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5 February 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 13 February 2020 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Kate Batty-Smith", written over a white background. The signature is fluid and cursive.

Chief Executive

Planning Committee Membership:

J S Back (Chairman)
R S Walkden (Vice-Chairman)
D G Beaney
E A Biggs
T A Bond
J P J Burman
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 5-11)

To confirm the attached minutes of the meeting of the Committee held on 16 January 2020.

5 **ITEMS DEFERRED** (Page 12)

To consider the attached report of the Head of Planning, Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 13-16)

6 **APPLICATION NO DOV/19/00669 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE** (Pages 17-55)

Outline application for the erection of thirty-four dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved)

To consider the attached report of the Head of Planning, Regeneration and Development.

7 **APPLICATION NO DOV/19/00642 - SITE AT CROSS ROAD, DEAL** (Pages 56-92)

Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access)

To consider the attached report of the Head of Planning, Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

8 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

To consider the report (to follow).

9 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 January 2020 at 6.01 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
D G Beaney
E A Biggs
T A Bond
J P J Burman
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

Also present: Councillor P D Jull
Councillor C A Vinson

Officers: Principal Planner
Principal Planner
Principal Planner
Development Planner (Kent County Council Highways)
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/19/00856	Mr Gary Bamfield	Mr Stephen Nutley
DOV/19/00120	Ms Alison Thompson	Ms Shelley Morris
DOV/19/00642	Mr John Mackenzie	Mrs Sharon Laflin

78 APOLOGIES

It was noted that there were no apologies for absence.

79 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

80 DECLARATIONS OF INTEREST

Councillor D P Murphy declared an Other Significant Interest in Agenda Item 9 (Application No DOV/19/00642 – Site at Cross Road, Deal) by reason that he was vice-chairman of the board of governors at Deal Parochial Primary School which would be a beneficiary of Section 106 monies arising from the development.

Councillor D G Beaney made a Voluntary Announcement of Other Interests in Agenda Item 6 (Application No DOV/19/00856 – Land rear of 56 Sandwich Road,

Eythorne) by reason that, whilst the applicant was known to him, he did not have a close association with him.

81 MINUTES

The minutes of the meeting held on 5 December 2019 were approved as a correct record and signed by the Chairman.

82 ITEMS DEFERRED

The Chairman advised that, whilst it appeared on the agenda for determination, Application No DOV/19/00669 (Land between nos 107 and 127 Capel Street, Capel-le-Ferne) had been withdrawn from the agenda due to the need for Officers to consider an independent highways report submitted by Capel-le-Ferne Parish Council.

83 APPLICATION NO DOV/19/00856 - LAND REAR OF 56 SANDWICH ROAD, EYTHORNE

Members viewed drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of two detached dwellings at a site in Eythorne. As a correction to the report, Members were advised that twelve representations had been received, of which seven were objecting to the application. It was also confirmed that access would be via Sandwich Road and not Eythorne Road as stated in the report.

A previous application had been refused on grounds of overlooking, loss of privacy and harm to the character and appearance of the area. Whilst the application had been dismissed at appeal, the Planning Inspector had concluded that there would be no harm to the character and appearance of the area. Whilst the layout of the current scheme was similar to the previous application, the large rear dormers had been replaced with light tunnels and, whilst a small front projecting gable had been introduced to improve the visual impact on the street scene, it would not harm residential amenity. Officers were satisfied that the light tunnels had overcome one of the reasons for the previous refusal. It was proposed that a condition should be added requiring details of visibility splays.

In response to Councillor O C de R Richardson, the Principal Planner clarified that Public Right of Way EE348 was adjacent to the site, running along New Road. Councillor D G Cronk stated that the site was too small for two dwellings and, in his view, the proposal would be an over-development. In response to Councillor J P J Burman, it was clarified that soakaway details would be required as part of the conditions dealing with surface and foul water disposal. It would be for Building Control to ensure they complied with these conditions. Councillor T A Bond commented that, whilst he sympathised with views that it would be a cramped development, he did not think this was sufficient to warrant refusal of the application.

RESOLVED: (a) That Application No DOV/19/00856 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;

- (iii) Samples of materials;
- (iv) Pre-commencement construction management plan;
- (v) Pre-commencement details of measures to prevent discharge of surface water onto highway from the access;
- (vi) Pre-commencement scheme for the disposal of foul sewage;
- (vii) Pre-commencement details of site drainage works for the disposal of surface water;
- (viii) Pre-commencement details of visibility splays;
- (ix) Provision, surfacing and drainage and retention of vehicle parking space;
- (x) Bound surface of first 5 metres of vehicle access;
- (xi) Sectional drawings of light tubes which shall be obscure glazed and non-opening;
- (xii) Removal of permitted development rights for classes A, B, C and E of Part 1 of Schedule 2;
- (xiii) Retention of hedgerows and replacement where damaged (within 5 years of completion of development);
- (xiv) Completion of hard and soft landscaping;
- (xv) Provision of bicycle and refuse storage shown on plans.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

84 APPLICATION NO DOV/19/00120 - LAND EAST OF THE COURTYARD, DURLOCK ROAD, STAPLE

The Committee was shown drawings, plans and photographs of the application site which had been identified as a result of a rural housing needs survey carried out in 2015. The Principal Planner advised that the application sought permission for the erection of eight dwellings, with the sale of two market dwellings subsidising the construction of six affordable rental properties. Whilst the site was outside the settlement confines (albeit adjoining it to the south and west) and therefore contrary to Policies CP1 and DM1 of the Council's Core Strategy, the National Planning Policy Framework (NPPF) took a more flexible approach in respect of development that met rural housing needs. The Committee's assessment of the application would therefore need to take this into account. Concerns raised initially by Kent County Council (KCC) Highways had been overcome by the submission of additional

information. Flooding problems in the area had also been identified. However, the development incorporated measures to dispose of surface water so the scheme was unlikely to make matters worse and could even improve the situation. A Section 106 agreement would ensure that properties would go to those most eligible. Due to concerns raised by the Council's Heritage Officer about the proposal's impact on the two listed properties opposite the site, amended plans had been submitted and there were now no objections to the scheme on heritage grounds.

In response to concerns expressed by Councillor Bond about eligibility, the Planning Solicitor advised that the affordable housing would initially be limited to people in Staple but offered elsewhere to people on the Council's housing register if no further need in Staple was identified. The Principal Planner clarified that the area was not in a flood zone. At the time the committee photographs were taken there had been localised flooding which had been caused by a blocked drain in the road. Councillor E A Biggs welcomed the scheme, as did the Chairman who urged other parishes to follow Staple's example.

RESOLVED: (a) That, subject to a Section 106 agreement to secure six local needs houses, Application No DOV/19/00120 be APPROVED, subject to the following conditions:

- (i) Standard time limit;
 - (ii) Drawing numbers;
 - (iii) Samples of materials;
 - (iv) Joinery details;
 - (v) Boundary treatment;
 - (vi) Site levels;
 - (vii) Ecological mitigation;
 - (viii) Landscaping scheme – including the retention of hedgerows;
 - (ix) Construction Management Plan;
 - (x) Foul and surface water drainage details;
 - (xi) Parking spaces/garage retention;
 - (xii) Highways – visibility splays;
 - (xiii) Removal of permitted development rights – boundary treatment, extensions and alterations to roofs.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Members were shown an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of up to 100 dwellings on a site which adjoined the settlement confines of Deal. Sixteen additional representations from neighbours had been received, largely reiterating concerns previously raised, such as impact on local road network, drainage, rare lizards and building in the countryside. Sholden Parish Council had also raised an additional objection, questioning the Council's policy position. As an addition to paragraph 2.69 of the report, Members were advised that a financial contribution of £89,700 would be made towards the Balmoral GP surgery in Deal, at the request of the NHS Clinical Commissioning Group.

Referring to paragraph 2.2 onwards of the report, the Principal Planner highlighted that the policies which were most important for determining the application were Policies DM1, DM11 and DM15. The erection of dwellings at this location would, by definition, be contrary to Policy DM1 which stated that development should not be permitted on land outside the settlement confines. Whilst DM11 sought to resist development outside the confines if it would generate a need to travel, Officers considered that the site's location adjacent to settlement confines would allow occupants to access local facilities and services without the use of a private car. With reference to DM15, it was acknowledged that there would be a loss of countryside. However, it was considered that the development would have only a limited impact on the character and appearance of the countryside which would be further mitigated by the form of the development and proposed landscaping. Given that the Council was now required to deliver 629 dwellings per annum in accordance with the government's standardised methodology, in contrast with the 505 dwellings that Policy DM1 had been designed to deliver under the current Core Strategy, Officers had concluded that all three policies were out-of-date for the purposes of assessing the application. There was therefore a need to assess the application against paragraph 11 of the NPPF which stated that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

Looking at the proposed scheme, Members were advised that there would be an attenuation pond to deal with surface water. Footpaths linking the development to Cross Road and Station Road were proposed. Landscaping and visual impact assessments had been submitted, and buffer planting was proposed to the west. The developer would be making a significant number of financial contributions, as well as providing 30% affordable housing. A number of off-site highway works were proposed, including the widening of Cross Road and Station Road, and these were described at pages 93 and 94 of the report. In respect of the highways impact, KCC Highways had advised that there was sufficient capacity in the local highway network. All these factors considered, Officers considered that the proposed development would cause no significant or demonstrable harm, and approval was therefore recommended.

Councillor J P J Burman commented that there had been an unprecedented number of objections made to the proposed development, including from Walmer, Great Mongeham and Sholden Parish Councils and Deal Town Council. The impact on the local road network was of particular concern, especially the Dover Road/Station Road junction which was already under pressure from other developments. He proposed that a site visit should be held. Councillor Cronk echoed these concerns,

arguing that Cross Road was too narrow and the access unsatisfactory. He also queried where children of secondary school age would go given that there were no longer any places left in Deal. Councillor H M Williams raised concerns about the pressure already placed on local infrastructure by recent developments in Walmer and Mill Hill. Councillor Richardson reported that there had been a 25% increase in traffic through Mongeham and Ripple in recent years which would only worsen with the new development.

The KCC Highways Development Planner confirmed that he had visited the site several times, as a result of which the plans had been amended following discussions with the developer. He reminded Members that the highway works were designed to mitigate the impact of the development and not to solve existing problems. The methodology was to look at the number of trips likely to be generated by the development and the distribution of those trips. In this case, it had been assessed that the development would generate 20 additional movements through the Station Road/Dover Road junction at peak times. The Committee was also advised that the developer was required to assess the potential traffic situation in five years' time. He added that, as part of the Station Road development, improvements were already being made to the Station Road/Dover Road junction in order to address queueing, and it was not anticipated that additional measures would be required for the Cross Road scheme.

The Principal Planner clarified that the developer's transport assessment would have considered all committed developments and included them in trip calculations. Members were reminded that the proposed highway works had been submitted by the developer, and KCC Highways' role was to assess whether they would mitigate the impact of the development. She clarified that primary and secondary school places would be provided through the Section 106 agreement. That said, it was anticipated that there would be a peak in school pupil numbers in approximately two years' time when this development would not yet have been built.

Councillor Bond commented that, as a site outside the settlement confines, Members had to consider whether to make an exception and grant planning permission. In order to do so, they had to be convinced that the development was sustainable, there was adequate infrastructure and that it would cause no harm. He argued that the 629 housing target quoted by Officers was misleading because the revised Local Plan had not yet been adopted. The Station Road/Dover Road junction was notoriously bad, and he had misgivings about plans to widen roads. Most children in Deal could only get to a primary school by car, and secondary schools in Deal were already nearly full which meant that too many children were having to commute to schools in Dover and Sandwich. These illustrated the inadequate infrastructure. In his view, there was no valid reason to overrule the existing Local Plan, and he could not therefore support the application.

The Planning Solicitor clarified that, where the Core Strategy was more than five years old, the NPPF required the Council to re-calculate its housing target using the Government's standardised methodology. Whilst the site was outside the settlement boundaries, Members should bear in mind that the existing boundaries had been drawn up with a view to delivering 505 dwellings rather than the 629 currently required. Moreover, Policy DM1 was out-of-date as it was not consistent with the NPPF. The Local Plan was the starting point for determining the application, but in this case the NPPF stated that there was a presumption in favour of sustainable development unless the proposal would cause significant and demonstrable harm that outweighed the benefits, in other words, the 'tilted balance' approach was

engaged. If Members believed that such harm would be caused, they would need to demonstrate it.

The Principal Planner stressed that the 'tilted balance' was relevant, not because the existing housing target had not been met, but because paragraph 11 of the NPPF required Members to weigh any significant and demonstrable harm against the benefits where local policies were considered out-of-date. In respect of the highways network, the NPPF referred to severe cumulative impact. Given that KCC Highways had raised no objections, it would be for Members to provide evidence and demonstrate where these impacts would be. He cautioned that going against professional advice could lead to costs being awarded against the Local Planning Authority at appeal, as had occurred in at least two recent cases. Moreover, should the application be deferred, it was possible that the applicant could choose to appeal against non-determination.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/19/00642 be DEFERRED for a site visit to be held on Tuesday 11 February 2020 to enable Members to: (i) Look at the surrounding road network in order to consider safety issues and the potential impact on junctions; (ii) View the riding school and understand the potential impact on it; and (iii) View Station Road and consider the potential impact on residents of the proposed road widening, and that Councillors E A Biggs, J P J Burman, D G Cronk, O C de R Richardson and H M Williams (reserve: Councillor R S Walkden) be appointed to visit the site.

86 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals and informal hearings.

87 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.59 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 13 FEBRUARY 2020

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/19/00669** **Outline application for the erection of thirty-four dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Land between numbers 107 and 127 Capel Street, Capel-le-Ferne (Agenda Item 7 of 10 October 2019)**

2. **DOV/19/00642** **Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal (Agenda Item 9 of 16 January 2020)**

These items are dealt with elsewhere on the agenda

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

LOIS JARRETT

Head of Planning, Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support and Land Charges Manager, Planning Department, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

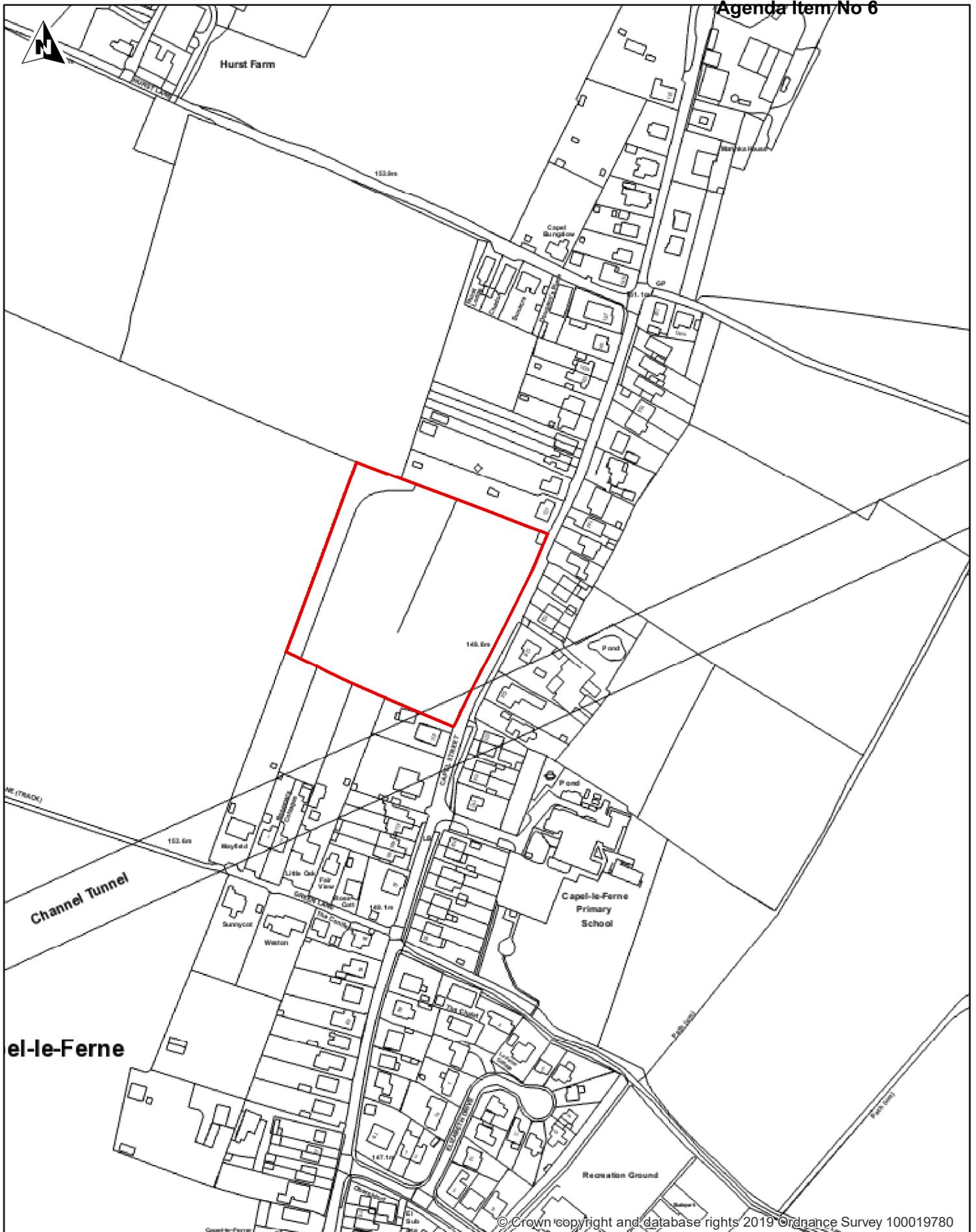
Article 14 - Prohibition of discrimination.

The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



DOV/19/00669

Land Between Nos 107 And 127
Capel Street
Capel Le Ferne

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



Note: This plan is provided for purposes of site identification only.

- a) **DOV/19/00669 - Outline application for the erection of 34 dwellings (8 x 2 beds, 16 x 3 beds and 10 x 4 beds) and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Land between nos 107 and 127 Capel Street, Capel-le-Ferne**

Reason for report – Deferred from Planning Committee on 10th October 2019

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement.

- c) **Planning Policies and Guidance**

Please refer to report attached as an annexe.

- d) **Relevant Planning History**

Please refer to report attached as an annexe.

- e) **Consultee and Third-Party Representations**

Please refer to report attached as an annexe.

Additional Comments since last agenda

Infrastructure and Delivery Officer – It has been confirmed that the updated off-site payment is £21,260 instead of £19,400 previously referred to. (The Parish Council have also agreed to use this payment towards the upgrade of the Lancaster Avenue playground).

KCC Highways: Have confirmed the acceptability of the proposals subject to the required off-site highway works.

