour Internal Drainage Board advised that whilst the scheme was generally in line with what was agreed at the outline stage, further information was required on the following matters:
- Consideration of how the scheme would function in an exceedence event and the associated flow routes and implications in the event of the capacity of the bond being reached;
 - Further details of soakage testing;
 - How the system would be managed and maintained upon occupation of the dwellings.
- 3.63 Additional plans, details and a Surface Water Drainage Report and Lifetime Management Statement were submitted by the agent in relation to these requests. The Environment Agency, River Stour Internal Drainage Board and Southern Water have viewed this information and now raise no objections to the scheme.

- 3.64 The proposal is for all of the surface water to discharge to a main collection swale to the north-east of the site, to discharge into a balancing pond located in the north-eastern corner of the site. Because of the long discharge period and original questions as to the risk of the pond being overtopped as a result of subsequent rainfall events, the pond has been increased in capacity.
- 3.65 The application sets out that the pond would have a capacity of 6,940m³, when full. The required volume for a 1 in 100 year peak storm, plus 30%, is 4,225m³, using an outfall restriction of 2.4 litres per second. This means that the pond has capacity to cope with a 1 in 100 year storm, plus 30%, with a further 1 in 10 year storm of 2,147 m³ following immediately afterwards. So, the pond would be able to cater for several storm events clustered during a winter period.
- 3.66 An overflow arrangement has been included in the design, to ensure that if the main outlet is blocked, the pond will still drain to the ditch. This would be by the means of a secondary pipe within the hydro-brake chamber. A further overflow would be provided within the top of the banks, via a manhole with a grated cover, which would be linked to the ditch network via a pipe. This would enable the pond to overflow in a controlled manner.
- 3.67 The principle of discharge into the Southwall Road ditch/ sewer was established at outline stage and a Section 106 payment of £60,000 is required towards the costs of the long-term maintenance of the ditch in Southwall Road, to be paid prior to the occupation of the first dwelling. The Report indicates that as the restriction of 2.4 litres per second is so small, there would be no effect on downstream properties, even if the ditch/ sewer was partially blocked.
- 3.68 The outfall ditch, main pond and control would be the first elements to be constructed, with the upstream swale brought up to the edge of the site and around the spine road. Any temporary site drainage discharge to the pond would be de-silted using settlement tanks.
- 3.69 Maintenance responsibilities have been set out in the Drainage Report, setting out that there would be annual inspections of the swales, quarterly inspections on the storage pond and outfalls and inspections once every five years for the private foul drainage. The drainage, including the swales and pond, will be Persimmon's responsibility until it is handed over to the Development Management Company that will be set up, as required under the Section 106 Agreement. The main surface water sewers in the road will be offered for adoption to Southern Water.
- 3.70 Officers recognise the importance of ensuring that the drainage strategy is workable and effective. The system proposed, using a balancing pond, was established as an appropriate method of drainage at the outline stage. Officers have been advised by the Environment Agency, Southern Water and the Internal Drainage Board, who provide the expert advice on this matter, that the system is acceptable. The proposed surface water strategy is considered to be able to satisfactorily cater for the proposed development.

Flood risk

- 3.71 The site includes land within Flood Zone 2 and Flood Zone 3 and the residential development has been located outside of these areas, following consultation with the Environment Agency at the outline stage.

Biodiversity and ecology

Environmental Impact Assessment (EIA)

- 3.72 The outline application was submitted alongside an Environmental Impact Assessment (EIA), which was updated by an Addendum when amendments were made to the location and number of dwellings. This proposal reflects broadly the indicative layout proposed at outline stage. Circumstances have not changed so as to require an updated EIA to be submitted.

Loss of agricultural land

- 3.73 The point was also made in the EIA that the Grade 1 land equates to less than 0.2% of Grade 1 land in the Dover district. This was taken into account when the area was earmarked for expansion through the Core Strategy and was taken into account at the Examination in Public. Concerns have been reiterated at this Reserved Matters stage at this loss, but the principal of residential development on this site – and consequent loss of agricultural land - has already been accepted with the outline consent.

Other matters

- 3.74 The East Kent Badger Group has strongly advised that a badger survey needs to be carried out (*this was also their advice at the outline stage*). At outline stage, the initial biodiversity survey report (2010) did not identify any badger setts on site, nor any evidence that the site was being used by badgers. The site was well used by dog walkers and therefore considered to be relatively disturbed and less likely to support badger setts. The applicant's Ecologist has advised that in March 2014, she walked around the whole site, assessing the site for badgers. No evidence of badgers using the site was noted. No setts were recorded during the survey and the applicant's Ecologist has advised that no badger setts are present on site. The Council's Ecologist has confirmed that there is no need for a badger survey to be carried out.
- 3.75 An Ecology Strategy and Mitigation Strategy are required to be submitted prior to commencement of development. The agent has confirmed that the Strategy is underway.

Other

Location of the community building

- 3.76 The outline consent required the developer to pay a contribution for a community building and to reserve an area within the site for a

community building to be provided, which has been shown on plan. The location of the reserved portion of land is satisfactory – it is located close to the residential development, adjacent to a road and would be accessible.

Conclusion

- 1.77 The layout submitted under this application closely reflects that submitted indicatively at outline stage, mainly because matters such as the drainage strategy, the position of the balancing pond, the location of the flood zone areas and the location of the accesses identified at the outline stage dictated the main layout concept. The matters of principle were established at the outline stage and this application refers only to the reserved matters details.
- 3.78 The NPPF requires that all development is sustainable, which it states has economic, social and environmental strands. The residential development will provide an economic role in the provision of jobs during the construction process.
- 3.79 The proposal provides an appropriate mix of housing and incorporates 30% affordable housing, with the houses constructed to meet the Code for Sustainable Homes Level 3. The provision of a large area of open space, playable space and a locally equipped play area, with a well-integrated public footpath network and bus route, will help to support a strong, vibrant and healthy community and provide the necessary community facilities for residents, in line with LAPSLP Policy LA11 requirements. The proposal will therefore meet the social role of the NPPF, which requires a supply of housing to be provided to meet the needs of present and future generations.
- 3.80 The scheme incorporates soft landscaping, meadowland and public open spaces, which will contribute to enhancing the natural environment and improve biodiversity and creating a soft edge and wider views of St. Nicholas's Church and the wider landscape, as required by LAPSLP LA11. The scheme incorporates a drainage system using SUDs principles and will support environmental objectives, in accordance with the NPPF.
- 3.81 Having considered the proposal in the context of policy, the NPPF and all other material planning considerations, the Reserved Matters application, covering the landscaping, appearance, layout and scale of the proposed development, is considered to result in the delivery of a sustainable form of development.
- 3.82 There are no implications under the Equality Act that would alter this conclusion.

g) Recommendation

The outline consent provides a comprehensive list of conditions and as such, a limited number of conditions are suggested.

I RESERVED MATTERS BE APPROVED, subject to conditions to include:

- (1) A list of the approved plans;
- (2) Permitted rights to remove insertion of doors to car ports;
- (3) Details of any marketing area and associated advertising boards;
- (4) Street lighting details;
- (5) Refuse and recycling storage to be provided for each dwelling prior to first occupation.

II INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- III Powers be delegated to the Head of Regeneration and Development to settle and add any necessary planning conditions and matters, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Sarah Platts