In response to the Technical Note on behalf of Capel Parish Council

1. The allocation of the site has been accepted by an Inspector through the Local Plan process, with consideration of factors such as sustainability. The principle of development on the site has therefore been accepted with the existing situation in relation to footway networks, access to bus stops, etc. There is more than one suitable route that pedestrians and drivers can and will take to travel to/from New Dover Road.
2. It is accepted and stated that there is additional traffic during school drop off and pick up times. However, there are existing passing places available and traffic is still able to manoeuvre along Capel Street. Site observations have confirmed this. The additional traffic likely to be generated by the development at these times, around 19 two-way movements across each hour (an average of one every three minutes) is considered unlikely to have a severe impact on the existing situation, particularly with the mitigation measures proposed which will improve passing opportunities. The application is for less dwellings than the Local Plan allocation and less dwellings than the previous application which the appeal Inspector considered acceptable in highway terms. Whilst some footway parking may occur at present, pedestrians are still able to use the footway and the proposals do not add to parking demand in Capel Street. There are no recorded personal injury crashes in Capel Street between the site and New Dover Road in the 5 years to

end of September 2019. The development is not required to resolve or improve the existing situation.

3. An 'x' distance of 2 metres for the new private drives onto Capel Street is in accordance with Manual for Streets, as highlighted in the report, and there is enough room for a vehicle to pass with a bonnet slightly overhanging. The existing dwellings to the north of the northernmost private drive have ample off-street parking available and this in combination with the arrangement of existing driveways means that southbound vehicles approaching the new private drive access are unlikely to be on the wrong side of the road. The measurement of the visibility splay to the centre line is therefore considered acceptable.
4. The application is in outline form with layout reserved, therefore swept paths for the layout would be considered at the reserved matters stage. For development such as this on lightly trafficked roads of this nature it is common for refuse vehicles to use the whole width of road when manoeuvring through the site access. It is also common for cars manoeuvring out of the accesses to utilise more than half the width of road if required, as occurs with the existing accesses onto Capel Street. Drivers simply wait until the road is clear for them to make their manoeuvre. Turning space for private driveways would be resolved through reserved matters.
5. The trip rates used are considered robust and it is likely that fewer trips will be generated than indicated. As longer trips are required for work, school, shopping, etc., people in more rural areas tend to combine these into less trips to/from the site. Over time some children from the site are also likely to take up places at the local school and walk to the same, reducing the parking demand for the school. The trip generation during the school pick-up time is essentially no different to that considered for the network pm peak hour, with a difference of less than 1 trip between the two time periods.
6. The parking within the site would be resolved through reserved matters, however the indicative layout shows two parking spaces for each dwelling and sufficient space to accommodate the 5 visitor spaces required within shared private drives or on street, which accords with current guidance. The indicative layout also shows 12 spaces to replace the 15 lost in Capel Street and more could potentially be added in the detailed consideration of the layout at reserved matters stage, such that the overall loss of parking in Capel Street would be minimal or negated completely. A condition can be added requiring replacement parking to be provided as part of a reserved matters submission.
7. More detailed highway works plans were previously submitted and site visits made to clarify that the works required and acceptable visibility splays can be achieved within the highway boundary and land in the control of the applicant. The likelihood of a car manoeuvring in/out of the single private driveway at the same as the adjacent pedestrian crossing being used time is very low, however the pedestrian crossing dropped kerbs can be protected with bollards to prevent overrunning by vehicles if considered necessary. Pedestrians will not be required to walk along private driveways. Street lighting is a detail that would be considered through the separate highway approval process and we are confident that there is room to accommodate the same.
8. A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the

primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice. Any perceived impact on local residential parking amenity is a matter for the Local Planning Authority to consider in its determination of the planning application.

9. The application is in outline form with layout a reserved matter, therefore details of gradients, exact width/layout of private drives, etc. would be dealt with through that process. All the highway-related works will also be considered in detail through the separate highway approval process, allowing amendments to be made if necessary. We are confident that issues can be adequately addressed.
10. Although there is currently no footway in Capel Street to the north of the site, there are likely to be very few if any additional pedestrian trips in this direction generated by the development site and none were witnessed during site observations. Village services/amenities such as the school, bus stops, village hall, shops, etc., are located to the south of the site.
11. Whilst there is no footway along the frontage of existing properties on the western side of Capel Street, this has always been the case and the proposals do not add an unacceptable level of additional traffic. The provision of the new footways offers an improvement for existing residents over the existing situation. There are no recorded personal injury crashes in Capel Street between the site and New Dover Road in the 5 years to end of September 2019. As such the risk of pedestrian and vehicle conflict is unlikely to be increased as a result of the development.
12. Construction Management can be dealt with through a condition requiring a plan for the same, as is standard practice. This can deal with issues such as routing and timing of HGV movements and any temporary traffic management measures required, including avoiding HGV movements during school drop-off/pick-up times.

KCC Development Contributions: The KCC assessment in 2016 was based upon the roll numbers and school capacity that was available at that time. The birth rate in Dover peaked in 2012 and that birth cohort, which entered schools in 2016, has proven to be the largest in the period 2003 to 2018. Demand for places is therefore reducing. This reduction is off-set by new demand generated from new homes. However, where surplus capacity exists which is sufficient to meet that new demand we are unable to seek developer contributions. This is the case in respect of this particular planning application.

Further Comments: Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now **Dover Christ Church Academy**. We would be grateful if the Secondary request can therefore be amended from Dover Grammar School for Girls to Dover Christ Church Academy.

Capel-le- Ferne Parish Council: Additional Comments

Still object to this amendment. The Architects have realised there is a "highways problem" with the proposed use of yellow lines. This being the loss of 17 parking spaces, which is significant, particularly at school pickup/drop off times, which is neighbouring this site. Their solution is to provide 15 visitor parking spaces on the proposed estate. This solution will never work, it would be an irritation to both drivers wishing to pickup/drop off at the school and potential new home owners on the estate.

It is time the Land Owner, Architects and Planner realises that the only sensible solution for this site is ribbon development, where properties are set back from Capel Street with a lay-by frontage allowing parking without the use of yellow lines. We would draw everyone's attention, especially the Planning Committee, to the attached recorded Kent Police Speed Watch Data for Capel Street 2018-2019. This being one of the main reasonings that Capel-le-Ferne Parish Council are still very unsure the amended drawings will make any difference to Capel Street traffic and therefore, is the cause for continued objection.

Therefore, Capel-le-Ferne Parish Council urge Dover District Council Planning Committee to refuse this application in its current format and also take into account the continued high density of this application on this site, in that the access is on a very narrow rural country lane, where speeding is a major concern, being used as a "rat run" to/from Folkestone and Dover.

Separately, it has been noticed the Architect has made reference to Section 106. Councillors will accept the contribution towards improved play facilities at the Playing Field, Lancaster Avenue, Capel-le-Ferne, CT18 7LX. This is on the understanding, as you have stated "*it only comes into force if permission is granted*" and this is mentioned and made part of the Unilateral Undertaking in Section 6 CONDITION PRECEDENT – i.e. - This Undertaking shall come into effect upon the grant of the Planning Permission.

Technical Note

Chapel Parish Council have also submitted a Technical Note produced by Lime Transport. The summary of the document states:

"The proposals do not meet the objectives set out in the site allocation. In terms of meeting the objective to minimise the loss of the hedgerow, the applicant proposes to replant the eastern hedgerow to avoid junction visibility splays, but it will also be affected by forward visibility splays (not shown on proposals). Also, the proposals fail to provide safe pedestrian routes and the do not take account of the requirement for street lighting.

The TS fails to provide adequate survey data to determine the impact of the development, particularly in relation to school traffic.

As evidenced by car ownership and travel to work data, the site is not sustainably located. The majority of facilities, including bus stops, are significantly beyond typical walking distances. In addition, the pedestrian network is poor. The use of sustainable modes is unlikely to be a realistic option for the majority of day-to-day trips.

The trip generation rates are significantly under-estimated given the site's location and the considerable proportion of larger houses (30% 4-bed).

The application does not meet the adopted parking standards and the community parking replaces only seven of the displaced 15 spaces.

The design of the access is not safe and suitable for all users. Access is not a reserved matter, so there is no mechanism for the Highway Authority to revise the proposals and, therefore, these unsafe and unsatisfactory access arrangements would be fixed.

Vehicle visibility splays included in the application cross the private land of two properties outside the control of the applicant and the achievable splay is significantly below the required standard. This is likely to compromise highway safety.

Vehicle swept path analysis and forward visibility have not been provided to demonstrate that the proposed accesses can operate safely and the provision of forward visibility splays at the private driveways is likely to have further impact on the replanted hedgerows.

Despite the TS claiming that the additional vehicle trips can be easily accommodated in terms of traffic impact, no assessment has been carried out on the impact of these additional vehicles on the operation and safety of the public highway for all users in relation to the increase in traffic at school pick up and drop off times.

The Amended Proposed Highway Works drawing is not sufficient to determine the feasibility of the proposed works. It is unclear how the proposed widening will be achieved given the constraints to pedestrian visibility splays on both sides of the carriageway. The pedestrian visibility splays shown cross private land not in the control of the applicant. These issues compromise the ability to provide a safe pedestrian crossing and route.

The Traffic Regulation Orders required to ensure safe access and improve the flow of vehicles along Capel Street are subject to consultation.

The Road Safety Audit raised a number of issues that are not addressed in the designer's response.

Given the constrained nature of the geometry of Capel Street and the vehicle parking and manoeuvring associated with the school, significant highway safety issues were not considered in the TS as a result of the additional traffic flow along Capel Street including:

- The impact on the residents on the western side of Capel Street stepping into a running carriageway with no footway protection; and,*
- The operation of the street at school times.*

Key documents have not been submitted including a Lighting Assessment to consider the impact of the need for street lighting and a sufficiently detailed Construction Management Plan to ensure the development can be built safely."

Third Party Representations – An additional 23 comments objecting to the proposal have been received since the application was last reported to planning committee. In total 126 representations have been received with 123 objecting, 2 neutral comments and 1 letter of support.

The additional 20 letters of objection that includes an objection from Cllr Rose and the Headteacher at Capel Primary School, have not raised any new comments but have reiterated the narrowness of Capel Street, ongoing parking problems in Capel Street, with limited availability and parking issues connected with the primary school. In addition, there is concern for the safety of school children walking to school (and pedestrians/residents) due to the lack of a public footpath and consequential increases in traffic as a result of this development. In summary, these identify that the replacement car parking being proposed will not be used for its intended purpose and still results in the loss of 4 on-street car parking spaces. Capel Street is therefore not safe and this development will cause more harm and cannot be considered acceptable in terms of highway safety. This is not the right location for new development and the negative impacts of the loss of this greenspace and the impact on wildlife that use the site. It has also been reiterated that drainage in the area is not able to cope with increases in demand.

f) **The Site and the Proposal**

Please refer to report attached as an annex.

Assessment

- 1.1 This application is being reported back to Planning Committee following its deferral at the 10th October 2019 committee meeting where a number of points of further clarification were required relating to principally highway considerations. These were:
- A plan clearly outlining the proposed highway works including new footpaths in close proximity to the site/at the site frontage
 - KCC Highways and Transportation Engineer to attend meeting and explain why the application is acceptable in highway terms
 - The number of on-street car parking spaces that would be lost as a result of the proposed off-site highway works and proposed double-yellow lines
 - Further clarification in terms of the proposed visitor car parking spaces and the number of spaces that would be proposed to replace the on-street car parking
 - Discussions with the agent in respect of the inclusion of layout in the description and the size of the proposed housing set out in the outline application.
 - Clarification from KCC that a primary education contribution is not now required and why
- 1.2 The application was on the agenda for 16th January 2020 planning committee, but was withdrawn at a late stage due to the submission of a transport technical note by Capel Parish Council the day before planning committee. It was decided that due to the detail in the submitted report this could not be adequately addressed before committee and consequently was withdrawn from the agenda.
- 1.3 A detailed consideration of the planning issues was set out in the previous committee report and it is not intended to reproduce those discussions in detail in this report. These considerations have not been amended or are not materially different from the October Planning Committee report. Please refer to the attached annex/previous committee report in relation to:
- Principle of Development
 - Impact on the AONB and Visual and Rural Amenity
 - Affordable Housing and Dwelling Mix
 - Impact on Residential Amenity
 - Highways Issues
 - Appropriate Assessment
 - Ecology
 - Drainage and Flooding
 - Planning Contributions
 - Other Material Considerations

Highway Matters

- 1.4 In respect of the reasons for the application being deferred an amended masterplan and an additional highway works plan have been submitted and have been the subject of re-consultation. These show the proposed highway works along the site frontage and additional off-street car parking spaces that can be used

by parents during school drop-off/collection. The highway plan shows the proposed highway works along the site frontage including the new public footpath (along the frontage) and the crossing point between the site and the new section of public footpath on the opposite side of Capel Street that links to the school entrance and the wider public footpath network.

1.5 In respect of the proposed highway works and car parking the agent states:

“As requested we have prepared Drawing No A1382-106 Rev B to show the full extent of the proposed highway works within the wider context superimposed on the proposed layout plan to provide further certainty for members. We have revised the Illustrative Master Plan Dr No A1382-110 Rev F to identify where visitor spaces will be provided and this includes 5 additional car parking spaces within the turning head...this has also been tracked as it serves as a turning head. We have also spent time quantifying the effects of the proposed highway works to Capel Street upon on street parking capacity. Our highway consultants, Markides Associates, have calculated that because of the waiting restrictions shown, there is a kerb length lost which would be equivalent to 17 parked vehicles along Capel Street. The latest attached layout plan (drawing no. A1382-110 Rev F) incorporates an additional 5 visitor spaces within the turning head which, together with the 10 visitor spaces close to the internal spine road provides a total of 15 non-allocated parking spaces across the site. These spaces could be accessed during school drop off and pick up times.”

1.6 This confirms that up to 17 on-street car parking spaces would be lost in total, due to the proposed off-site highway works. The plans identify that 15 replacement car parking spaces are to be provided on-site for use by visitors and parents when collecting children at the school with on-site turning space. These spaces will not have any restrictions placed on their use and 10 replacement parking spaces will be available along the length of the proposed access road, with a further 5 spaces available at the turning head further into the site. The 5 turning head spaces do appear to be quite detached from school access but could be used by staff at the school. This results in 10 ‘more causal’ parking spaces that parents could use with a public footpath linking to the school gate. The net loss of car parking spaces is therefore 2 in total. This would not be considered to result in a severe impact on highway safety in line with paragraph 109 of the NPPF and a reason for refusal on these grounds would be difficult to defend at appeal.

1.7 As referred to above, Capel Parish Council commissioned a further report into highway matters and a Technical Note was submitted on 15th January 2020 that raised a number of concerns. Subsequently a request for further comments on this report was made to KCC Highways and Transportation and the applicant. At the time of writing, additional comments from the applicants highway consultants are still awaited and KCC Highways comments and response are set out above.

1.8 The submitted report considers a number of points, not all of which relate purely to highway considerations. In particular the principle of development on the site and whether a site is in a sustainable location has already been considered by the Planning Inspector in the 2015 Land Allocations Local Plan DPD and has been found to be acceptable. This is not therefore relevant to the consideration of this application. In addition, compliance with policy LA26 and its relevant considerations is a matter to be weighed in the judgement in considering this application and is discussed in detail in the main report. Furthermore details such as a detailed lighting scheme, detailed highway layouts and a construction management plan are all addressed through conditions and are details that would be addressed further during a reserved matters application and are not details to

be considered at this outline application stage.

- 1.9 In terms of the technical highway considerations these are dealt with in detail in the KCC Highways and Transportation response above. The details submitted in regard to the proposed on and off-site highway works, including carriageway widths, vehicle sweep paths, proposed new access vision splays, proposed footpath provision, proposed parking controls through a Traffic Regulation Order, additional traffic generated by the development and the proposed highway mitigation measures have all been assessed in some detail by the applicants highway consultant and KCC Highways and Transportation and have all been found to be acceptable from a highways safety perspective and are in accordance with well-established highway guidance documents.
- 1.10 On this basis no highway objection has been raised and the Technical Note submitted by Chapel Parish Council does not change this position. The proposed works go beyond what is required from the development in terms of highway provision and the developer is not required to resolve or improve the existing highway situation to enable a development. Consequently, the proposal does not result in an unacceptable impact on highway safety or result in a residual cumulative impact on the road network that would be severe, that is identified as the key test as set out in paragraph 109 of the NPPF. The proposed development is therefore acceptable in highway terms.
- 1.11 A KCC Highways and Transportation engineer will also be attending planning committee to assist in further discussions in respect of highway considerations.

Other Material Considerations

- 1.12 In terms of the inclusion of layout and the specific number of units in the description, the applicants have put forward the following:

“During the previous discussion by members at Committee, it was evident that the members considered the layout was of a high quality but questioned how this would be assured to be carried forward to the reserved matters application. We propose to address this by:

 - a. Referencing the specific mix in the application description and decision notice (i.e. 8 x 2 beds; 16 x 3 beds and 10 x 4 bed dwellings); and
 - b. Specifically conditioning the masterplan. Wording that we have used in a similar situation in Medway where members wanted additional design safeguarding at the outline stage is set out below ... “The development hereby permitted shall be carried out in accordance with the following approved plan drawing nos. A1382-106 Rev B and Dr No A1382-110 Rev F”.”
- 1.13 The description of the planning application has therefore been amended to include 8 x 2 beds, 16 x 3 beds and 10 x 4 beds and the site layout plan/masterplan will no longer be indicative but will be included in the approved plans list. The layout of the site is not however to be included in the matters being fully determined under this outline application. The site layout could therefore vary in some minor form if a Reserved Matters application were to be submitted, but the layout would largely need to be in conformity with the approved site layout plan. Additionally, the unit numbers and size of the proposed units would need to comply with the outline description to be submitted as a Reserved Matters application.
- 1.14 In respect of the KCC education contribution requests, Members will note that the

previous application required both a primary and secondary education contribution, however, KCC have only requested a secondary contribution in respect of this application. The KCC Development Contributions team were asked to clarify this position and stated:

“The KCC assessment in 2016 was based upon the roll numbers and school capacity that was available at that time. The birth rate in Dover peaked in 2012 and that birth cohort, which entered schools in 2016, has proven to be the largest in the period 2003 to 2018. Demand for places is therefore reducing. This reduction is off-set by new demand generated from new homes. However, where surplus capacity exists which is sufficient to meet that new demand we are unable to seek developer contributions. This is the case in respect of this particular planning application.”

- 1.15 Seeking a primary education contribution when there are sufficient primary school places to meet the needs of the development would fail the three specific legal tests set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) which require that requests for development contributions of various kinds must be necessary, related to the development, and reasonably related in scale and kind. A primary school contribution could not therefore be justified as necessary or related directly to the development.
- 1.16 In addition KCC Development Contributions have recently undertaken a review of secondary education projects and on this basis have revised their designated project from Dover School for Girls to Dover Christ Church Academy. Any legal agreement will therefore need to be amended accordingly.
- 1.17 The Heads of Terms that are considered necessary, related and reasonable to make the development acceptable in planning terms are as follows. At the time of writing the report and legal agreement is in the final stages of being signed by all parties.
- Secondary Education- towards Phase 1 expansion of Dover Christ Church Academy of £139,910
 - Library - contribution towards additional book stock for Capel mobile library of £1,632.54
 - Social Care - £2639.42 towards Dover Social Care Hub
 - Community Learning - £871.72 towards Adult Education at Dover Discovery Centre
 - A total of £1,990 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
 - An off-site public open space contribution of £21,260 towards enhanced play space facilities at Lancaster Avenue (which equates to 60% of the total cost of that project).
 - Payment of all associated legal costs.
- 1.18 In addition, a separate s278 Agreement under the Highways Act with KCC Highways and Transportation in respect of the access arrangements and off-site highway improvements will be required.

2. Conclusion

- 2.1 In terms of planning policies, development of this site within the settlement confines and on land allocated for residential development under Policy LA26 of the LALP is acceptable in principle and is in accordance with policies in the Core Strategy, Local Plan and the NPPF. The additional information and clarification provided has

sought to underline this approach and no new material considerations have been raised that outweigh the benefits of this proposed development or would result in significant harm that cannot be addressed through conditions or legal agreements.

- 2.2 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the adverse impacts of the development identified in the report, although there is a large number of local objections to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on an allocated site within the district, including the provision of 30% affordable housing.
- 2.3 The proposed development of 34 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social benefit of providing 10 affordable housing units on the site, along with the relevant contributions towards local infrastructure costs that have largely been agreed in principle.
- 2.4 The proposal is within the quantum of housing suggested by LA26 (and other development plan policies) which also seek to retain a significant amount of natural screening in the context of the site location and its setting. The impact on the setting of the AONB is minimised and its special character protected. The proposed plans have also sought to address the concerns raised by the Planning Inspectorate by providing a mix of housing sizes, form and design rather than a standardised housing design with a similar footprint that would be out of keeping in the highly varied character of the dwellings in Capel. The proposals are therefore considered to be in keeping with the character and street scene of Capel Street and development should be approved.
- 2.5 Additional details and plans have been submitted in respect of highway matters and KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the highway network is therefore acceptable.
- 2.6 The proposed development, although only in outline form, largely addresses most of the criteria identified in Policy LA26 of the Land Allocations Local Plan and accords with the principles of this policy, with the frontage hedgerow proposed to be replaced and the provision of an accessible public footpath along the site frontage. The proposal is therefore acceptable for this housing allocation site, accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be addressed by planning conditions. Consequently, the application is recommended for approval, subject to conditions and a s106 legal agreement to secure the required contributions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
 - 1) Reserved matters details
 - 2) Outline time limits
 - 3) Approved plans

- 4) Existing the proposed site levels and building heights
- 5) Ecological mitigation and recommendations implemented
- 6) Ecological/biodiversity mitigation, enhancement and management plan
- 7) Construction Management Plan
- 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)
- 10) Landscaping Details and maintenance of buffer zones
- 11) Open space management plan
- 12) Protection of Trees and Hedges
- 13) Hard landscaping works and boundary details/enclosures
- 14) Reporting of unexpected land contamination
- 15) No works on site until final SuDS testing is undertaken and submitted
- 16) Design details of surface Water drainage strategy
- 17) Implementation and verification of SuDS scheme
- 18) No other infiltration on site other than that approved
- 19) Contamination safeguarding
- 20) Off-site highway works undertaken and implementation of a Traffic Regulation Order
- 21) External lighting to be addressed at reserved matters
- 22) Details of replacement/visitor parking to be submitted for approval

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach

Annex 1: Previous Committee Report 10th October 2019

- a) **DOV/19/00669 - Outline application for the erection of 34 dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Land between Nos 107 and 127 Capel Street, Capel-le-Ferne**

Reason for report - Number of contrary views (100).

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

LA26 - Land between 107 & 127 Capel Street
DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11-12 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord

with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 59 – To support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

Paragraph 109 - Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 117 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

Paragraph 124 – The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 – Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, for the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 172 - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The scale and extent of development within these designated areas should be limited.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

Kent Downs AONB Management Plan (2014)

SD1 – Sustainable Development

LLC1 – Landform and Landscape Character

d) Relevant Planning History

There is an extensive planning history; the most recent and relevant are listed below:

DOV/01/00924 - Erection of stables and hay store - Granted

DOV/96/01006 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and access road – Refused - Appeal Dismissed

DOV/96/00222 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and access road - Refused

DOV/16/01316 - Outline planning permission for the erection of 10 flats in 2 no. blocks (6x1 bed and 4x2 bed); and 31 dwellings (10x2 bed, 15x3 bed and 6x4 bed); plus associated access and parking (with appearance, landscaping and scale reserved) – Refused – Appeal Dismissed

e) Consultee and Third-Party Responses

Infrastructure and Delivery Officer – A contribution of £1900 will be required towards the Sandwich and Pegwell Bay access mitigation strategy to address its increased use.

The proposed development will be located close to the existing recreation ground and play area on Lancaster Avenue, which is owned and managed by the Parish Council. The distance between the development site and the play area is a little over 300m or around 450m along existing roads, which falls within the 600m accessibility standard set out in DM27 of the Land Allocations Document. The evidence supporting our adopted open space standard for children's equipped play is presented in the 'Review of Play Area Provision 2012-2026'. It includes the following text:

- Developments that are located outside the catchment of existing play facilities may give rise to the need for new play facilities.
- In other cases it may be more appropriate to secure an off-site contribution via a planning agreement, to increase the capacity of existing provision.

Therefore, provided that access to the existing play area can be improved, it would not be necessary to provide equipped play on site. A suitably scaled contribution for play may be calculated as follows: according to the adopted open space standards the additional need for children's equipped play space is 0.006 ha. The average play area size in our district is 0.01 ha and the cost of creating a Local Area for Play and providing fifteen years of maintenance has been calculated as £42,520 which equates to a commuted sum of £32,330 presuming interest at 2%. So the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. If we also considered the additional need arising for outdoor sport facilities that might increase the level of contribution required, although the recreation ground does not provide formal pitch provision. It is stated that multifunction open space will be provided on site. The only other category to consider is the additional need for allotment or community gardens.

DDC Ecologist – I have reviewed the suite of ecological survey reports submitted and accept their findings. They make recommendations for mitigation of impacts upon protected species including foraging bats and badgers to include:

- A bat sensitive lighting scheme, this should follow the Bat Conservation Trust and Institution of Lighting Professionals guidance.
- Working exclusion zones around active badger setts during development along with a suite of best practice procedures during the construction phase. The recommendation is for a 10-metre zone around each sett to be left undeveloped with badger proof fencing erected to the southern, eastern and northern sides of these setts. This fencing will need to be maintained throughout construction and post development and its' suggested that it is promoted as a wildlife area to new residents of this site. The importance of the wide hedgerow along the western boundary as commuting route is also highlighted and the recommendation is to maintain its current width.

The only recommendation for ecological enhancement is the development of new hedge-lines and herbaceous borders, within the planned development zone. To achieve biodiversity net gain as required by the NPPF 2019, I advise that the following are considered:

- Provision of hedgehog nesting boxes and 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- Provision of ready-made bird boxes (mix of open-fronted and hole-nesting boxes)
- Integral Swift bricks or external boxes
- Provision of bat roosting spaces within the new buildings or installation of ready-made bat boxes.
- Provision of reptile/amphibian hibernacula (as stand alone or within new walls)
- Provision of log piles for invertebrates- stag beetles, reptiles and amphibians.

- Green walls
- Establish wildflower areas in addition to amenity grassland
- Integration of Sustainable Urban Drainage Systems
- Integration of green or grey roofs

Habitat Regulations Assessment

The current Thanet Coast Mitigation Strategy recognises the possible cumulative impacts of recreational pressure caused by developments within the whole of the Dover district. The conclusion that the distance of this development (20km) from the Thanet Coast & Sandwich Bay SPA/Ramsar is too great for the proposal to have any impact and reference is made to making financial contributions to the Thanet Coast Mitigation Strategy. Reference is also made to possible impacts upon Folkestone to Etchingill Escarpment SAC but its stated that the scale of the proposal will not affect protected species. The report makes no assessment of what the possible pressures might be. I would suggest that the only likely significant effect is recreational pressure, leading to erosion of the chalk grassland the notified feature. The applicants therefore should consider why use of the SAC by the new residents would not have an adverse effect upon its integrity.

DDC Environmental Health - No objection, subject to conditions relating to discovery of potential contamination and hours of construction.

DDC Strategic Housing – Across the Dover District there is a need and a demand for affordable rented properties of all sizes. In addition, there is a demand for homes to be made available for sale via Low Cost Home Ownership schemes such as shared ownership - in particular there is demand for 2 bedroom houses as starter homes. This development proposes 10 affordable homes, which is in line with DDC policy for a development of this size and type. Of these properties, 7 should be for affordable rent and 3 for shared ownership. In order to meet the demand for low cost home ownership starter homes, the shared ownership homes ideally should be 2 bedroom houses, and the affordable rented homes should be 5 x 3 bedroom houses and 2 x 2 bedroom houses.

KCC Highways and Transportation – Initial concerns were raised in respect of various highway matters which need to be addressed, such as, minimum carriageway width, proposed pedestrian crossing point, conflict with on street parking, shared service requirements, location of off-street car parking and required visibility splays. In addition traffic levels and demand and trip generation of development need to be clarified. A safety audit is also required for all the highway alterations in Capel Street, including any amendments.

Following amendments to the site layout and the submission of additional information KCC Highways have the following comments:

I refer to the amended plans and additional information submitted and confirm I now raise no objections in respect of highway matters. The site is allocated in the adopted Local Plan under policy LA26 for an estimated 40 dwellings and therefore the principle of development has been accepted. I also note the appeal Inspector's conclusion on the previous application DOV/16/01316 that the proposed similar access arrangements were satisfactory.

The proposals are likely to generate approximately 19 two-way vehicle movements in the morning and evening network peak hours. Whilst the existing level of traffic in Capel Street is generally of a low level, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. There are some existing accesses which prevent parking and

therefore provide passing places/give way points but some of these are of insufficient length and make manoeuvring more difficult. Over time there may be a few places at the school taken by pupils in the new development, reducing the number of pupils being driven to the school from further afield and therefore the number of vehicle trips in Capel Street. However, the development is still likely to lead to an increase in vehicle movements overall, particularly in the combined morning peak hour/school drop-off period. As such the development proposals include improvement of passing places in the section of Capel Street near the school, to assist with the flow of traffic particularly during the morning peak period. These improvements take the form of parking restrictions in the following locations:

- i) Between (and encompassing) the accesses to numbers 82 and 84 Capel Street
 - ii) Across the accesses to numbers 96 and 98 Capel Street, but extended sufficiently to provide sufficient room for a car to readily manoeuvre in/out of the passing place.
- These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.

The site access arrangements include minor widening of Capel Street where necessary along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site accesses in Capel Street. Whilst this may remove a small amount of on-street parking, some additional unallocated parking can be made available within the new site and the reallocation of some school places to children living on the new development should help to reduce the demand for on-street parking at school drop-off and pick-up times.

A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

All the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s.278 agreement with the highway authority.

Construction traffic and timing/routing of the same, associated parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. Highway conditions should be secured. Whilst not currently a policy requirement, I would request that all curtilage parking spaces are fitted out to allow the charging of electric vehicles.

KCC Flooding and Waste Management - No objection subject to further testing to be undertaken prior to the design stage to ensure adequate cellular storage capacity and

conditions relating to further design details at reserved matters stage, a detailed SuDS scheme and its management and verification.

KCC - Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Secondary Education
- Community Learning
- Social Care
- Libraries

These contributions total £145,053.68 to be secured through a Section 106 Legal Agreement as part of any submission. In addition, 1 Wheelchair Adaptable Home should form part of the social housing proposals and the provision of Fibre Optic Broadband across the site should be provided.

KCC Public Rights of Way Office - No comments to make.

Southern Water - No objection as they can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Environment Agency - No objections and development should cause no significant risk to the environment if developed appropriately, subject to conditions including no infiltration and contamination safeguarding and informatives in respect of pollution prevention and waste control.

NHS South Kent Coast CCG – No healthcare contribution is being sought in respect of this development.

Kent Downs AONB Unit – No comments submitted

Kent Police Crime Prevention – No objections in principle subject to a condition for measures to minimise the risk to crime to be submitted and approved.

Kent Fire and Rescue – The means of access is considered satisfactory.

Capel-le-Ferne Parish Council - Objects to the application and cannot support for the following reasons:

One of the reasons given for dismissing the previous outline planning application was: the harmful environmental effect the works would have on the character and appearance of the street scene would outweigh the social and economic benefits of the proposed development. Whilst accepting this application has removed the blocks of flats, the site still appears to be overdeveloped and at odds with the street scene in this part of Capel-le-Ferne. An example of the density of development in this part of Capel-le-Ferne can be seen in Elizabeth Drive, which runs to the rear of Capel Street. This estate was built on a parcel of land that is of similar size to the Capel Street plot, but there are only 21 dwellings on this plot. By further reducing the density of development in this application, it would satisfy the concerns with the character and appearance of the street scene for this part of Capel, but also alleviate the concerns regarding traffic congestion in Capel Street.

The application claims the proposal will meet the social dimension of the sustainable development balance by contributing to meeting the need for affordable housing in the district. The proposal will deliver an affordable housing provision of 30% which is in

line with and Policy DM 5 of Dover's Adopted Core Strategy (2010). The affordable housing for this site will total 10 units, 5 x 2 bed and 5 x 3 bed units. It is difficult to understand how the 3 bed units will come under the affordable housing umbrella.

The responses to the 2019 Capel-le-Ferne Community Plan indicated that only 8% of Parishioner were between the age of 19 and 44, indicating that there was insufficient affordable housing for that age group. Capel-le-Ferne needs more 2 bed units and less 4 bed units.

Additional comments: continue to object to this application and submit further comments:

The Road Safety Audit - According to Para. 1.3, Capel Street appears to have reverted to a 30MPH speed limit. PLEASE NOTE this is a 20MPH ZONE LIMIT. Traffic exceeds this 20mph, with some drivers travelling more than 50% of the speed limit, as can be proved by Parish Council Speed Watch data over the last year. With a wider road and double yellow lines, i.e. no parked vehicles, this will lend Capel Street to become a much faster Street in the future, with the drivers who use this route now to/from Dover. The proposal of a new estate in this rural one lane location would increase the volume of traffic, adding to the likelihood of more vehicles speeding and spoiling the tranquillity of Capel-le-Ferne.

Parish Council do not understand the lining plan document, as this shows double yellow lines outside 84 and 98 Capel Street, both properties are on the Green Lane side of the School. Why is this being done?

The Masterplan has now been revised, reducing the number of driveways (crossovers) accessing directly onto Capel Street from 5 to 4. The Road Safety Audit raises concerns about these driveways (crossovers). The Audit states:

No details relating to the width of the vehicle crossovers serving the proposed residential units fronting Capel Street have been provided. The widths of the vehicle crossovers appear to be narrow and as a result there may be an increased risk of collisions between vehicles entering and exiting the access simultaneously. Although the driveway widths have been amended, to further reduce the risk of collision, the plans should be revised so that the houses fronting Capel Street have shared driveways that crossover onto the development access road and not Capel Street. Capel Street has several driveways and junctions already with blind exits. Drivers and residents using this Street have to exit these driveways and junctions with extreme caution, because of the speeding mentioned above. The proposal of a new estate in this rural one lane location would increase the volume of traffic, adding to the likelihood of "an accident waiting to happen".

Some residents and their visitors, have no driveways in Capel Street and rely on the "on-street parking". As is the same with school traffic at session times, parents need somewhere to park. Therefore, using the site for parking can only be a foreseeable problem for both residents of the site and likewise the parents.

Third Party Representations - A total of 103 representations have been received with 100 objecting, 2 neutral comments and 1 letter of support. The following is a summary of the objections received:

- Capel street is unsafe as existing with no footpaths, increased use will only make the road more unsafe for everyone
- Road not wide enough for extra traffic
- Cumulative impact of development on village, existing village will be compromised

- Parked cars obscure visibility
- Traffic generation and lack of nearby road capacity
- Adverse and increased impact on highway safety
- Driveways are already blocked by parked cars
- Parts of the highway are on private land
- Car parking falling below car parking standards and not sufficient for the proposed development
- Insufficient car parking resulting in on street car parking pressure
- Change character of whole village, community and tranquillity
- Urbanisation of Capel, affect local character of village
- Pressure on local services
- Mud on the road
- Lack of facilities and amenities in village to accommodate proposal
- Overdevelopment of site, too many dwellings and too many for Capel
- Inappropriate ribbon development
- The highway works proposed will make the use of Capel Street even more complicated, unworkable and push school parking outwards affecting more residents
- The road safety audit is inaccurate and out of date
- There will be nowhere for existing residents to park due to the proposed highway works
- Housing should not be in the village
- The need to retain the front boundary hedge is being ignored
- Further removal of countryside and wildlife
- Creating sprawl not infilling
- The development will affect the wellbeing of the whole community
- Development needs to be scaled down
- Adverse impact on AONB and view of it
- No more development is necessary in Capel
- Transport report submitted is 2 years out of date and re-use of the same supporting documents
- Development of the site was dismissed by an Inspector due to being harmful to the environment, effect on local character and street scene
- Too close to a school
- Dwellings proposed inappropriate
- Proposal overbearing out of scale and character with the area
- Surrounding area mostly bungalows
- Pedestrian crossing is sited in the wrong place
- Capel needs shops and facilities not housing
- This is not a sustainable development
- Lack of 'soft edge' to development as proposed in LA26
- Adverse impact on local wildlife on site, due to loss of hedge and habitats which should be protected
- The site is totally unsuitable for the proposed development.
- Insufficient drainage
- Removal of the hedge should not even be considered
- This is a rural village not an urban area where you would expect to see double yellow lines
- The submitted reports are unreliable and inaccurate
- Increased flood risk and drainage will not be sufficiently addressed
- Social housing is required in Capel not market housing
- Light pollution
- Increase in air and noise pollution and crime
- Landscape buffer zone inadequate

- Adverse impact on internet speed
- This greenspace should be protected
- Lead to overlooking and loss of privacy and loss of outlook which is unacceptable
- Construction period will be chaos for local residents
- No consultation of village
- Why should the village be changes forever for profit
- Capel Street is largely single lane and not enough room for vehicles to pass
- Highway safety is already a serious issue in Capel Street which is regularly blocked and access restricted by parked cars, road safety will only get worse
- There is no footpaths and the road can't be widened it is already unsafe for pedestrians including school/nursery children.
- Road is already unsafe and dangerous for everyone, it is only a country lane
- Overdevelopment of the site
- Proposed off-site parking bays are on private land
- Increased double yellow lines increases pressure elsewhere and are ignored and not enforced
- Road is inadequate to serve the development or construction vehicles
- Up to 18 parked vehicles will be displaced, where are these residents supposed to park their cars, this will cause more problems and is not a solution
- Widening of road will increase speeding further, which is already a problem
- Speed bumps are required
- Not the right site for development
- All hedgerows should be retained, birds use the hedge, it should not be removed and this is contrary to policy LA 26 that requires its protection
- Existing utilities can't cope, more development will make things worse
- Any development should only be adjacent to the main roads
- The site is not close enough to a bus stop to be acceptable
- The hedgerow to be removed is an ancient hedgerow and should be retained
- Local residents don't want double yellow lines
- Parents dropping children off for the school ignore all existing measures the proposed double yellow lines will not work, no-one will enforce the measures
- The need for more housing ignores the views of the local population
- Capel street is a rat run and the speed limit of 20mph is completely ignored, this will only get worse
- Residents views are not being taken seriously

The letter of support identified the need for new houses and affordable housing allowing people to stay in the village.

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

- 1.1 The site is located on the northern side of Capel Street and is extensively screened by hedgerow to all boundaries. To the west is the Kent Downs AONB with views of the site possible along Cauldham Lane where there are gaps in the hedgerow and from Green Lane which is a Public Right of Way between Capel Street and Cauldham Lane. Capel Street and the surrounding streets are predominantly residential with a mix of one and two storey detached and semi-detached housing of varying architectural styles.
- 1.2 The northern boundary adjoins a two storey semi-detached residential property and garden, to the south is a single storey detached dwelling on Capel Street and further rear gardens serving properties on Green Lane adjoining the southern boundary, opposite the site are a mixture of two storey properties. The site is currently undeveloped and used as horse paddock and occupies an area of 1.51 hectares. It is with Flood Zone 1 and Groundwater Source Protection Zone 3

- 1.3 The site lies within the settlement boundary with residential development to both the northern and southern boundaries. It is a designated housing allocation site under the Local Plan Land Allocations Policy LA26 subject to certain criteria and in effect infills this gap in the defined settlement.

The Proposal

- 1.4 The proposed development is a resubmission of a previous proposal that was refused at planning committee and subsequently dismissed at appeal (Ref: DOV/16/01316). This application is in outline form and includes details of the means of access and parking with appearance, layout, landscaping and scale reserved for future consideration in a reserved matters application. However detailed indicative plans have been submitted in this regard that show the proposed layout and typical housing designs along key sections. The proposal is for the erection of 34 dwellings including an indicative mix of 10 affordable units which is a 30% provision of affordable housing and overall 8 x 2 bed, 16 x 3 bed houses and 10 x 4 bed houses.
- 1.5 The indicative plans submitted provide an indication of the expected form, scale and layout of the proposed development. The indicative site layout includes the layout of the roads which comprises a main access road with two smaller sections extending off to form two cul-de-sacs formed around two courtyards with a central turning area. In addition to this four separate vehicular access points are proposed from Capel Street to serve 1-2 dwellings fronting Capel Street. The main access/junction into the site is in a similar location to the previous proposal but is more rural in character and form. Off-street car parking is available for all the dwellings in the form of drives and dedicated car parking spaces.
- 1.6 The indicative layout and design of the units provides an eclectic mix of design form and size. A number of the units are shown to be bungalows and single storey this includes some of the units along the Capel Street frontage which include both detached and semi-detached units with varying roof forms and scales. These are sited behind a new boundary hedgerow with a new public footpath extending along the site frontage. The existing hedgerow to the western boundary will therefore be removed and replaced to allow a new footpath to be created. Overall the proposed dwellings are predominantly a maximum of two storeys in height. The siting of the units has been set back along the western boundary of the site to ensure the western landscaped 'buffer' (previously proposed) is retained and enhanced to reduce the visual impact on the adjacent AONB. Substantial new tree and hedge planting and associated landscaping is proposed throughout the development and along the principle access roads. The boundary landscaping to the northern and southern boundaries is to be retained and enhanced to provide a landscaped buffer to all boundaries.
- 1.7 The proposals also include off-site highway works which involve the provision of a stretch of public footpath along the eastern side of Capel Street and the provision of double yellow lines in front and near the site and at two further sections on Capel Street. The proposals also include the widening of Capel Street to 5.5m close to the site's main access and a new footpath along the length of the site frontage.
- 1.8 The following documents have been submitted in support of the application:
- Design & Access Statement
 - Planning Statement
 - Tree Report
 - Transport Statement

- Stage 1 Road Safety Audit
- Drainage Report
- Habitats Regulation Assessment
- Statement on Surface Water Drainage Works
- Phase 1 Ecological Survey
- Reptile, Bat and Badger Surveys
- Flood Risk Assessment
- Statement of Community Involvement
- Construction Management Plan
- Infrastructure/Utilities Statement

1.9 An amendment to the indicative layout has been submitted that has reduced the number of points of vehicular access from six in total to five. There has also been a minor reduction of the level of hard surfacing across the site layout (although this still appears to be quite high). The proposed off-site highway works were also submitted at a later date which set out the proposed double yellow lines, restrictions to car parking and additional footpath works. The amended site layout and additional information have been subject to re-consultation.

2. **Main Issues**

2.1 The main issues to consider are:

- Principle of Development
- Impact on the AONB and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations

Assessment

Principle of Development

2.2 The application site lies within the settlement confines of Capel-le-Ferne, a Local Centre as identified in Policy CP1 of the Core Strategy, where development suitable for the scale that reinforces its role as a provider of services to local communities is appropriate. It is a site allocated for housing development under Policy LA26 of the Land Allocations Local Plan. The proposal is therefore considered to be in accordance with Policy DM1 and CP1 of the Core Strategy, as it is within the settlement boundaries. The principle of residential development on the site is therefore established by the adopted development plan which allocates the site for housing.

2.3 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.

2.4 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally

- requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and is supported by other development plan policies (LA 26) and is ancillary to existing development or uses. As such, the application is in line with Policy DM1.
- 2.5 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located within the settlement confines. It is considered that the occupants of the development could access necessary day to day facilities and services. The development is justified by other development plan policies -LA 26 and as such, the development is in accordance with Policy DM11.
- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would not result in the loss of countryside, as the site is within the confines of Capel. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the proposed landscaping and form of the development.
- 2.7 For the above reasons, the development is in accordance with policies DM1, DM11 and DM15 of the Core Strategy.
- 2.8 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.9 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are DM1, DM1, DM15 and LA26.
- 2.10 The current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight.
- 2.11 Whilst it is considered that policy LA 26 is not out of date, policies DM11 and DM15 are not out-of-date, although they are in tension with the NPPF and DM1 is out of date. Nevertheless, policy LA 26 is considered to be the critical policy for the determination of the principle of the development and therefore the 'tilted balance' is not engaged. In addition an assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development will be made at the end of this report.
- 2.12 Policy LA26 of the Land Allocation Local Plan (2015) is considered, as identified above, to be up to date and provides for housing development on the site of up to 40 dwellings, to include a mix of housing types and densities with substantial landscaped boundaries and a lower density development on the western section. It sets out 9 criteria which development of the site would need to comply with which

are:

- I. The design and layout should incorporate frontage development with adequate parking arrangements;
- II. The existing boundary hedgerows and vegetation to the west are retained;
- III. A landscape buffer is provided along the western boundary to reduce the impact on the AONB;
- IV. Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside;
- V. Footway connections are provided within the site and new footway provision is facilitated on KCC highway land on the eastern side of Capel Street to provide pedestrian connectivity to the primary school and beyond;
- VI. A financial contribution is secured to mitigate the impact on the Thanet Coast and Sandwich Bay SPA;
- VII. Development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage and water supply infrastructure for maintenance and upsizing purposes;
- VIII. If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB; and
- IX. Vehicular access is achieved onto Capel Street which is designed to minimise the loss of the existing hedgerow.

2.13 As this is a criteria based policy it is important that any development proposal addresses as many of the criteria set out above. In addition to these site specific criteria, the development must be acceptable in all other material aspects. The proposed development, although only in outline form at this stage, where details are indicative, appears to appropriately address most of these criteria, which shall be discussed in more detail later in this report. It therefore largely accords with Policy LA26 and is considered an acceptable form of development on this site. The proposal is therefore largely in accordance with relevant development plan policies, being an allocated housing site, as well as the NPPF Framework and is acceptable in principle.

2.14 It should be noted that an earlier outline planning application for 41 units ref: DOV/16/01316 was refused at Planning Committee in September 2017 on the grounds of the effect on the character and appearance of the street scene and the impact on the landscape and scenic beauty of the AONB. This decision was appealed (ref: APP/X2220/W/18/3196016) and the appeal was dismissed in June 2018. The Inspector accepted that the impact on the AONB was acceptable but found the proposed layout to be harmful to the character and appearance of the street scene. It is considered that due to the revised proposal, layout and reduction in the number of the proposed units the development now proposed has addressed the concerns regarding the impact on the character and appearance of the street scene. This position shall be discussed in more detail later in the report.

Impact on the AONB and Visual and Rural Amenity

2.15 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location. Although not situated in the countryside, an assessment of the proposals impact on the character and appearance of the adjoining countryside is required.

- 2.16 Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:
- i. it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
 - ii. it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.
- 2.17 The site is not situated within one of the defined landscape character areas but consideration of the impact on the existing landscape and its character is necessary to ensure the proposed development does not affect the character of the wider landscape.
- 2.18 The application site also adjoins the Kent Downs AONB on its western boundary and to the north. The proximity of the site immediately adjacent to the AONB and the scale and nature of the application proposal is such that development of the site could affect the AONB, by virtue of impact on its setting. The setting of the AONB and its importance is recognised in the Kent Downs AONB Management Plan and policies SD1 and LLC1 of the plan are the most relevant. The Plan advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. Paragraph 172 of the NPPF is also relevant in this regard and seeks to protect the landscape and scenic beauty of the AONB. Consequently, the impact on the setting of the AONB, countryside and landscape adjacent to the site need to be considered, along with paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.19 Policy LA26 also has a number of requirements in respect of minimising the impact on the character and setting of the AONB, the surrounding countryside and landscape. This includes the retention of boundary hedgerows, a landscaped buffer along the western boundary and the sensitive consideration of the height, massing and street lighting of any proposals. These requirements are to ensure that the impact on the AONB and landscape character is minimised and protected by any development proposal. Consideration and an assessment of the requirements of the Kent Downs AONB Management Plan were taken into account in the allocation of this site. The policy allocation therefore seeks to address any impact through the setting of the relevant criteria and ensuring the mass and height of the proposed buildings are minimised and landscaping provides the appropriate screening.
- 2.20 The proposal incorporates substantial landscape buffers to the western, northern and southern boundaries of the site, especially along the western boundary where further enhancement through tree planting is proposed, (along with development set back along this boundary). Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape 'buffers' would incorporate both native planting and biodiversity gains appropriate to the landscape character and site. The proposed landscaped buffers, at this stage, more an adequately address the need for landscape screening on site and accord with the requirements of Policy LA26 with any impact mitigated on the setting of the AONB, wider landscape and adjoining countryside. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage.

- 2.21 The massing of the development, as shown on the indicative site layout, has also been significantly set back from the western side of the site and particularly along the western boundary which reduces the visual impact on the adjacent AONB, countryside and landscape. The indicative layout and limited massing of the overall development accords with the need for the sensitive treatment of the development site, as identified in Policy LA26. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the landscape and countryside.
- 2.22 In terms of the height of the proposed dwellings these are to be two storeys in height with some of the proposed buildings indicated as being single storey bungalows, including along the Capel Street frontage. The previous proposal ref: DOV/16/01316 that was refused by Members and dismissed at appeal proposed up to 3 storey development, in the form of a block of flats that raised concerns regarding the visual impact on the landscape and the impact on the setting of the AONB. The Planning Inspector nevertheless found the impact on the landscape and setting of the AONB to be acceptable. All flats and three storey elements have now been removed from the scheme and the reduced number of units 34 instead of 41, (as originally proposed) spreads built development more evenly across the site and provides a high level of landscaping. The maximum height of the proposed dwellings is to be up to two storey and therefore addresses this aspect. Nevertheless, it is still considered necessary to require proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings above ground as a condition. This is to ensure that the resultant height of the proposed dwellings is appropriate to its context and acceptable in terms of visual amenity.
- 2.23 In policy LA 26 it identifies that development should incorporate frontage development with adequate parking and footpath arrangements and the retention of the existing boundary hedge. However this proposal involves the removal and replacement of the existing hedgerow along the site frontage. This is to enable a public footpath along the roadside in front of a replacement hedge to form the garden boundaries. Along the Capel Street frontage, 11 detached and semi-detached dwellings are proposed, set back from the boundary with Capel Street with 4 joint vehicular access points in addition to the main access into the rest of the site. The previous proposal retained the hedge, although there was some loss due to the proposed access and related visibility splays and provided a public footpath behind the hedge line to the north of the proposed access and along the frontage to the south of the access with hedge planting reinstated behind. Although the former scheme retained a greater proportion of the existing hedge along Capel Street, it provided a footpath behind the hedge that restricted its use by all. This proposal although not seeking to retain the hedge frontage along Capel Street, is intending a replacement hedge along the frontage which in the long term will result in a greater proportion of hedgerow than the previous scheme, due to the set back offsetting the need for wider visibility splays at the road side.
- 2.24 At street scene level the indicative designs and layout proposed provide a more rural character to the development than the previous application and the varied house design, form and scale are more respectful of the existing eclectic character within Capel, (rather than a standard housing estate design), that also includes bungalows and individually designed units. This is more appropriate for Capel and would reflect existing building materials and design details. Although this aspect is to be addressed at a later Reserved Matters application, it has been shown that the previous concerns raised by Members and the Planning Inspector can and have been addressed in the revised proposals. The key reason for the Planning Inspector's dismissal of the appeal was the regular form, appearance and footprint

of the proposed dwellings which were a standard size and layout resulting in a development that would be out of keeping in the varied character of the existing street scene. The application provides a great variety of units, of differing forms and designs, which although indicative, is more appropriate within the street scene and is therefore considered to be acceptable on this allocated housing site.

- 2.25 As such, it is considered that the relevant requirements of LA26 have largely been observed (albeit the loss of the boundary hedge along Capel Street and the reduced number of units allocated on the site), which state that “development should be sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside”. It should be borne in mind that the layout and design plans are indicative and careful consideration will need be given to the detailed layout submitted as part of any reserved matters proposals to ensure suitability of spatial layout arrangements. It is therefore considered that the scheme does not give rise to any adverse impacts on the visual amenity of the site and immediate surrounding area, nor does it fail to conserve and enhance the natural beauty and special character of the adjoining AONB. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy, policy LA 26 of the LALP, paragraphs 170 and 172 of the NPPF and the policies of the Kent Downs AONB Management Plan.

Affordable Housing and Dwelling Mix

- 2.26 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 10 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% (7) of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units (3). It is considered that, subject to being secured through a condition, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing proportion for local people with 50% of this housing being 2 bedroom units that also satisfies Capel Parish Council’s concerns in this regard.
- 2.27 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district. Whilst these recommended proportions should inform the housing mix, they are not rigid. At this outline stage indicative details of the dwellings have been provided and indicate the proposed housing mix of 8 x 2 bed units; 16 x 3 bed units and 10 x 4 bed units. This provision would be considered in line with the needs identified in the SHMA.
- 2.28 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density

wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 33.8 dwellings per hectare which is at the lower end of the density level required under CP4. It should also be noted that policy LA 26 required 40 dwellings on the site, therefore the density of the development is below that expected on this site but is considered more appropriate in relation to the character of the Capel. At the local level the mix and indicative design of the units is considered appropriate for this edge of village location and largely complies with the relevant policies identified.

Residential Amenity

- 2.29 The proposed development in outline form reserves the appearance, layout, landscaping and scale of the development. However, the indicative site layout identifies all the proposed dwellings are but set well back from Capel Street boundary and all other adjoining boundaries. The closest existing properties along Capel Street are to the north and south, although proposed built development is sited a good distance from the respective boundaries and is unlikely to affect their residential amenity. Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook or overshadowing are anticipated on existing properties. Therefore the juxtaposition of the proposed units suggests that no adverse amenity issues.
- 2.30 The precise location of the proposed dwellings is unknown at this stage, however, the proposed access roads have been submitted in full and indicative plans submitted show the layout of dwellings at this stage. The final layout, will be the subject of an application for reserved matters, but will be likely to closely align with the layout shown on the indicative plan. The plans submitted demonstrate that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any properties would be directly harmed by the development, but a detailed assessment would form part of any reserved matters application.
- 2.31 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout. It is considered that the living conditions of occupants of the dwellings would be likely to be acceptable.

Highway Impacts

- 2.32 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- 2.33 Policy DM12 requires that developments that would involve the construction of a

new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.

- 2.34 Full details of the means of access are submitted under this application and include a 4.8m wide access road to serve the site from Capel Street, along with four joint points of access to serve 10 dwellings off Capel Street. The access road would lead on to two clusters of dwellings within courtyards. Although only an indicative layout, 75 car parking spaces are proposed throughout the development, which exceeds KCC requirements and provides 7 visitor spaces to assist in the school peak periods. The proposed works also include the widening of the southern section of Capel Street to 5.5m, the provision of a public footpath along the site frontage, that will enhance pedestrian safety, a new footpath on the eastern side of Capel Street to link up with the existing public footpath network and the provision of double yellow lines in front of the southern section of the site and extending south up to the boundary of No. 114 Capel Street.
- 2.35 KCC Highways initially raised concerns in respect of the proposal as various matters needed to be considered further and addressed, such as the minimum carriageway width, proposed pedestrian crossing point, resolution of conflicts with on-street parking, location of off-street car parking and required visibility splays. In addition, a safety audit was also required for all the proposed highway alterations in Capel Street. In response to these concerns, additional highway work details and a road safety audit were submitted. These documents proposed the works required to the adopted highway on Capel Street and have been the subject of re-consultation. This includes the addition of double yellow lines on Capel Street, including two sections further along Capel Street to enable suitable passing places.
- 2.36 The proposed development is likely to generate approximately 19 two-way vehicle movements in the morning and evening peak hours; however, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. Although some passing places are available these are short in length and make manoeuvring difficult. Therefore, the development proposals include the improvement of sections of Capel Street to assist with the flow of traffic. These improvements take the form of additional parking restrictions between (and encompassing) the accesses to numbers 82 and 84 Capel Street and across the accesses to numbers 96 and 98 Capel Street, but extended to provide sufficient room for a car to manoeuvre in/out of the passing place. These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.
- 2.37 The site access arrangements also include minor widening of Capel Street along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site access. Whilst this may remove a small amount of on-street parking, 7 additional unallocated parking spaces are to be made available within the application site to ease this pressure which would also provide public footways to the school and a crossing to improve pedestrian safety.

- 2.38 KCC Highways have advised of the acceptability of these highway proposals and that a Traffic Regulation Order (TRO) would be required for the proposed parking restrictions on Capel Street. TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which applies in this case and could be secured through a planning condition. In addition, all the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s278 agreement with the Highway Authority.
- 2.39 The proposed highway layout and associated parking arrangements for the new dwellings are therefore acceptable and are in accordance with current guidance, including exceeding parking standards. KCC Highways has confirmed that the off-site passing bays and road works proposed will be on the public highway and not on private land. Adequate access and turning facilities are also available for all of the proposed dwellings, refuse and emergency vehicles with a reduced need to park on-street and in particular Capel Street. If the application were to be granted conditions could be attached to ensure that the effects of the development would be sufficiently mitigated so as not to cause undue harm to the local highway network. In addition, a condition can require full details to be submitted for the off-site highway works, comprising the provision of footpaths and the TRO's required. A Construction Management Plan would deal with other matters such as associated parking/turning areas for construction vehicles and wheel washing facilities.
- 2.40 Significant concerns have been raised by third parties that the development would significantly and detrimentally increase and impact on traffic and the local highway which is identified as already struggling to cope with existing levels of traffic locally. A strong level of concern is also raised over the narrowness of Capel Street which causes significant local concern. It is however considered that with appropriate conditions and controls in place these concerns would to a sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.41 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.42 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.43 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

- 2.44 *For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.*
- 2.45 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £1990 is therefore sought to this effect.

Ecology

- 2.46 In furtherance to the impacts on the off-site Thanet Coast and Sandwich Bay, Ramsar/ SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by a Phase 1 Ecological Survey which considers both the flora and fauna of the site and in addition reptile, bat and badger surveys.
- 2.47 The site is grassland and grazed horse pasture of low ecological significance. The mixed hedgerow around the boundaries of the site provide botanical interest at a local level and should be retained where possible. The hedge lines provide nesting and foraging areas for birds, reptiles and bats and there is an active badger sett on site, to the north western corner. Badgers and their setts are protected by the Protection of Badgers Act 1992. Therefore, a specific badger survey is required which can then inform the proposed development, in order to comply with ODPM Circular 06/2005 (para. 99).
- 2.48 The species surveys have identified the potential for low reptile populations on site, the use of the site by two types of bats for foraging and commuting and the active use of the site by badgers. There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and enhanced and such measures can be controlled by suitable conditions. The Councils Ecologist has confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.49 In addition, the site has potential for hedgehog and, as such, precautionary safeguards for these species and improvements to their habitats have been recommended. In respect of birds using the site, these may be nesting on site and safeguards can be put in place that include construction work outside of the bird breeding season and under ecological supervision. Such safeguards have been recommended and these could be conditioned.

- 2.50 In respect of existing trees on the site these have been surveyed and a Tree Report submitted. The majority of tree cover is associated with the line of the mixed hedgerows to all boundaries. A small proportion of low category trees and some hedgerow is proposed to be removed to facilitate access to the site and the new public footpath along Capel Street. However, it is proposed to replant the hedgerow along Capel Street and includes a significant level of tree planting and landscaping across the site, along with reinstating gaps in hedgerows with appropriate species. Therefore, although there will be a loss of the hedgerow along the eastern boundary this is not significant to the wider area ecologically and the replacement hedge planting will ensure the impact on the street scene is minimised. To minimise the impact on the trees and hedges to be retained, the necessary protection measures required can be controlled by conditions.
- 2.51 The proposed layout allows the existing hedgerows to the north, south and western boundaries to be retained and additional planting to allow deeper landscaped areas where new trees can be planted. On the western site boundary the enhanced hedgerow depth and the new trees will provide a landscape 'buffer' between the site and the AONB to the west. New planting will consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species, landscape designations and conservation and enhancement of biodiversity which are considered to comply with the aims and objectives identified through the NPPF and the Kent Downs AONB Management Plan.

Drainage and Flooding

- 2.52 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.53 A Drainage report and FRA have been submitted in support of the application which confirms that infiltration drainage is suitable on this site. It is proposed to deal with all surface water and run-off by 4 deep bore soakaways into the subsoil below so that there will be no increase in run-off from the site as a result of the proposed development. There will also be an underground tank for each soakaway of between 50 and 200 cubic metres to allow storage capacity for storm water.
- 2.54 This method of surface water disposal is considered acceptable for this site with the Environment Agency and KCC raising no objection but advising of appropriate conditions to ensure the protection of the groundwater quality in respect of pollution prevention and waste. KCC Flood and Water Management are the Lead Local Flood Authority and have also raised no objection subject to conditions relating to further testing and final details in respect of the surface water drainage measures and management and verification of the approved scheme. The proposed drainage measures for this outline proposal are therefore considered acceptable at this stage, subject to conditions, further testing and details that could also be considered at a Reserved Matters stage.
- 2.55 Southern Water supplies foul waste at this location and they have raised no objection as they can provide foul sewage disposal capacity for the proposed development. They advise that they would require a formal application for a

connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard.

Planning Contributions

- 2.56 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.57 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.58 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demands which would be generated by the development. As there is access to an existing play area at Lancaster Avenue it would not be necessary to provide equipped play on site. However, a suitably scaled contribution for upgrading or additional play equipment/space has been calculated according to the cost of creating a new Local Area for Play and providing fifteen years of maintenance at £42,520 which equates to a commuted sum of £32,330 including interest at 2%. Therefore the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. This would need to be secured through a s106 and with the payment of this contribution, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.59 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is sufficient primary school provision but insufficient secondary school provision to meet the needs of the development. KCC have also requested a contribution of £139,910 towards the Phase 1 expansion of Dover Grammar School for Girls, due to exceeding the capacity of pupil spaces generated by the development. In addition a contribution of £1,632.54 towards additional book stock for Capel mobile library, a Social Care contribution of £2639.42 towards Dover Social Care Hub and a Community Learning contribution of £871.72 towards Adult Education at Dover Discovery Centre, would ensure that the needs generated by this proposed development would be met. It is considered that the requested contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 2.60 NHS CCG have advised that no contribution will be sought for this development.
- 2.61 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:

- Secondary Education- towards Phase 1 expansion of Dover Grammar School for Girls of £139,910
- Library - contribution towards additional book stock for Capel mobile library of £1,632.54
- Social Care - £2639.42 towards Dover Social Care Hub
- Community Learning - £871.72 towards Adult Education at Dover Discovery Centre
- A total of £1,990 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site public open space contribution of 60% towards enhanced play space facilities at Lancaster Avenue of £19,400.
- Payment of all associated legal costs.

2.62 In addition, a separate s278 Agreement under the Highways Act with KCC Highways and Transportation in respect of the access arrangements and highway improvements outside of the application site will be required.

2.63 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

2.64 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination, a condition would be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved.

2.65 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design.

2.66 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. External lighting will need to be included in a condition identify its requirement at reserved matters stage, due to its importance in this sensitive location as a result of the adjoining AONB and bat protection measures.

2.67 Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

3. Conclusion

3.1 In terms of planning policies, development of this site within the settlement confines and on land allocated for residential development under Policy LA26 of the LALP is acceptable in principle and is in accordance with policies in the Core Strategy, Local Plan and the NPPF.

3.2 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the adverse impacts of the development identified in the report, although there is a large proportion of local objection to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits

of providing additional housing on an allocated site within the district, including the provision of 30% affordable housing.

- 3.3 The proposed development of 34 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social benefit of providing 10 affordable housing units on the site. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education and open space contributions.
- 3.4 The proposal is of a relatively low density but within the quantum of housing suggested by LA26 (and other development plan policies) which also seek to retain a significant amount of natural screening in the context of the site location and its setting. As has been discussed above, the impact on the setting of the AONB is minimised and its special character protected. The proposed plans have also sought to address the concerns raised by the Planning Inspectorate by providing a mix of housing sizes, form and design rather than a standardised housing design with a similar footprint that would be out of keeping in the highly varied character of the dwellings in Capel. The proposals are therefore considered to be in keeping with the character and street scene of Capel Street and development should be approved.
- 3.5 Initial objections from KCC Highways have also been overcome following additional information submitted which included a Road Safety Audit. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the highways is consequently acceptable.
- 3.6 The proposed development, although only in outline form, largely addresses most of the criteria identified in Policy LA26 of the Land Allocations Local Plan and accords with the principles of this policy, albeit with the loss of the frontage hedgerow, although this is proposed to be replaced and allows the provision of an accessible public footpath; it is therefore an acceptable form of development for this housing allocation site. The proposal therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be addressed by planning conditions. Consequently the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

4. Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
- 1) Reserved matters details
 - 2) Outline time limits
 - 3) Approved plans
 - 4) Existing the proposed site levels and building heights
 - 5) Ecological mitigation and recommendations implemented
 - 6) Ecological/biodiversity mitigation, enhancement and management plan
 - 7) Construction Management Plan
 - 8) Highway conditions (parking, visibility splays, highway works fully implemented,

turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)

9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)

10) Landscaping Details and maintenance of buffer zones

11) Open space management plan

12) Protection of Trees and Hedges

13) Hard landscaping works and boundary details/enclosures

14) Reporting of unexpected land contamination

15) No works on site until final SuDS testing is undertaken and submitted

16) Design details of surface Water drainage strategy

17) Implementation and verification of SuDS scheme

18) No other infiltration on site other than that approved

19) Contamination safeguarding

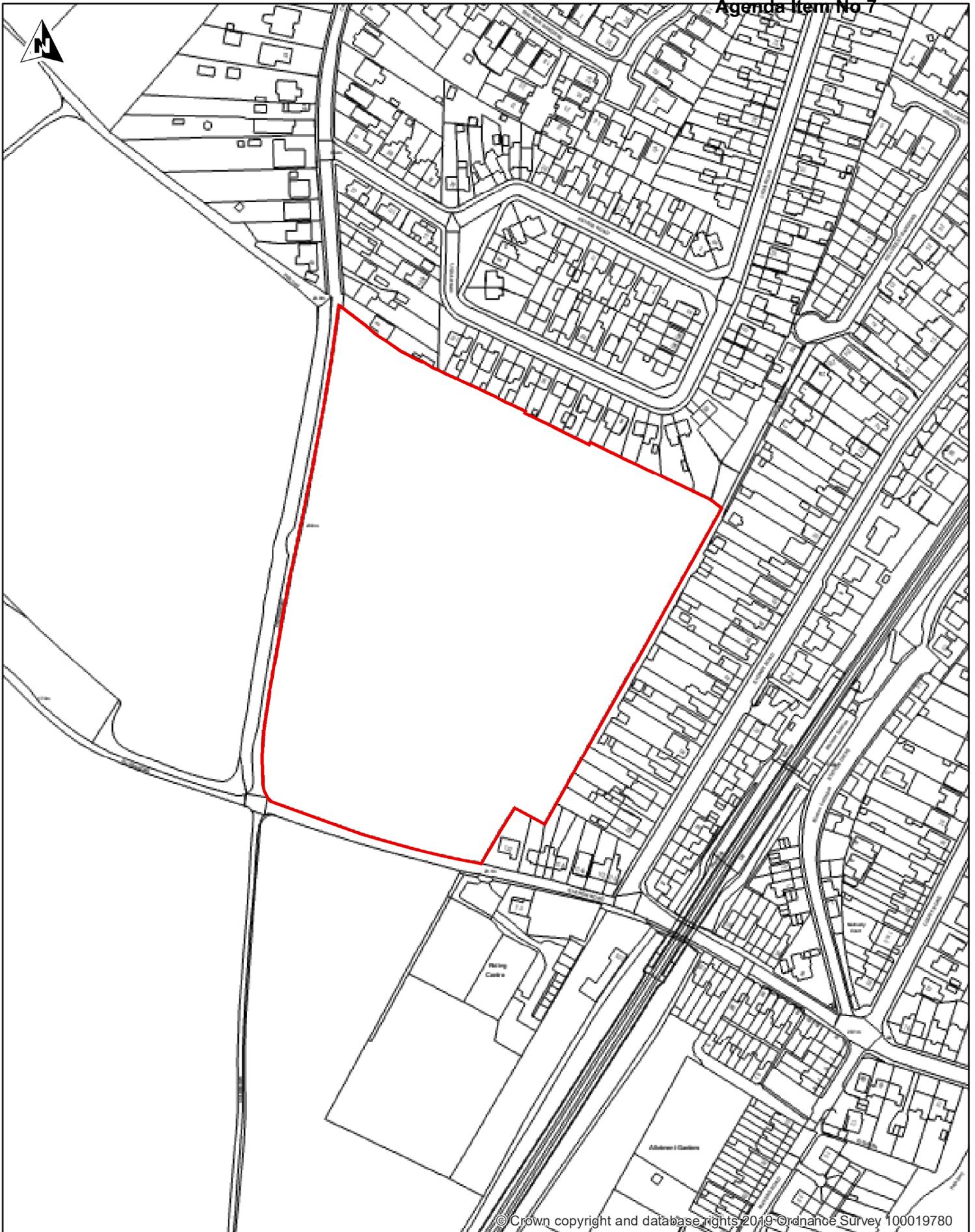
20) Off-site highway works undertaken and implementation of a Traffic Regulation Order

21) External lighting to be addressed at reserved matters

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach



DOV/19/00642
Site at Cross Road
Deal
CT14 9LA

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



Note: This plan is provided for purposes of site identification only.

a) DOV/19/00642 - Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal

Reason for report - Number of contrary views (122).

b) Summary of Recommendation

Planning permission be granted subject to conditions and S106 agreement.

Application was deferred for a Members Site Visit at the 16th January 2020 Planning Committee.

c) Planning Policies and Guidance

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11-12 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 59 – To support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

Paragraph 109 - Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 117 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 124 – The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 – Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, for the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate

amount and mix of development and support local facilities and transport networks; and

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a

site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

d) Relevant Planning History

DOV/17/00505 - Outline application for the erection of up to 235 dwellings (with landscaping, appearance, layout and scale to be reserved) - Refused

DOV/17/00336 – Request for Screening Opinion for residential development – EIA Not required

DOV/16/01441- Change of use of land for the keeping of horses and the erection of field shelters, stables and fencing and laying of hardstandings – Refused

DO/80/1180 – Outline application for residential development at 12 dwellings per hectare – Refused – Appeal Dismissed

CH/1/68/8 – The erection of dwellings – Refused

CH/1/65/236 – The erection of dwellings – Refused

CH/1/64/64 – Outline application for dwellings and estate roads - Withdrawn

e) Consultee and Third-Party Representations

DDC Infrastructure and Delivery Officer – Policy CP 6 of the Core Strategy 2010 states that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Additional need arising from residential developments is calculated using average occupancy rates. Where the application is in outline and the final housing mix is not known, a policy compliant mix across all tenures is assumed. On this basis, the below table calculates that **274.49** new residents will be generated by the proposed development.

Applying the adopted DM27 requirement of 2.22 ha per 1,000 population against the anticipated number of new residents of **274.49** generates an overall accessible green space requirement of **0.6094 ha**. The indicative site layout shows 0.90 ha Accessible Green Space is to be provided on site.

An area of on-site accessible green space should be secured as part of the site layout at the reserved matters stage. The amount required will be dependent on the final

agreed mix of housing applying the 2.22 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.6094 ha**. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents of **274.49** generates an overall outdoor sports facility requirement of **0.3212 ha**. On site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant.

Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The **0.3212 ha** natural grass playing pitch need generated by the proposed development equates to **45.88%** of a natural turf senior pitch which equates to a proportionate offsite contribution of **£45,879.54**.

Improving pitch quality at the Deal & Betteshanger Rugby Club is an emerging priority from work currently being undertaken as part of the update to Dover's Playing Pitch strategy. Of the two pitches, the floodlit pitch is of poor quality as the floodlit area of the pitch has drainage issues. The non-floodlit pitch is of standard quality.

A proportionate contribution, which would be **£45,879.54** based upon the indicative housing mix for this scheme, towards an enhanced maintenance regime at Deal & Betteshanger Rugby Club, would be justified in this instance.

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of **274.49** generates an overall children's equipped play space requirement of **0.0165 Ha**. There is no existing play area within the applicable accessibility standard. The indicative site layout shows a Children's Equipped Play Space of **0.03 ha** is to be provided on site. Provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement. The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage. The anticipated number of new residents generates an Allotments / Community Gardens requirement of **0.0576**

The indicative site layout shows a Community Orchard of **0.05 ha** is to be provided on site. Provision and long-term maintenance/management of the Community Orchard should be provided onsite and secured within the legal agreement.

The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage.

The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £6,066.43 is therefore necessary for this site to be considered policy compliant.

The introduction of new CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements. The council employs a dedicated

monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established.

DDC Ecologist: I have reviewed the Ecological Appraisal and support the recommendations made to provide **biodiversity net gain**. This includes the creation of approximately 1 hectare of greenspace. (This represents about a quarter of the site area). The following habitats using native species are proposed:

- An attenuation pond as a SUDS feature,
- woodland planting in the south eastern corner,
- sown species rich grassland using an appropriate wildflower mix,
- Tall ruderal vegetation to provide foraging opportunities for seed specialists such as linnet and yellowhammer
- an orchard.
- the planting of tree belts, hedgerows and scrub, to enhance habitat connectivity
- a bat sensitive lighting scheme (this should follow the bat Conservation Trust Guidance Note 8 'Bats and artificial lighting' 12 September 2018)
- installation of bat boxes on retained trees or incorporated on to selected new buildings.
- Breeding opportunities for birds by inclusion of nest boxes or nest bricks.

Habitat Regulations Assessment: The report has also included information to enable DDC to complete a HRA. The only predicted likely significant effect is the disturbance of bird species as notified features of the Thanet Coast & Sandwich Bay SPA and Ramsar due to increased recreational pressure. I agree with this conclusion. The applicant will be required to pay the tariff levied on the number of units proposed as per the DDC Thanet Coast Mitigation Strategy.

DDC Housing Manager: There is a need and demand for affordable rented homes of all sizes within the Dover district. In addition to 70 homes for sale, the application proposes 30 homes with 1, 2 and 3 bedrooms for affordable rent, which would provide a valuable contribution towards meeting the affordable housing needs of the district.

DDC Environmental Health - No objection subject to conditions relating to a Construction Environmental Management Plan and Contaminated Land conditions.

I note the Air Quality Screening Report (Wardell Armstrong ref# LE13820/PT/MW/002 6th March 2019) considers the impact of the development in terms of the construction and operational phases and I can confirm that a detailed air quality assessment is not required for this application. In terms of the construction phase it is noted there is clearly the potential for fugitive dust levels to cause disturbance to existing residents in the area. It is therefore recommended that a site specific dust management plan is submitted and secured by condition that includes suitable mitigation to control dust levels in accordance with the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction 2014.

It is noted that in terms of good design principles and best planning practice Electric Vehicle re-charging provision is to be provided. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles is noted as one means of achieving this. I would therefore recommend a suitable condition is included in respect of securing this provision.

Noise Screening refers to noise assessment report (Wardell-Armstrong LE13820 May 2017). EH concur with the findings of the report and would recommend a sound insulation condition.

DDC Waste Team: All individual properties will have a launch pack consisting of 180 litre refuse bin, 240litre recycling bin for tins, glass & plastics, 55litre black box for paper/card recycling, 23litre outside food caddy & 7litrenkitchen caddy. Flats depending on the amount of properties in each block will vary approx. 180litres of refuse per flat, 55litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling & outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

KCC Highways and Transportation – I refer to the amended plans and additional information submitted for the above on 21November. The Transport Assessment shows there is unlikely to be a severe impact on the wider highway network in capacity terms from the vehicle trips generated by the proposals, with the junctions assessed still working within capacity. The vehicle trip generation figures used (58 two-way trips in the am peak hour and 62 two-way trips in the pm peak hour) are very robust for this location within walking distance of schools, bus stops, the railway station and other services/amenities, such that the number of trips generated is in any case likely to be less than that considered in the assessment. The distribution of trips to/from the site is likely to be split evenly in Cross Road north and south of the site access, with most trips to/from the south then being along Station Road.

The northern section of Cross Road is subject to existing on-street parking; however, it is not a heavily trafficked road and there are regularly spaced passing places available. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Cross Road and at the junction with St Richards Road, and highway improvements are therefore proposed as follows:

- Widening of the road in the vicinity of the site access to allow two vehicles to pass each other and provide suitable manoeuvring room for refuse/delivery vehicles servicing the site;
- Provision of a footway between the site access and the existing footway network in Cross Road;
- Formalisation and improvement of the existing single-way working section of the road between the site access and the wider section of Cross Road to the north, improving visibility for drivers on the approaches to the single-way working section. This will require the removal of two existing on-street parking spaces currently in use on the west side of the road;
- Provision of an additional passing place in the section of Cross Road to the south of the site, providing regularly spaced passing places between the site access and the junction with Station Road;
- Extension of the existing 30 mph speed limit to the junction of Cross Road and Station Road,
- Provision of improved pedestrian crossing facilities at the junction of Cross Road with St Richards Road, including dropped kerbs, tactile paving and a pedestrian island. This will require the removal of four existing on-street parking places currently in use on the east side of Cross Road and the south side of St Richards Road.
- The majority of Station Road between the site and Dover Road has suitable width and passing places where necessary to accommodate the development. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Station Road between the site boundary and Station Drive, and highway improvements are therefore proposed as follows:
- Widening of the section of Station Road fronting the site;

- Formalisation and improvement of the existing single-way working section of the road between the site boundary and Sydney Road together with a new 1 metre-wide footway connecting the site to the existing footway network. Whilst it would be preferable to have a wider footway, both the road and footway are unlikely to be heavily trafficked and this will be a lower speed environment, so the footway width available is considered to be acceptable. These works will require the removal of three existing on-street parking spaces currently in use on the south side of Station Road,
- Extension of the existing 30 mph speed limit to the junction of Station Road and Cross Road
- Provision of improved pedestrian crossing facilities at the junction of Station Road with Station Drive, including a pedestrian build-out, dropped kerbs and tactile paving. This will require the removal of two existing on-street parking spaces currently in use on the south side of Station Road.

The proposed improvements acceptably mitigate the impact of the development such that it is not considered to be severe.

The detailed street layout and parking provision within the site would be dealt with through a reserved matters application. The routing and timing of HGV's related to construction of the development will need to be suitably managed and this can be resolved through a Construction Management Plan secured by condition.

Taking all of the above into account I would not recommend refusal on highway grounds subject to a significant number of highway conditions being secured.

KCC Archaeology: The application is accompanied by an Archaeological Appraisal report and a Built-Heritage Statement, the appraisal provides a reasonable account of the archaeology of the area and of the site's archaeological potential. The site lies on a south-west facing slope just off the crest of the Mill Hill ridge. The Mill Hill area has long been recognised for its archaeological importance with several significant archaeological discoveries having previously been made nearby.

During the nineteenth century several large chalk quarries were developed along the Mill Hill chalk ridge by local builders. No formal archaeological investigations were undertaken during this quarrying however numerous burials (both cremations and inhumations) of probable Iron Age, Roman and Anglo-Saxon date were recorded during the working of the pits.

Between 1984 and 1989 the Dover Archaeological Group undertook excavations on the site of the Walmer Way housing development which also lies to the north of the proposed development site. More than 500 individual archaeological features were identified which dated from the Neolithic (c. 3000 BC) to the post-Roman period (c. AD 1400). Some 132 burials were also excavated. The extents of this important multi-period site were not located in any direction. Discoveries at the Walmer Way site, some of which are of major importance, included a sixth century Anglo-Saxon cemetery, a rare Iron Age inhumation cemetery, a Bronze Age ring-ditch, Neolithic pits and a Romano-British field system. One of the Iron Age graves contained a particularly important burial, that of the 'Mill Hill Warrior', who was buried with a sword, shield and crown (now displayed in the British Museum).

The archaeological appraisal rightly identifies that the proposed development site lies within a rich and dense archaeological landscape and suggests that overall the site should be considered to have a moderate potential for previously unrecorded archaeological remains to be present on site. In broad terms I would support the WYG assessment of the site's archaeological potential. The document goes on to note that the construction of the proposed development would result in the removal of any archaeology which might be present at the site and that due to the nature of the development such construction impacts could occur across most of the application

site. On this basis the appraisal advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an approach and would suggest that such an archaeological programme could be secured by condition.

I would suggest that the proposed development has the potential to affect presently unknown archaeological remains from a range of periods. Paragraph 199 of the NPPF notes the requirement for developers “to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. It is therefore recommended that a condition is included in any forthcoming planning consent to secure the investigation and recording of the archaeology to be affected by the development and to ensure that the results of these investigation are made publicly accessible.

KCC Flooding and Waste Management – In principle, we are satisfied with drainage information submitted at this stage and therefore have no objections to the drainage design. Should your local authority be minded to grant permission from this development, we would recommend conditions relating details of surface water drainage to be provided at reserved matters stage, to a detailed sustainable surface water drainage scheme and a verification report.

KCC - Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Primary Education - £3,324.00 per dwelling towards Phase 2 expansion at Deal Primary School
- Secondary Education - £4115.00 per dwelling, towards Phase 2 expansion at Dover Grammar School for Girls
- Community Learning - £25.64 per dwelling towards IT equipment for the new learners at Deal Adult Education Centre
- Social Care - £76.26 per dwelling towards Meadowside Social Care Hub in Deal
- Libraries - £48.02 per dwelling towards large print books at Deal Library

These contributions to be secured through a Section 106 Legal Agreement as part of any submission. In addition, the provision of Fibre Optic Broadband across the site should be provided.

Additional comments - Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now **Goodwin Academy expansion**. We would be grateful if the Secondary request can therefore be amended from Dover Grammar School for Girls to Goodwin Academy expansion.

Southern Water – The exact position of the public foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works

programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests the following condition to be applied:

“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required and to design such works in the most economic manner to satisfy the needs of existing and future customers.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

Environment Agency: This site is in a very sensitive area for groundwater resources, being in an SPZ1 for a licensed abstraction. Therefore we would seek to ensure careful management of such a large development in such a sensitive setting and would be likely to object unless a condition relating to contamination safeguarding, is placed on any permission granted.

The design of infiltration SuDS needs careful consideration in this location. We therefore request that a planning condition restricting infiltration drainage to the approved scheme only is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Clean surface drainage is likely to be acceptable to go to shallow infiltration drainage with suitable pollution prevention measures incorporated in line with good guidance. Foul drainage is indicated to go to mains sewer, there must be confirmation from the local provider that all connections have been fully made before any occupation is permitted.

We would anticipate the requirement for a construction environmental management plan to be included in any permission in accordance with good construction practice.

Highways England: Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, the A2 in the vicinity of Dover particularly the Duke of York Roundabout.

Highways England previously responded to proposals on this site on the 12 August 2019 (attached). Having reviewed the additional information (revised access arrangements and RSA designers response) provided on the Planning Portal we are satisfied that the impacts of this proposal on the SRN will be unchanged. Accordingly, the proposal will still result in a minimal additional impact on the SRN that is unlikely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly para 109). Therefore, we do not offer any objections or requirements relating to the application.

Natural England: No objections, standing advice should be referred to. Designated sites [European] – no objection subject to mitigation - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Rural Planning Ltd: There would be a loss of some of “best and most versatile” agricultural land. A judgement and recent appeal decisions, in which relatively little significance has been placed on the loss of BMV land, it appears that to successfully argue loss of BMV land as a reason for refusal, the burden would fall on a Council in having to demonstrate that the development is unnecessary, as it could take place on sufficient other feasible sites, of lower quality land than the application site. I am not personally aware that there are sufficient other feasible sites of lower quality. In conclusion, it seems unlikely that loss of BMV land could be seen as a valid reason for refusal of the application in this instance.

South Kent Coast CCG: Requests a contribution of £89,700 to General Practice towards improvements at Balmoral Surgery.

Justification for infrastructure development contributions request:

This proposal will generate approximately 280 new patient registrations when using an average occupancy of 2.8 people per dwelling. The proposed development falls within the current practice boundary of a number of Deal town centre practice, including Balmoral Surgery, St Richards Road Surgery, The Cedars Surgery and Manor Road Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area; the need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the

GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

This development is expected to impact directly on the town centre practices, and in line with the Development Plan, the CCG would support the improvements to Balmoral Surgery as a priority project to absorb growth from planned housing developments. The practice will be required to develop a business case in order to mitigate the impact of the growth already experienced, as well as any future growth from additional development. The proposal would be to fit out the current vacant expansion space on the first floor of the building. The project was costed a number of years ago, and tenders will need to be revisited should the scheme go ahead.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future. It is likely that the restrictive occupancy nature of this development will have a higher impact than normal on the workforce as residents are more likely to have multiple or complex health needs.

The population growth of 280 will require 23 m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £69,000. A further 30% allowance for development fees means our request totals £89,700. In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the planning regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with regulations the CCG confirms that there would not be more than four other obligations towards the final project(s).

Kent Fire and Rescue: The means of access is considered satisfactory.

Kent Police Crime Prevention – We have considered this application with regard to Crime Prevention Through Environmental Design and the National Planning Policy Framework (NPPF). Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.

Secured by Design (SBD) Homes 2019 is the current guidance document addressing community safety and security requirements for dwellings. To meet SBD requirements, doorsets and windows must be tested and certified by an SBD recognised third party certification authority. Approved Document Q building regulations for doorset and window specifications only require testing to PAS 24 2016 – www.securedbydesign.com

The applicant/agent has not yet demonstrated that they have considered designing out crime or crime prevention. To date we have had no communication from the applicant/agent and there are issues to be discussed and addressed, these include:

1. Development layout
2. Perimeter, boundary and divisional treatments
3. Permeability
4. Parking inc. visitor
5. Lighting and CCTV
6. Access Control
7. Doorsets
8. Windows

Meeting SBD Homes 2019 – this application should achieve SBD Silver standard as a minimum.

We welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If these issues are not addressed, it may affect the development and have a knock on effect for the future services and duties of local policing. If this application is to be approved, we request that a Condition or Informative be included to show a clear audit trail for Design for Crime Prevention and Community Safety and meet both our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

A development that achieves SBD accreditation, demonstrates that security has been addressed. If the applicant/agent intends to apply for SBD accreditation they are strongly advised to contact us before completing the application form.

Walmer Parish Council: Although the site lies within Deal Town Council's area, it is very close to the boundary with Walmer Parish Council. The site is roughly rectangular in shape, being bound on the south by Ellen's Road and on the west by Cross Road. The northern boundary is formed by the rear gardens of Lydia Road, while the eastern boundary is the rear gardens of Sydney Road and an access lane to those properties.

The application is an outline proposal for some 100 houses, some of which will be "affordable". The application makes provision for play space, a community orchard, a balancing pond, landscaping including tree planting, and limited road improvements on Cross Road. The internal road layout is contained within the site with a single access point onto Cross Road. The proposal would extend the built area of Deal into countryside, and on to potentially productive farmland.

Cross Road is a two-way road with a mix of detached and terraced houses from the entrance from St Richards Road to the north-western corner of the application site. From that point Cross Road becomes a single-track, country lane with no pavement. The southern end of Cross Road forms a T-junction with Ellen's Road, which is a continuation of Station Road, and links through to the road to Ripple in Great Mongeham. Ellen's Road is a single-track country lane with no pavement. Its continuation as Station Road to the railway bridge is also a single-track lane with no pavement, though there are a few terraced and detached houses close to the junction with Sydney Road. Road is a two-way road with a mixture of housing on both sides. Walmer station is accessed on foot from Sydney Road, which has resulted in day-long parking on both sides of the road by rail passengers with consequent problems of obstruction, poor sightlines and constriction of the roadway for emergency vehicles.

Both Sydney Road and Cross Road give out on to St Richards Road. The Sydney Road junction is close to the railway bridge and opposite the off-set junction with Telegraph Road. The Cross Road junction is between the plumber's suppliers and a Londis store and is opposite the off-set junction with Mill Hill. Parked vehicles on both sides of the Cross Road junction radically reduce sightlines for drivers emerging from Cross Road, and vehicles on St Richards Road can travel at speed on a long straight road. St Richards Road is heavily used by vehicles and by children travelling to and

from St Mary's RC Primary School which is on the road. It is also used by primary school children travelling to and from Hornbeam Primary, on Mongeham Road, and the Downs Primary and the Walmer Science annex of the Goodwins Academy, both of which are off Salisbury Road in Walmer, a continuation of St Richards Road. Both Salisbury Road and Station Road join on to Dover Road, which carries some two-thirds of commuter traffic out of Deal every morning. Taken with the current development of Miller's Retreat on Station Road in Walmer, the Gladman proposal will only increase the pressure of vehicles on an already stressed junction.

The development will have a detrimental impact on the residents of Lydia Road and Sydney Road who will lose the rural outlook from the rear of their properties. The urban fringe of Deal and Walmer will be extended to the south and east and will intrude on views from Coldblow Hill and elsewhere on the down land to the south. The land subject to the application provides a habitat for various species of invertebrates, which provide a food supply for bats which are frequently observed in the rear gardens of Lydia Road.

The proposal envisages the widening of Cross Road from the site's north-east corner to the proposed entrance of the site. The bulk of the existing single-track will remain but vehicles travelling northwards will not have priority over vehicles moving southward into the site. The intention is to direct all vehicle traffic to the Cross Road/St Richards Road junction. This will result in a proliferation of road signs in the countryside and will introduce a discordantly urban aspect to an essentially open rural area.

The Transport Statement on which Gladman relies, makes a great deal of how close the site is to various alternative transport modes. All of these involve either walking or cycling to reach Walmer station or a bus stop on Sydney Road. To access Sydney Road from the site would necessitate travelling along Ellen's Road. This is potentially highly lethal. The Transport Statement in paragraph 5.3.3 makes reference to the closeness of the site to the national cycle route, which it claims is the North Sea Cycle Route from Colchester to Shetland. The Transport Statement also lists, among others, the Telegraph pub as a local facility. The Telegraph pub has now closed. The Transport Statement concludes, at paragraph 9.1.2, that the proposal is safe and efficient for vehicles; and that it is sustainable for cycling and walking and for access to bus and rail transport. The claims made in the Transport Statement's Conclusion are palpable nonsense. Access to bus and rail transport on foot or by bike would be via single-track lanes and highly dangerous. The additional pressure of vehicles using Cross Road will put excessive strain on an edge-of-settlement residential road and on the staggered junction with St Richards Road and Mill Hill.

Dover District Council currently has a 5-year housing land supply and the surviving policies from the Dover District Local Plan are all relevant. All three adopted plans agree that the site in question is outside the Deal Settlement Boundary and, unlike other sites in Deal, Walmer and Sholden, is not identified as suitable for residential development. As Figure 3.4 of the Core Strategy highlights, the general lie of the land on Deal's southern Settlement Boundary means that the site would be highly visible from the chalk down land ridge to the south and would introduce a totally unacceptable suburban element into what is currently a clear and distinctive boundary between town and countryside. Even the proposed provision of landscaping and planting on the southern and eastern boundaries of the site would not conceal the suburban appearance of the proposal as the land slopes down to a dry valley along the bottom of which runs Ellen's Road.

Grounds for refusal of the application are found in surviving Local Plan policies DM15 (protection of the countryside), DM1 (settlement boundaries), DM16 (landscape character), DM11 (location of development and managing travel demand) and CP1 (settlement hierarchy). The proposal does not provide an acceptable level of economic, social or environmental sustainability as required by the NPPF, as it relies

on the spurious contention that residents will have access to alternative transport modes. These alternative modes are only accessible by walking or cycling down narrow country lanes. If permitted, residents of the development would be dependent on car transport in order to access educational, employment, and leisure facilities. The proposal also fails to deliver sustainable development as it will introduce a discordant urbanised element into what will remain a rural area.

Although proposal offers a limited number of environmental improvements, such as the community orchard and aspects of landscaping, this is an outline application and such minor changes could be watered down or even abandoned if the proposal were allowed to progress. As outlined above, there are powerful planning policies which very powerfully outweigh the minor advantages offered as part of the scheme.

Great Mongeham Parish Council: strongly objects to this application on the ground outlined in the letter from Walmer PC. In addition the Council would like to raise an objection on highways grounds. This development would cause an increase in traffic in Great Mongeham, as people wishing to head in the Sandwich direction would use Ellens Road and Great Mongham as a rat run to the Deal - Sandwich Road. Traffic through the village has increased greatly in the past few years following other developments in the area. An additional 100 dwellings will only add to the traffic problems in Great Mongeham.

Sholden Parish Council - Sholden Parish Council would like to object to the application. It is noted that the proposed development site is part of a "dry valley". In essence that means that water - surface or otherwise - in that dry valley would normally dissipate via the porosity of the chalk below. Building on the dry valley site will force the water to go elsewhere. The maps that we have seen easily show that this water will eventually end up in Sholden Parish in general. Paragraphs 160 and 161 of the NPPF are quite clear on flood risk. The application for planning permission stands to be refused, quite simply, because there will be an increased flood risk elsewhere - namely Sholden.

Additional Comments - SPC has been looking at the Officer's Report and we are against the application and there are two outstanding major planning applications in Sholden Parish which may be affected by a key recommendation in the Report. SPC is concerned about the reference at paragraph 2.8 on page 20.

No matter what we think of the application, the premise that a "basket of policies" from the Core Strategy is out of date has much wider implications for all future major planning applications in Dover District. Whilst SPC accepts the professionalism of the Report, such a major change in policy (which is what it will be if accepted) should be the subject of wider discussion with all those Parishes and Councils who might be affected in future major planning applications. That discussion would need to be based on an evidence based paper and not the particular details of a single planning application. SPC respectfully requests that the planning committee rejects this assertion (that a basket of policies is out of date) and that it is discussed separately at a later date.

In addition, it would appear that the Report is arguing that the NPPF 2019 now has primacy over the current DDC Local Plan (although paragraph 2.6 seems to contradict paragraph 2.2). That is not correct, paragraph 2 of the NPPF states: "Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise". Implicit in that is the legal primacy of the Local Plan (which is not redundant simply because it is being revised). It then follows, because of the legal primacy argument, that one single recommendation in a Report before the Planning Committee cannot consider a basket of policies as out of date.

Deal Town Council: Deal Town Council object as proposed area is outside settlement boundary, not in DDC's current Local Plan, would cause major Highways issues, fails to deliver sustainable development, would have a negative impact on amenity and character of the area. The plans are contrary to the adopted policies of the Planning Authority and are contrary to the National Planning Framework.

Third Party Representations - A total of 123 representations have been received objecting to the proposal (122 Objections and 1 Support). The following is a summary of the objections received:

- Infrastructure in Deal needs to be provided before any more residential development should be allowed
- Noise of 200 vehicles accessing the site will impact upon those already living either side of Cross Road
- Given the location, the residents will be reliant upon private vehicle transport
- Cross Road and Station Road should be widened where possible and include double yellow lines
- Traffic lights should be erected at the junction of Station Road and Dover Road to help ease congestion
- Will lead to the infilling of the gap south of St Richards Road all the way to Mongeham
- Brexit may increase the need to grow more produce domestically and the loss of farmland should be stopped.
- Impact archaeological remains
- The proposed new footpath is too narrow to be safely used, with no lighting and adjacent to a road with a 60mph speed limit
- No passing space in Station Road and 'priority system' proposed does not address this
- Add to pressure of congested junctions at Station Road – Dover Road and Salisbury Road – Dover Road
- Power network cannot cope
- LPA should look at fully planned new town rather than further extensions to Deal/Walmer
- Development is outside the urban boundary
- Detrimental impact on the landscape
- The development is in the countryside
- New housing development should be considered through the development plan
- A 5-year housing supply has been demonstrated
- This is high quality agricultural land
- This has serious traffic implications
- Local roads can't cope and are not suitable for increases in traffic
- Not enough school places already
- Bats use the site
- Cross Road already floods
- Doctors are over capacity already
- The water supply and foul drainage system cannot cope with increases
- The drains flood nearby properties and roads, including sewerage
- Impacts the amenities of existing residential properties
- Deal doesn't need more housing
- The Transport Assessment is insufficient to assess the impact and contains inaccuracies
- The proposed pedestrian crossing doesn't consider parking and visibility
- Local roads are narrow, mostly single lane due to parking
- Existing schools have closed, only 1 secondary school in Deal
- Existing roads are heavily congested
- More of the countryside will disappear

- Increase in pollution
- Impact on a peaceful rural location
- Significant impact on existing neighbouring properties
- Dover Road is unsafe and can't cope with increased volumes
- Cross Road is very narrow and already busy
- Not enough car parking in town already
- Facilities in town are not good enough people will have to travel elsewhere
- Additional roads in Deal are needed
- Cross Road is effectively a single lane
- Traffic is already seriously affecting a small town
- Access to Dover Road is difficult and hazardous already
- The impacts of the development cannot be assessed at this stage due to other developments
- Dangerous impact on traffic and roads causing chaos
- No suitable access to the site
- How will construction traffic access the site under a low railway bridge
- Cars already use the fields to pass as the road isn't wide enough
- There are no public footpaths along adjacent roads
- The development will destroy the rural landscape and be detrimental
- Refuse lorries and emergency vehicles already struggle to get access
- Existing wildlife has not been considered
- Hospital facilities are limited
- Lack of local jobs and no employment opportunities
- This is a small seaside town, too much development in Deal
- This development is just greed and a money-making exercise
- Cars are parked along the length of Cross Road
- The town is sustainable, this development is not
- This will seriously harm the visual and landscape quality and character of the countryside contrary to Policy DM15
- Access to the A258 is already difficult with long delays
- More development will change the character of Deal which gives it its appeal
- Permission for stables on the site was refused
- Affordable housing is required
- Will only be bought as second homes
- Properties looking onto the site are bungalows, development will be overpowering
- The developers have no consideration of the impact on the town and local people
- Ponds are hazardous for children
- The noise and pollution from the construction traffic will be hideous
- Extension to the town should go through the proper planning process
- Deal is becoming a dormitory town
- Overhead power lines need to be put underground
- No consultation with local residents
- Increased hazards for pedestrians which is already difficult due to parking and poor quality footpaths
- Have all alternative and brown field sites been considered
- There are enough housing estates already for a small town
- The town heritage and history needs to be retained
- Effect on the quality of life for residents
- There are regular accidents at the junction onto Dover Road
- The financial benefit to Deal would be minimal and contributions are not sufficient
- Loss of enjoyment of countryside
- Increases in air pollution

- The landscape in the valley is very important
- Will affect public footpaths and increased use of footpaths
- Sewers overloaded every time it rains heavily
- Development would be an eyesore
- The immediate area is not on mains drainage
- Children have to travel to Sandwich and Dover for schools
- Public transport is poor and not good enough for increased use
- Roads unsuitable for HGV's
- Increased pressure and hazards on an unmanned level crossing at Coldblow
- Impact on Duke of York roundabout
- Impact on the local riding centre and horse riding in the area will be significant
- Impact on cyclists in the area
- Roads are already often blocked with cars refusing to reverse so two cars can pass
- HGV's often get stuck
- There are already a large number of houses for sale in Deal there is no local demand
- Land identified as highway land, is not within the highway and is privately owned land, land registry documents confirm this
- A larger development was previously refused and other developments in the area
- The local community needs to be put first
- A new link road is required
- There are rare lizards on the site
- There are already new housing developments in the area
- Fields for crops are needed and existing environment should be preserved
- Confusion on the planning policy position
- Neighbours not directly consulted
- Improvements to Station Road/Dover Road junction have not been delivered
- Vehicles use pavements to park and pass parked cars
- Increase in anti-social behaviour in Deal
- No provision for the needs of children
- Loss of on-street car parking
- Access to parking will be restricted
- Driving around Deal is becoming more difficult

The following is a summary of the comment received in support of the proposal:

- Fits as an extension to the existing properties in an existing road
- Effectively an infill development
- The site has a lower flood risk than other previously permitted sites

Landscape Consultants Advice

An independent Landscape Consultant was appointed by DDC to provide advice on the landscape impact of the proposed development and provide advice on the appropriateness of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicants. A full report has been provided and is available to view online. It concludes:

“Taking into the account the findings of the LVA and the assessment of policy compliance as set out in the preceding section of this report, it is advised that overall, there appear to be no significant landscape and visual issues that would arise in granting consent of an outline planning permission.

In summary, the proposed development would have some landscape and visual relationship with existing settlement along the northern and eastern site boundaries and although development would extend across a sloping open field, the landscape impact of this is minimised to some degree by existing development to the east.

Although some adverse effects are predicted, these are relatively localised in extent and the proposed mitigation measures are considered an adequate response to minimise effects and help integrate the site into the surrounding landscape.”

f) 1. **The Site**

1.1 The site is located on the southern boundary/edge of Deal and is currently used for agriculture and the growing of crops. The site comprises an agricultural field with Cross Road to the west and some hedgerow, small trees to the south western corner. The site is roughly rectangular in shape and is located on a slope which falls north and south, with a 14.5m fall across the site. The site bordered by Station Road which runs along the southern boundary where it meets a crossroads with Ellens Road, Cold Blow and Cross Road. The boundaries along Cross Road comprise sections of hedgerow or are open onto the adjacent fields. The eastern boundary is formed of garden boundaries with properties off Sydney Road backing onto the site with some tree planting. The northern boundary is largely formed of the residential garden boundaries of residential properties on Cross Road and Lydia Road and is mixed, consisting of various forms of wooden fencing and landscaping.

1.2 The northern and eastern boundaries abut the settlement confines and the rear gardens of adjacent properties with a mixture of property styles and ages; these comprise mostly two storey dwellings and some single storey properties. To the south on the opposite side of Ellens Road/Station Road is open farmland with no defined field boundaries. To the west (on the other side of Cross Road) is open agricultural land and a small group of buildings and tree screen. The site is in Flood Zone 1 and is situated within a Groundwater Source Protection Zone 1 and located upon a Principal Aquifer.

The Proposal

1.3 The proposed development is a resubmission of a previous, albeit significantly larger, proposal (235 dwellings over a larger site area) that was refused under delegated powers (Ref: DOV/17/00505). This application is an outline planning application for the erection of up to 100 new dwellings and associated works which includes access roads and the provision of open space, including a community orchard, proposed play area and attenuation pond. Only details of the access have been provided at this stage with landscaping, appearance, layout and scale of the units to be reserved for future consideration. Indicative site layout plans have been provided which show the main features of the site and a single junction onto Cross Road. The site is 3.94 hectares with a developed area of 2.74ha and a proposed density of 36 dwellings per hectare. 30% affordable housing is proposed.

1.4 Indicative images have been submitted which provide an indication of the expected form of the development. The proposed site layout identifies new tree planting along the principle access roads, the retention and enhancement of existing landscaping and some hedgerows with a footpath through and around this area to link with existing footpath connections. An attenuation or balancing pond to deal with SuDS is located to the southwestern corner of the site. Public open space and a proposed community park and play area are located towards the southern and western boundaries of the site.

1.5 The following documents have been submitted in support of the planning

application:

- Development Framework
- Design and Access Statement
- Planning Statement inc. Affordable Housing Statement
- Landscape and Visual Impact Assessment
- Transport Assessment and Framework Travel Plan
- Ecological Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Phase 1 Preliminary Risk Assessment
- Flood Risk Assessment and Foul Drainage Analysis Report
- Air Quality Screening Report
- Noise Assessment
- Built Heritage Statement
- Archaeological Desk Based Appraisal
- Utilities Appraisal
- Soils and Agricultural Land Quality Report
- Statement of Community Involvement
- Socio-Economic Report

1.6 Amendments have been submitted in respect of the Transport Statement which has been updated and expanded to include additional analysis and the associated off-site highway works have also been amended and additional works are now proposed to address highway safety considerations. The amended and additional information have been subject to re-consultation.

2. Main Issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the landscape and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations
 - Archaeology and Heritage Assets
 - Air Quality
 - Land Contamination

Assessment

Update

This application was reported initially to Planning Committee on 16th January 2020 but following a lengthy discussion was deferred for a Members Site Visit on 11th February 2020. The issues to consider at the site visit were identified to be:

- Look at the surrounding road network in order to consider safety issues and the potential impact on junctions;

- View the riding school and understand the potential impact on it; and
- View Station Road and consider the potential impact on residents of the proposed road widening.

Due to the nature of the site visit, representatives from KCC Highways and Transportation and the applicant will also be attending the site visit. Any issues raised shall be reported verbally to Planning Committee. Prior to the site visit, additional plans were provided by the developer to more clearly show the proposed highway works and have been submitted to assist understanding at the site visit. The plans submitted have not proposed any amendments and all proposed off-site highway works are as originally proposed. These plans have been added to the application and are available to view online, to ensure all third parties have the opportunity to view these plans.

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. Having regard to the wording of this policy, the erection of dwellings in this location is by definition contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Although the site is outside the settlement confines, it is adjoining and it is within walking distance of a number of local facilities. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside, as the site is outside the confines. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the proposed landscaping and form of the development, a detailed justification of this position is discussed in more detail below. It is considered therefore, that the proposal is contrary to the first part of Policy DM15 (loss of countryside), but is in line with the second part of Policy DM15 (whether harm is caused).
- 2.6 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

- 2.7 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is therefore considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.8 The current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight. Whilst it is considered that policies DM11 and DM15 are not out-of-date, although the parts of these policies which place 'blanket' restrictions on development outside of confines are in tension with the NPPF, policy DM1 is now out-of-date. Given how important this policy is, and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the 'basket of policies' which are most important for determining this application are out-of-date.
- 2.9 The 'tilted balance' identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be approved.
- 2.10 It should be noted that an earlier outline planning application on a much larger site for 235 dwellings ref: DOV/17/0505 was refused under delegated powers. This was refused on a number of grounds including being contrary to policy DM1 and outside the settlement confines. However, this was determined before the current NPPF where the national policy position changed in respect of new residential development. As policy DM1 is now out of date, paragraph 11 of the NPPF applies. The application therefore needs to be assessed against paragraph 11 of the NPPF and specifically - permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted.
- 2.11 There are no policies that indicate development should be restricted as the site has no landscape or other designations. Permission should therefore be granted unless there is any clear harm that would significantly and demonstrably outweigh the benefits of additional housing development in the district. This report identifies that there is no visual harm to the landscape or local highways and has been found to be acceptable in all other material considerations. It is therefore an acceptable form of development for this site and is recommended for approval as it meets the overarching objectives of the Core Strategy and the framework set out in the NPPF as whole.
- 2.12 In addition, the applicants have also identified their position in terms of the development being sustainable and that the assumptions made by the Council regarding the delivery of housing are inaccurate and over-estimate the level of housing that can be delivered in the five year period. As such, the applicant considers that the overall supply of housing as stated by the Council cannot be delivered. As referred to above, the Council has a 5 year supply of housing that can be delivered, however, there is a need to provide additional housing sites in the new local plan. As no significant harm has been identified it is therefore appropriate to approve acceptable proposals for housing. A more in depth discussion of the Council's housing land position and its deliverability is not therefore required at this stage in respect of this application.

- 2.13 In terms of sustainability, this is defined in the NPPF and the assessment of sustainability can be separated into three dimensions: economic, social and environmental. The applicant has presented a case that the provision of housing will provide additional benefits to the local economy and boost the local economy. The Core Strategy sets out 14 objectives which, broadly, align with the relevant priorities in the Councils Corporate Plan 2016-2020. These objectives include fostering population growth and delivering additional housing to broaden the range and improve the quality and market perception of the District. Whilst it is agreed that encouraging inward investment should carry some weight these need to be weighed against the benefits and disbenefits of the development as a whole.
- 2.14 The applicant has also advised that the development would create direct and indirect jobs during the construction phase of the development and have further identified that the development could provide local residents employed in its construction. The development would also increase annual spending following completion. The employment which could be generated by the development therefore adds further weight in favour of the development.
- 2.15 The applicant has also advised that the development would deliver a New Homes Bonus and provide additional council tax payments. The LPA must have regard for local financial considerations, as far as they are material to the application. However, the Planning Practice Guide identifies that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Therefore this is not a material consideration and cannot be attributed weight. The development would however provide a contribution towards affordable housing of 30% which is sought by Policy DM5 and is a material consideration. The development would increase the local population and, accordingly, spending power. The applicant has submitted that the residents of this proposal would increase total gross expenditure annually.
- 2.16 With regards to the social role, the development would provide additional dwellings, which would contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply. Turning to the environmental role, the proposed development mitigates the visual impact on the landscape, subject to conditions that also provide ecological and biodiversity enhancements, as required by the NPPF.
- 2.17 The applicant's points, although not determinative on their own, add further weight to the recommendation for approval and need to be assessed as material considerations in its favour, notwithstanding the policy position. The development is in tension with the parts of the development plan which provide 'blanket' restrictions on development outside of confines, however, these elements of policies are considered to conflict with the NPPF. The development would broadly accord with the overarching aims of the Core Strategy and accords with the NPPF and is therefore acceptable on this site.

Impact on Landscape and Visual and Rural Amenity

- 2.18 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location.

Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:

- it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
- it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.

2.19 The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.

2.20 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which identifies that the impact on the character of the landscape will be Minor to Moderate Adverse as all of the existing landscape features are to be retained and enhanced. Local views are considered to be limited due to existing landscape features and there are some long distance views but these are not considered to be significant with the proposed tree planting mitigating any long term effect. The impact on the visual amenity from residential receptors will however be significant and is identified as Major Adverse, due to the development on a previously undeveloped site. There is considered to be a limited impact on public footpath users overall due to the context of the site and the existing group of trees. Any impacts from lighting are considered to be localised and mitigated by existing and proposed tree planting, plus being set against the backdrop of the urban environment. To conclude the report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The development is therefore appropriate for its landscape context and would not give rise to any unacceptable long-term landscape impact or visual harm.

2.21 Due to the location of the site, being outside the defined settlement boundary and the potential for harm to the local landscape, it was considered necessary to seek independent advice from a landscape consultant. A landscape consultant was appointed by DDC to undertake a landscape assessment, advise on the submitted LVIA and assess whether there was an unacceptable level of harm on the landscape as a result of the proposed development. The consultant undertook a rigorous assessment of the local character of the area, (both immediately adjoining and long distance views) and his conclusions are set out in the consultation section above. This has confirmed that the impact on the landscape as a result of this development is acceptable and that no significant landscape or visual issues would arise should permission be granting, subject to the mitigation measures and green infrastructure put forward being fully implemented.

2.22 In terms of whether the proposal would be compliant with policies DM15 and DM16 the consultant's report states:

“Does the proposed development result in the loss of, or adversely affect the character or appearance, of the landscape/countryside?”

As detailed in applicant's LVA, no major adverse have been identified on the landscape as a result of the proposed development. The most noticeable landscape effects would be on the site and site and its immediate setting where a *Moderate Adverse* effect is predicted on completion, reducing to *Moderate to Minor Adverse* once new planting matures. These findings are considered to be a reasonable and balanced assessment and to this end, broadly comply with polices DM 15 and 16.”

- 2.23 In respect of the proposed mitigation measures the proposal incorporates a landscape buffer on the western and southern boundaries of the site, especially along the western boundary where further enhancement through tree and hedge planting and associated green space is proposed, (along with development set back along this boundary). Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape mitigation would incorporate both native planting and biodiversity gains appropriate to the landscape character and site. The proposed landscaping, at this stage, more adequately addresses the need for landscape screening and mitigation on site and accords with the requirements of policies DM15 and DM16. Any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage. It should be noted that without these mitigation measures the proposal may not have an acceptable impact on the landscape.
- 2.24 The massing of the development, as shown on the indicative site layout, has also been significantly set back from all boundaries and particularly along the western boundary which reduces further the visual impact on the adjacent landscape. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the landscape and countryside. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to two and a half stories, which is a reasonable expectation. Nevertheless, it is considered that the height of the resultant dwellings should be controlled by a condition to require the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this sloping site are appropriate and acceptable in respect of the visual amenities of the landscape.
- 2.25 It is therefore considered that the scheme does not give rise to unacceptable adverse impacts on the visual amenity of the site and immediate surrounding landscape. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy and paragraphs 170 and 172 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

Affordable Housing and Dwelling Mix

- 2.26 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 30 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to being secured through a condition or in a section 106 legal agreement, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.27 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district. Whilst these recommended proportions should inform the housing mix, they are however not rigid. At this outline stage very limited indicative details of the dwellings have

been provided and any reserved matters application would need to be considered in line with the needs identified in the SHMA.

- 2.28 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 36 dwellings per hectare which is at the mid-point of the density level required under CP4 and is considered appropriate in relation to the character of this part of Deal. At the local level the mix and indicative design of the units is considered appropriate for this edge of settlement location.
- 2.29 In considering appearance, design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide and Building for Life 12 that both support good design.

Residential Amenity

- 2.30 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed access roads have been submitted in full and will inform the final location and layout of these dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would be likely to closely align with the layout shown on the indicative plan. This plan demonstrates that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between new and existing properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the separation distances to other properties, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development but a detailed assessment would form part of any reserved matters application and would need to ensure that all measures to minimise the impact on existing properties backing onto the site, along the northern and eastern boundaries, are mitigated from any detrimental impact on their residential amenities.
- 2.31 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development. It is considered that the living conditions of occupants of the dwellings could be acceptable.
- 2.32 The development has the potential to cause unacceptable harm to the amenities of neighbouring properties during the construction phase and a construction management plan should be required by condition to mitigate this potential harm. The construction management plan would limit the construction hours, provide dust management and ensure that mud is not deposited on the public highway. No concerns have been raised in relation to noise and disturbance following occupation and given that the scale and nature of the proposed uses, it is not

considered that an unacceptable degree of noise and disturbance would be caused.

- 2.33 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potential exceedance of recommended indoor noise levels with windows open, which has the potential to cause noise and disturbance to future occupiers. The application has been supported by a Noise Assessment, which concludes that, without mitigation future occupiers of the development are likely to experience impacts from road noise with windows open for units in close proximity to adjoining roads. Therefore proposed dwellings in these areas would need acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. Consequently, this has been identified and can be addressed through a condition as suggested by Environmental Health and would need to be considered in more detail at any reserved matters application.

Highway Impacts

- 2.34 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- 2.35 Policy DM12 requires that developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.36 The application site is situated on the south western settlement boundary with Deal/Walmer. Details of the proposed access have not been reserved and consequently full details of the proposed vehicular access to the site have been provided. The proposed development is likely to generate approximately 58-62 two-way vehicle movements in the morning and evening peak hours, (with these figures above expected levels). A vehicular access junction has been proposed, located fairly centrally along the Cross Road frontage. The proposed junction would be 5.5m wide, widening to a bell-mouth junction of 6m, with a 2m wide footpath on either side. Off-site works include the widening of Cross Road to 6m and a new 2m wide footpath on the application side of the widened road linking up to the existing footpath on Cross Road. Station Road is also proposed to be widened too enable two way traffic along the southern boundary and a new footpath of 1 metre width to link up with the existing footpaths on Station Road. Further east Station Road is to be better controlled as a single way section. The upgrading of pedestrian crossing facilities at the junction with St Richards Road and Station Drive has also been proposed. The nearest train station is in Walmer which is sited 0.6km from the application site which could be reached by foot. The site is currently not served by public transport but is within easy walking distance of a number of facilities.
- 2.37 Whilst the proposed layout is indicative and only the means of access is being considered at this stage, footpaths are proposed on the side of Cross Road and Station Road along with a number of other footpaths on the site. There are

therefore footpath links proposed to the wider area including Station Road and residential development to the north. It should be noted there is currently no footpath or street lighting along Station Road and Cross Road with enhancement proposed. Station Road would provide the main footpath link with Walmer train station and wider bus routes. The proposals therefore provides connections to the existing townscape and adjoining built form and encourages walking.

- 2.38 KCC Highways initially raised concerns in respect of the proposal as various matters needed to be considered further and addressed, that included off-site highway works and further clarification of traffic safety measures. In response to these concerns, additional highway work details were submitted and are now considered to be acceptable. Both Highways England and KCC Highways have confirmed that the proposed works are acceptable on the highway network and do not raise capacity or highway safety concerns. The proposed works and the erection of up to 100 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 109 of the NPPF.
- 2.39 Significant concerns have also been raised by the Parish and Town Councils and third parties that the development would significantly and detrimentally increase and impact on traffic and the highways in the area which are identified as already struggling to cope with existing levels of traffic locally. There is also concern that the proposal would cause further access difficulties onto Dover Road and the junction with Station Road which would result in further capacity and highway safety issues. A strong level of concern is also raised over the narrowness of the more immediate local highway network, including sections of Cross Road and Station road which already cause significant local concern and car parking issues. In addition, a local resident has identified that highway land identified along Station Road is not highway land and is in private ownership. It has been advised that this is a matter to be addressed separately by the two parties.
- 2.40 It is however considered that with appropriate conditions and controls in place these concerns would, to a sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.
- 2.41 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1 of the Core Strategy. Whilst the layout of the development has not been submitted at this stage, the indicative details demonstrate that car parking can be provided in association with the proposed dwellings. At this stage, with matters reserved, details of car parking provision have not been provided, although the submitted Transport Assessment confirms that such provision will be made in accordance with KCC guidance. Having regard for the density of the development, it is considered that the site is capable of providing the necessary car parking, subject to acceptable details at the Reserved Matters stage.
- 2.42 In conclusion, the highway issues considered in relation to this proposed development are sound and acceptable from both highway safety and capacity perspectives. They fully accord with paragraph 109 of the NPPF and are therefore acceptable. There is therefore no highway grounds to refuse this planning application.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.43 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

- 2.44 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.45 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.46 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.47 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £6,066.43 is therefore sought to this effect.

Ecology

- 2.48 In furtherance to the impacts on the off-site Ramsar/ SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by an Ecological Appraisal which considers both the flora and fauna of the site and in addition reptile and bat species surveys.
- 2.49 The site consists of an arable field bounded with 2-5m wide margins of grassland or scrub. The semi-improved grassland and field margins have the potential to support reptile species due to their varied vegetation. The site therefore has habitats which could provide a potential for reptiles and high numbers of reptiles have been reported locally. A reptile survey has been submitted in support of this application and a low population of reptiles are recorded (2), as a result there is the potential for displacement to other parts of the site where suitable habitat is retained. It is noted that the application includes a significant amount of green infrastructure which may be sufficient to allow onsite displacement of reptiles.
- 2.50 In relation to bats, the report confirms that, the trees on the site do not contain features which would provide for roosting. However, the margins of the site and the hedgerows provide some potential for foraging and commuting. A Bat Survey has been submitted in support of the application that found the site was used for commuting and foraging.

- 2.51 There was no evidence of badgers using the site and the site is also considered to be unsuitable for other protected species. In respect of birds using the site, these may be nesting on site and safeguards can be put in place which could include additional surveys if construction work is undertaken during the bird breeding season. Such safeguards have been recommended and these could be conditioned.
- 2.52 There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and enhanced and such measures can be controlled by suitable conditions. DDC Natural Environment Officer has confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.53 There will be some loss of the hedgerow along the eastern boundary this is not significant to the wider area ecologically and the replacement hedge and tree planting will ensure the impact on the street scene is minimised. The proposed layout allows additional planting to provide a deeper landscaped area where new trees can be planted to the south western corner of the site. On the western site boundary the enhanced hedgerow and the new trees will provide a landscape 'buffer' between the site and the open landscape beyond. New planting will consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species, landscape and conservation and enhancement of biodiversity which are considered to comply with the aims and objectives identified through the NPPF.
- 2.54 In respect of existing trees on the site these have been surveyed and an Arboricultural Assessment submitted. There are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. A proportion of hedgerow is proposed to be removed to enable highway access and the widening of Cross Road. A small group of trees on the boundary to the north are proposed to be removed to enable development, however it is proposed to plant a significant level of tree planting across the site with a long term management plan. It is considered that although there will be a loss of some trees these are not significant to the wider area and would therefore be acceptable. The impact on those to be retained and the necessary protection measures including root protection zones could be controlled by condition.

Drainage and Flooding

- 2.55 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere, and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.56 The submitted Flood Risk Assessment, which includes an Outline Surface Water Drainage Strategy, confirms that due to ground conditions and soil composition (which has been established following ground investigations) infiltration drainage is suitable on this site subject to appropriate treatment of surface waters prior to discharge. Whilst the proposed drainage features, such as swales, would allow

- some infiltration, primarily water would be drained into a proposed attenuation pond which would then discharge into groundwater (Bedrock Aquifer) to replicate existing discharge features. The Lead Local Flood Authority (KCC) have commented that the submitted drainage strategy demonstrates that surface water can be adequately disposed of, however, in order to ensure that suitable discharge takes place and does not result in pollution to controlled waters, they have recommended conditions should be attached to any grant of permission requiring full details of the final drainage strategy, together with a timetable for its implementation and details of maintenance/verification, to be submitted to and approved by the LPA.
- 2.57 The EA supports these comments and agrees that conditions are necessary to ensure the protection of the Groundwater Source Protection Zone and Principle Aquifer. Nevertheless, they have identified that the site may not be suitable for other forms of infiltration drainage due to controlled waters and the principal aquifer. Notwithstanding, they have raised no objection to the proposed development subject to conditions including no infiltration of surface water drainage without consent and contamination safeguarding. They have advised that, subject to these conditions the scheme is acceptable, however without such conditions an objection would be raised. Therefore, it is considered that, subject to appropriate conditions, the surface water drainage from the site would not be likely to cause localised flooding and could be suitably controlled. The proposed drainage measures for this outline proposal are therefore considered acceptable in principle at this stage, subject to conditions, further testing and details that would also be considered further at Reserved Matters stage.
- 2.58 It is noted that a high proportion of representations have identified that there is an issue with existing flooding on the highway (Cross Road) and the capacity of the existing public surface water system. It is expected this would be partly addressed by the proposed development and form part of the necessary highway agreements in relation to the necessary highway works. Consequently, any detailed drainage layout should also address this matter.
- 2.59 Regard must also be had for the disposal of foul sewerage from the site. The application has been supported by a Foul Drainage Analysis which assesses the availability of foul sewerage provision in relation to development of this site. It identifies that there is an initial concern regarding the capacity of the existing foul sewerage system to accommodate this development and off-site works will be required. The report concludes that this is a matter to be dealt with through other legislation and should not form the basis of a planning condition.
- 2.60 Southern Water have undertaken capacity checks which have demonstrated that the existing foul sewer network does not have the capacity to meet the needs of the development without the development providing additional local infrastructure. It identifies the proposed development would increase flows into the wastewater system and as a result increase the risk of flooding in and around the existing area. In accordance with Planning Policy Guidance, Southern Water have therefore requested that a number of conditions could be attached to any grant of permission including a condition to require full details of the proposed foul drainage strategy, together with aligning the occupation of the units with the necessary network reinforcement works that would be undertaken by Southern Water. Such conditions are seen as necessary for this proposal and reasonable and would need to be addressed before works commence on site. The conditions would ensure that the development would cause no harm to the local sewerage network and would not increase the risks of flooding elsewhere, in accordance with paragraph 163 of the NPPF and Planning Policy Guidance. Consequently, and subject to appropriate conditions, the proposed surface and foul water drainage strategy is acceptable in principle for development on this site.

Planning Contributions

- 2.61 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.62 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.63 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demands which would be generated by the development. Given the scale of the development, it would give rise to a need for 0.6094ha of accessible green space. The developer is proposing to provide 0.90ha, including the provision of public open space in the form of a Local Play Area (LAP), community orchard and informal recreation areas. The overall size of this combined open space is 1.20ha that provides adequate on site provision for this element of the open space requirements under policy DM27.
- 2.64 However, this space would not provide outdoor sports facilities and an outdoor sports requirement for this proposal would generate a need for 0.3212ha. It is not practical for this to be provided on site and there is a need to improve the pitch quality at Deal and Betteshanger Rugby Club. It has therefore been calculated that a proportionate contribution of £45,879.54 is necessary towards this outdoor sports provision to be secured through a s106 agreement. With the payment of this contribution, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.65 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there are insufficient primary school and secondary school provision to meet the needs of the development.
- 2.66 The proposal would give rise to up to 27 additional school pupils and the need can only be met through the Phase 2 expansion of Deal Primary School. A contribution of £3,324 per dwelling has been requested from this development to meet the need identified. KCC have also requested a contribution of £4115 per dwelling towards the Phase 2 expansion of Dover Grammar School for Girls where there is an additional demand for 20 pupils.
- 2.67 In addition, contributions of £4,801.58 towards large print books at Deal Library, a contribution of £2,563.87 towards IT equipment for the New Learners at Deal Adult Education Centre and a contribution of £7,626.00 towards Meadowside Social Care Hub in Deal, all of which would ensure that the needs generated by the development would be met. It is considered that each of these requested contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 2.68 Further to the initial report, KCC Development Contributions have recently undertaken a review of secondary education projects and on this basis have revised their designated project from Dover School for Girls to Goodwin Academy. Any legal agreement will therefore need to be amended accordingly.

- 2.69 NHS CCG have also advised that the Balmoral GP surgery in Deal would need to be expanded for the additional increase in patient numbers with a project identified for the provision of a second floor of accommodation. The proposed development would be likely to generate a proportionate contribution from the development of £89,700.
- 2.70 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:
- Primary education – towards Phase 2 expansion of Deal Primary School of £3,324.00 per dwelling
 - Secondary Education- towards Phase 2 expansion of Dover Grammar School for Girls of £4115.00 per dwelling
 - Community Learning – towards IT equipment for the new learners at Deal Adult Education Centre of £2563.87
 - Social Care – towards Meadowside Social Care Hub in Deal of £4801.58
 - Library - contribution towards large print books at Deal library of £7,626.00
 - A total of £6,066.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
 - An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £45,879.54
 - NHS CCG contribution of £89,700 towards expansion at Balmoral GP Surgery, Deal
 - Monitoring per trigger event of £236 per event
 - Payment of all associated legal costs.
- 2.71 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

- 2.72 The NPPF identifies the importance and significance of heritage assets in the consideration of development proposals. There are no designated heritage assets on the site or in close proximity and a Built Heritage Statement has been submitted. This considers all known heritage assets in the immediate proximity of the application site including the Grade II Ripple Windmill and Church of St Martin and concludes that their setting and significance would not be affected. The conclusions of this report are accepted and no designated heritage assets will be affected by these proposals.
- 2.73 The application is also supported by a Desk-based Archaeological Appraisal and Geophysical Survey as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The submitted survey identifies the significance of some of the finds close to the application site and based on this evidence and geotechnical surveys concludes overall that there is a medium/moderate likelihood of archaeological remains on the site which could be

- dealt with through a further archaeological investigation that could be controlled by condition.
- 2.74 KCC Archaeology has provided their statutory views on the archaeological potential of the site and concurs with the conclusions of the Archaeological Appraisal on the basis that:
- “...The assessment advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an approach and would suggest that such an archaeological programme could be secured by condition. It is recommended that a condition is included to secure a record of the archaeology and to ensure that the results of the investigation are made publicly accessible.”
- 2.75 As such, it would be reasonable to attach a condition requiring a programme of archaeological work to be undertaken in advance of development in accordance with the NPPF.
- 2.76 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination. A Preliminary Risk Assessment has been undertaken and submitted. This identifies an elevated risk of pollution and a moderate likelihood of contaminants on site is limited due to the previous adjacent uses and a former landfill close to the boundary. There is also the potential for radon gas and links with hydrocarbons. It is identified that further intrusive ground investigations are required and Environmental Health concur with its findings. It is therefore recommended that the full range of contamination conditions would be necessary if permission were to be approved, to ensure any future development of the site is deemed suitable for the proposed residential use. This would include a full site investigation and remediation strategy, a verification report, certification and in addition a condition would also be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved. Such conditions would therefore appropriately address any potential contamination and any necessary remediation of the site.
- 2.77 An Air Quality Screening Report has been submitted with the application that has identified that due to the existing air quality levels and data for the area, the impact during the construction and operational phase is unlikely to be significant or exceed current standards. Environmental Health concurs with the findings to date and have not raised an objection subject to appropriate conditions. Given the location and characteristics of the site, having regard for the Kent and Medway Air Quality Guidance Documents and in line with best practice, it is expected the installation of electric vehicle charging points will be required for this application. Details for the provision of any charging points should be required by planning condition. Along with measures to prevent dust for residential receptors and appropriate dust mitigation measures that can be controlled through a construction environmental management plan condition. It is generally accepted that air quality levels once construction works are complete are unlikely to exceed any agreed objectives and are acceptable for the proposal with no further measures required.
- 2.78 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design. Any application for reserved matters would need to consider crime prevention, in accordance with the NPPF and, as such, it would be reasonable to require details of such measures at the reserved matters stage.

2.79 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

3. **Conclusion**

3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be contrary to policy DM1 and in tension with the 'blanket' restrictions in policies DM11 and DM15. The development otherwise accords with these policies and is in accordance with policies DM16 and DM25 of the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal.

3.2 When weighing up the benefits of the development identified in the report, although there is a significant objection to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposed development of 100 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education, health and open space contributions.

3.4 Initial objections from KCC Highways have also been overcome following additional information submitted. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the local highways is consequently acceptable.

3.5 The proposal in this outline application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be adequately addressed by planning conditions. Consequently the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

g) **Recommendation**

I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:

- 1) Reserved matters details
- 2) Outline time limits
- 3) Approved plans
- 4) Existing the proposed site levels and building heights
- 5) Ecological mitigation and recommendations implemented
- 6) Ecological/biodiversity mitigation, enhancement and management plan
- 7) Construction Management Plan
- 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 9) Affordable housing provision (numbers, type, tenure, location, timing of

- construction, housing provider and occupancy criteria scheme)
- 10) Landscaping Details and maintenance of green spaces
 - 11) Open space management plan
 - 12) Protection of Trees and Hedges
 - 13) Hard landscaping works and boundary details/enclosures
 - 14) Reporting of unexpected land contamination
 - 15) No works on site until final SuDS details are submitted
 - 16) Design details of surface Water drainage strategy
 - 17) Implementation and verification of SuDS scheme
 - 18) No other infiltration on site other than that approved
 - 19) Environmental Construction Management Plan
 - 20) Internal acoustic requirements for dwellings
 - 21) 4 Stage contamination, remediation and verification conditions
 - 22) Programme of archaeological works
 - 23) No piling on site
 - 24) Details on foul drainage
 - 25) No occupation of development until foul infrastructure reinforcement works are completed
 - 26) Details of a scheme for Secure by Design principle compliance

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach