

Public Document Pack



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24 June 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Thursday 2 July 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 "Nicky", written over a white background.

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**

To confirm the minutes of the meeting of the Committee held on 21 May 2020 (to follow).

5 **ITEMS DEFERRED**

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 5-10)

6 **APPLICATION NO DOV/19/00425 - LAND TO THE REAR OF 92 AND 94 NORTHWALL ROAD, DEAL** (Pages 11-18)

Erection of a detached dwelling, formation of vehicular access and parking

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

7 **APPLICATION NO DOV/19/01522 - 26 HARDWICKE ROAD, DOVER** (Pages 19-32)

Erection of five flats with landscaping, associated parking, external steps and enlargement of existing vehicle access (existing dwelling to be demolished)

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

8 **APPLICATION NO DOV/20/00211 - SHOTFIELD FARM, THE STREET, PRESTON** (Pages 33-44)

Erection of a detached dwelling, creation of vehicular access and associated parking

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

9 **APPLICATION NO DOV/19/00642 - SITE AT CROSS ROAD, DEAL** (Pages 45-94)

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

10 APPEALS AND INFORMAL HEARINGS

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

11 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

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- 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.



Remote Meetings

Planning Committee

The Council Offices will be closed during a remote meeting and it is not possible for members of the public to physically “attend” a remote meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public’s legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view remote meetings where possible.

Joining a Remote Meeting

To join a remote meeting, you will need to join via the link on the Council’s website. This can be accessed via the agenda page for each meeting. The Council is using Teams Live Events (a Microsoft Product) for its remote meetings and you will be taken to the meeting by clicking on the link.

The best way to view the remote meeting is through a laptop or desktop computer. However, you should also be able to view through a smartphone or tablet device. You will need internet access to do this.

Public Speaking

In accordance with Paragraph 9 of the Council’s Protocol for Public Speaking at Planning Committee, the Chairman has altered the public speaking procedure to allow written statements (of no more than 500 words) to be submitted in lieu of speaking.

The procedure for registering to speak itself remains unchanged. You must request to speak in writing by email to democraticservices@dover.gov.uk or by means of the form that can be found on the Council’s website at <https://www.dover.gov.uk/Planning/Planning-Applications/Making-Applications/Speaking-at-Planning-Committee.aspx>

In all cases, public speaking requests must be received by no later than 5pm on the second working day prior to the meeting.

Registration will be on a first-come, first-served basis. **If you have been successful in registering to speak, you will be contacted by a member of the Democratic Services team. If successfully registered, you must submit your written statement (of no more than 500 words) by email to democraticservices@dover.gov.uk by 10.00am on the day of the remote meeting.**

Registering to speak at a remote meeting confers the right to submit a written statement which will be read out to the remote meeting by an Officer (who is not a member of the Planning Department) on behalf of the speaker. Subject to normal public speaking procedures and the Chairman's discretion, there will be one speech in support of, and one speech against, an item for decision.

In submitting their statement, each speaker accepts that they remain fully responsible for its contents. If any defamatory, insulting, personal or confidential information, etc. is contained in any speech received from any speaker, and/or read to the remote meeting by an Officer, each speaker accepts full responsibility for all consequences thereof and agrees to indemnify the Officer and the Council accordingly.

Feedback

If you have any feedback on the Council's remote meeting arrangements, please let us know at democraticservices@dover.gov.uk

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.

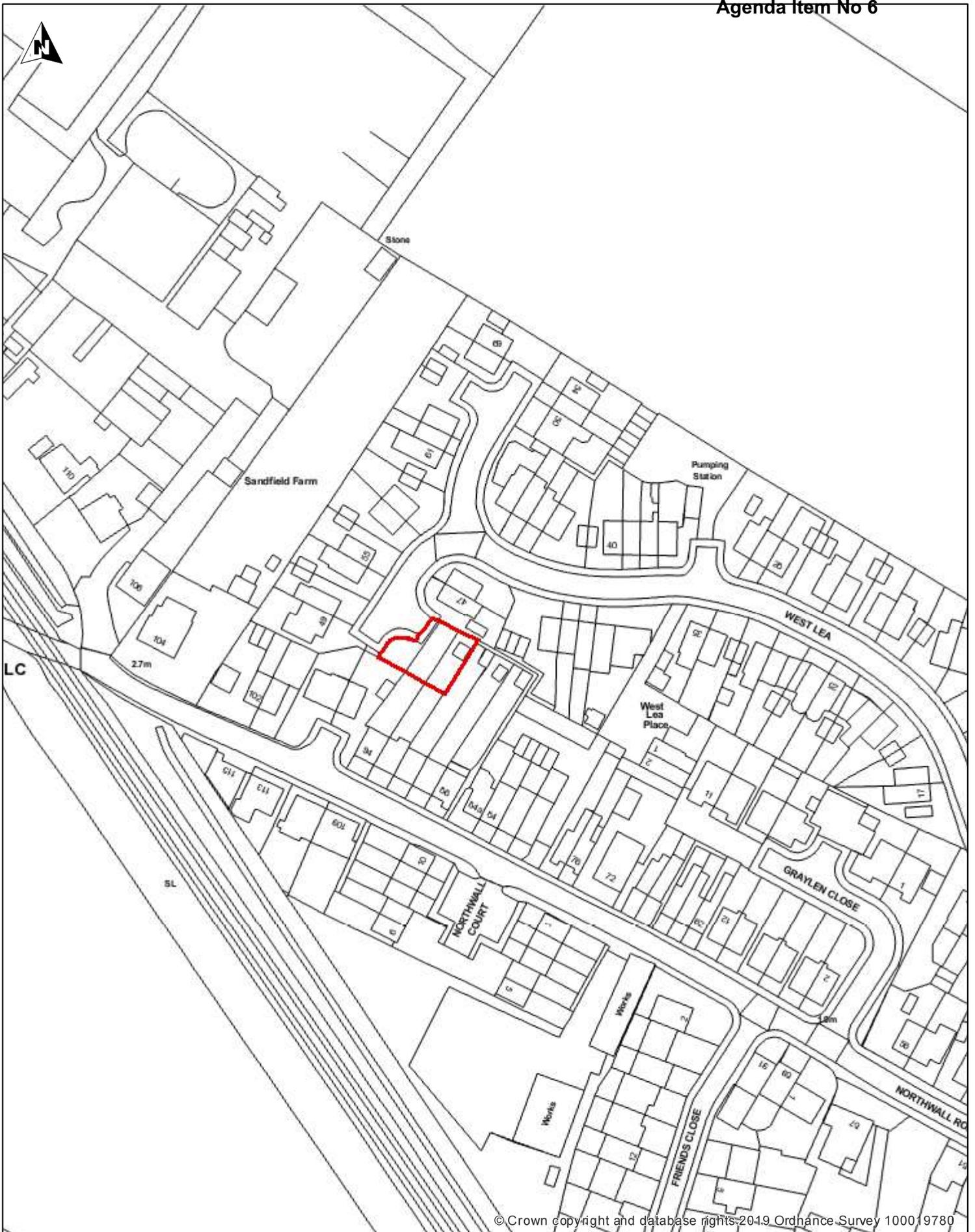
Article 14 - Prohibition of discrimination.

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/19/00425
Land Rear Of 92 And 94
Northwall Road, Deal
CT14 6PP

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/19/00425 – Erection of a detached dwelling, formation of vehicular access and parking - Land Rear of 92 and 94 Northwall Road, Deal**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Deal is a District Centre and suitable for urban scale development
- DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history 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 crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Section 14 is relevant as the site falls within Flood Zone 3.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

Dover District Council's Site-Specific Guidance for Managing Flood Risk 2019

The document sets out guidance on the sequential and exception tests, designing for flood risk and managing surface water run-off.

- d) **Relevant Planning History**

15/01283 – Refused, for the erection of a detached dwelling and creation of an access by reason that:

- 1) the development was considered to be out of character and visually intrusive within the street scene,
- 2) the development would have given rise to unacceptable levels of overlooking and inter-looking between properties, and
- 3) the application site was in Flood Zone 3a and the application failed to demonstrate that the residual risk had been fully addressed and that the sequential test had been passed.

16/00958 – Withdrawn.

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

As the planning application has been amended, there are two public consultation periods. The following is in response to the first consultation of the original application:

Southern Water: No objections

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal.

Deal Town Council: No objections

Public Representations: There were 23 responses received. Of these, there were 14 in support, 8 objecting and one neutral response. The objections raised are summarised as follows:

- Loss of light, privacy, parking, turning and collection areas and natural habitat
- There would be unacceptable levels of congestion, pollution and noise

The responses in support describe the proposed development as helping to meet the need for housing, improving visual amenity, being sympathetic with the area, re-using land and removing illegal parking.

Following the receipt of amended drawings and the Flood Risk Assessment, the following is in response to the second consultation period:

Southern Water: Comments are unchanged.

Environment Agency: The proposal could be granted subject to the imposition of a planning condition with regard to living accommodation.

Deal Town Council: No objections, but would wish to see a Construction Management Plan.

Public Representations: There were 4 responses in favour of the amended proposal and 2 responses against. Those supporting the application highlight the good use of land, the need for housing, the enhancement of the area and no harm from the development. Those objecting highlight the levels of traffic, loss of parking and turning areas.

f)

1. **The Site and the Proposal**

- 1.1 The application site falls within the Deal settlement confines. It comprises the end of the rear gardens of Nos. 92-94 Northwall Road and a piece of land, which appears left over from a modern housing development mainly located to the north of the site which is served by an estate road (West Lea). The application site is in part overgrown (adjacent to the highway) and otherwise comprises garden land, a sycamore tree and a number of outbuildings. It has a slight fall in topography from south to north, and is visible from the cul de sac and turning heads in West Lea.
- 1.2 Development in West Lea comprises modern two storey semi-detached and terraced housing, on a residential estate.
- 1.3 Development along Northwall Road is also mostly two storey housing development that is either semi detached or terraced. The proposed development would be less visible but seen from Northwall Road between development.
- 1.4 The proposal has been amended from its original submission. It now comprises a detached two storey, 3-bedroom dwelling with rooms in the roof. The house would front onto West Lea, with an integral garage and two, side-by-side parking spaces in front. The building has a square form and a gable ended roof design with a dormer window in the front roof slope. The building would be finished in facing brickwork, tile hanging and a tiled roof. The house's principal windows are proposed on the front and rear elevations with an elongated vertical window, that would be obscure glazed, on one of the side (north facing) elevations.
- 1.5 A garage, utility and W.C. are proposed on the ground floor; living, kitchen and bedroom accommodation are proposed on the first floor and 2 bedrooms are proposed in the attic.
- 1.6 A private garden area is mainly located to the north of the building.
- 1.7 Whilst the on-site parking and garaging would require a dropped kerb and access from West Lea, the drawings indicate that there would be no loss of the turning heads in the cul de sac.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- The impact upon highway safety
- The impact from flooding

Assessment

2.2 **Principle of Development**

The application site falls within the urban area of Deal. As such, under Policy DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.

2.3 Impact upon Character and Appearance

The proposed development is designed to reflect the design of the properties on this modern housing estate. It has a square form, it has a pitched roof with gabled ends, a storm porch and the materials proposed include facing brickwork, tile hanging on the first floor and a tiled roof.

2.4 The proposed development provides on site parking and a private amenity space that is reasonable in size and would not be out of keeping with the levels of private amenity space provided for other houses on the estate. The building has sufficient space around it and is separated from surrounding development. The proposal would be sympathetic with the local context of surrounding development.

2.5 The proposed house is well designed, modern, and would contribute to the visual quality of the housing estate.

2.6 As such, it is considered that the design of the new house and its impact upon the immediate area would meet the requirements for good design as set on in the NPPF.

Residential Amenity

2.7 The proposed house is designed to have its principal windows in its front and rear elevations. This would ensure that there would be only oblique/angled views across gardens to other properties that would give rise to an element of overlooking. It is not considered that this level of overlooking and resulting loss of privacy would be significant.

2.8 The south facing elevation (facing towards Northwall Road properties) contains no windows, and the north facing elevation has a long obscure glazed window facing toward No. 47.

2.9 The separation between the proposed building and its nearest neighbours is sufficient enough to ensure that there would be no overbearing impact upon surrounding properties.

2.10 In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded through the imposition of planning conditions.

Highways Impact

2.11 The proposed development can accommodate 3 parking spaces on the site, which is sufficient for a 3-bedroom house. The proposal does not require the removal of the turning heads within the cul de sac.

2.12 As such, it is not anticipated that the proposed development would give rise to additional on street parking that would cause harm to highway safety.

Flooding

- 2.13 The proposed amended drawings are supported by a Flood Risk Assessment and a supplementary assessment that have been prepared in accordance with Government and the Council's guidance. The site is at risk of flooding and falls within Flood Zone 3a.
- 2.14 It is considered that the application submission has demonstrated that the risks from flooding have been considered and incorporated into the design of the development.
- 2.15 A site search for comparable sites, with a lower category risk of flooding has been undertaken to satisfy the sequential test to locating new housing development. However, none have been identified. An exception test has been carried out and a proposed series of site-specific mitigation measures have been provided in the submission.
- 2.16 There are large areas of Deal that are at risk of flooding and therefore the search for lower risk, single plot sites is significantly restricted. With no lower risk comparable sites, the building designed to accommodate the risk from flooding and with the need for additional housing in an otherwise sustainable location, the proposal has demonstrated that there is an over-riding justification for this site to come forward. The Environment Agency has now withdrawn its objection and mitigation measures are proposed to reduce the potential risk from flooding. No flooding objections are therefore raised.

Other Matters

- 2.17 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.18 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. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.19 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation site measures will ensure that the harmful effects on the designated site, caused by

recreational activities from existing and new residents, will be effectively managed.

3. **Conclusion**

- 3.1 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the settlement boundary and within reasonable walking and cycling distances to the High Street and public facilities and amenities.
- 3.2 Whilst the concerns of local residents have been taken into account, it is considered that the proposal would not cause undue harm to the character and appearance of the area, residential amenity, highway safety and the other matters raised.
- 3.3 A number of safeguarding conditions are recommended to help minimise the impact of the proposal, including the requirement for the submission of a construction management plan, as requested by Deal Town Council. With these safeguards in place it is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

g) Recommendation

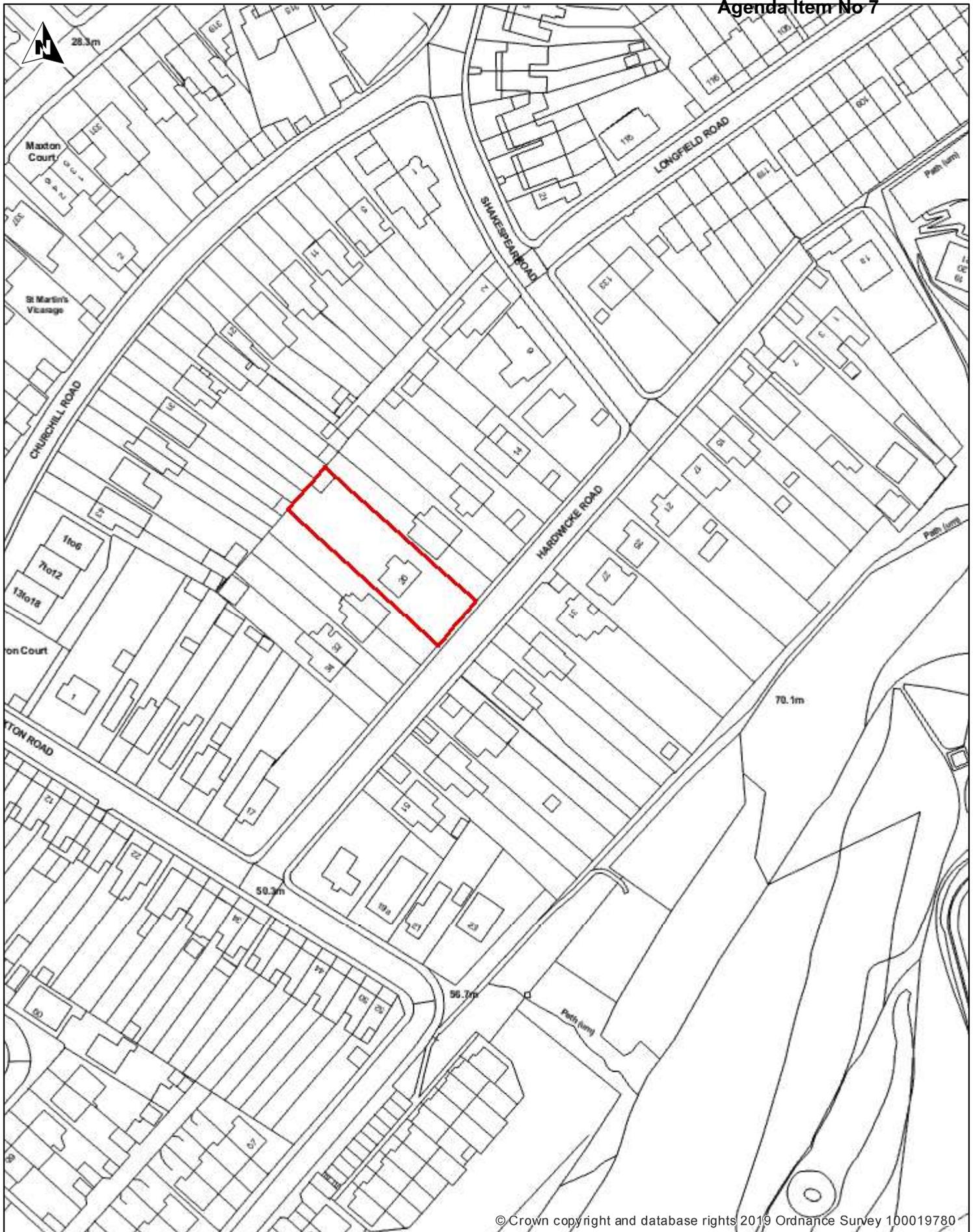
I PERMISSION BE GRANTED with the imposition of the following conditions:

- i) 3 year time limit to commence development
- ii) The development to be in accordance with the submitted drawings
- iii) Full details to be submitted of how the development will dispose of foul and surface water drainage
- iv) Details of existing and proposed site levels shall be submitted for approval
- v) A Construction Management Plan to be submitted for approval
- vi) Samples of the building and hard surfacing materials to be submitted for approval
- vii) The retention of the parking, cycling and garaging spaces
- viii) The provision of refuse and recycling storage
- ix) No surface water run-off allowed onto the highway
- x) The upper floor window in the side elevation to be obscure glazed
- xi) No additional windows to be permitted
- xii) The removal of permitted development rights to extend, alter the roof or to erect an outbuilding
- xiii) Boundary enclosures to be submitted for approval
- xiv) No living accommodation shall be situated on the ground floor, and all living accommodation shall be located on the upper floors, at a minimum level of 4.2m ODN, or above
- xv) The finished threshold level of the ground floor shall be no less than 150mm above the finished external ground level of the site
- xvi) Details of measures to mitigate the potential risks from flooding shall be submitted for approval

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester



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DOV/19/01522
26 Hardwicke Road
Dover
CT17 9QL

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/19/01522 – Erection of five flats with landscaping, associated parking, external steps and enlargement of existing vehicle access (existing dwelling to be demolished) - 26 Hardwicke Road, Dover**

Reason for report: The number of representations received in support of the proposal.

b) **Summary of Recommendation**

Planning Permission be Refused.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- DM1 – Development will not be permitted outside the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – The Council will seek applications for residential developments of between 5 and 14 homes to make a contribution towards the provision of affordable housing.
- DM11 – 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.
- DM13 – Parking provision should be design-led, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.

Land Allocations Local Plan

- DM27 – Planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or

ii. 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.

- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and allow for the efficient delivery of goods, and access by service and emergency vehicles.
- Paragraph 117 states that decisions should promote an efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 118 states that decisions should (amongst other things) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and create places that promote health and well-being, with a high standard of amenity for existing and future users.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/19/00792 - Erection of a building incorporating 5 no. flats, formation of car parking, external steps, landscaping and enlargement of existing vehicular access (existing dwelling to be demolished) – Application withdrawn.

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

Dover Town Council – Object. After taking into consideration the views of residents, Committee feels that the application presents an over intensification of development and the design not in keeping with the surrounding area. Insufficient parking facilities are also an issue.

Southern Water – Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and request the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

KCC Highways – It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Requests an informative regarding the need for highway approvals and consents.

DDC Environmental Health Officer – No objection but, requests that conditions be imposed relating to the remediation of unforeseen contamination, a construction management plan, and to restrict hours of working during the construction phase.

DDC Waste Services Manager – All individual properties will have a launch pack. Flats depending on the amount of properties in each block will vary approx. 180 litres of refuse per flat, 55 litres 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.

Dover Society – No response received.

Public representations –

29 objections received within the statutory consultation period, raising the following issues:

- The building is too tall, overbearing, out of scale and the appearance of the rear elevation is out of character; it is an eyesore;
- Development is out of character with the locality; there are no existing flats in this road; this is out of place in a road of detached and semi-detached houses; the older houses have front and rear gardens and a sense of space;
- There is no respect for the context of the site and the street pattern;

- Five parking spaces is inadequate; each household should have 1.5 spaces, plus visitor provision;
- There is not enough room for five parking spaces and space for people to get out;
- Loss of on-street parking for residents; the existing shortfall of parking will be made worse; there will be a knock-on effect on other nearby roads;
- Balconies will overlook properties in Churchill Road, and the neighbours on either side;
- Noise and dust pollution;
- The building will block out light to neighbours' house and garden;
- Loss of outlook;
- There are already enough flats in Maxton spoiling views of the landscape;
- Refuse bins are too close to neighbours and will create noise;
- Damage will be caused to the foundations of the neighbouring house through excavation of the foundations; this will be exacerbated by the steep slope; an engineers' report should be provided;
- Construction vehicles will not be able to gain access and will cause obstruction; access is already difficult for large vehicles and emergency vehicles;
- This is not much different from the previous scheme which was rejected by residents;
- Potential overloading of the sewer;
- Lack of infrastructure to serve more houses;
- Houses should be built on brownfield sites instead;
- This will create a precedent for houses with gardens to be turned into flats;
- Decrease in property values.

7 representations in support received within the statutory consultation period, raising the following points:

- This is a well-designed addition to the street scene; it is aesthetically pleasing; it will bring good quality housing to Dover without destroying greenfield sites around Whitfield;
- This is an efficient use of ground space, providing five units where there is currently only one;
- Rear elevations of neighbouring properties are already four storeys high;
- Parking won't be an issue in a few years, as the number of cars is dropping;
- Provision of off-road parking is a positive move; a simple conversion scheme would not provide parking;
- New housing for young people will be a benefit and improve the area from its current semi-ghetto;

- Will help keep local businesses viable;
- Looking to move to Dover and would be interested in living here.

Some additional responses were received (both in support and objecting to the scheme) after the statutory consultation period expired, and some with no verifiable address; however, the issues raised are already reflected in the analysis above. In addition, some vexatious representations were received.

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

- 1.1 The site is located on the north-west side of Hardwicke Road and currently accommodates a detached two storey house with a single storey rear extension. The land slopes down steeply from the road and, like most of the houses on this side of the road, this house sits well below road level; the eaves are approximately at pavement level. The site measures about 15m by 51m overall, with the front of the house 15.3m back from the front boundary. The front garden contains a concrete parking area at road level capable of accommodating two cars, with a path and steps leading down to the house. The rear garden slopes down further and backs onto the ends of the gardens of properties in Churchill Road, the rear elevations of those houses being 58m - 60m distant from the rear elevation of the house on the application site and at a considerably lower level.
- 1.2 The existing house is sited about 4.3m from the side boundary with no 24 to the north-east, that house itself being a further 1.1m away. On the other side there is about 2.3m to the boundary and a further 1.3m to the house (no 28). The neighbouring houses have some windows in their side elevations. In addition to the site sloping down from front to rear, the road itself slopes down from north-east to south-west. Generally speaking, the houses on this side of the road also follow this slope, with the tops of their roofs stepping down likewise; however, the house currently on the application site is noticeably smaller than both its neighbours on either side; the ridge of the roof is about 4.7m below that of no 24 and 2m below that of no 28. The houses on the opposite side of the road sit well above road level.
- 1.3 Hardwicke Road is mainly comprised of detached and semi-detached houses, many dating from the early/mid twentieth century, but with a few, more recent, developments. Most of the houses on this side of the road have a two-storey appearance from the road, but many also have a lower ground floor and some, including no 24 next door, also have dormers at the rear, giving the appearance of four storeys at the rear, albeit that the top floor is in the roofspace. External materials vary considerably, including brick, render and tile.
- 1.4 It is proposed to demolish the existing building and erect a building comprising five flats. It will essentially be of three-storey appearance from both front and rear, but with an attic floor served by front and rear rooflights. Excavation will take place to lower the ground level of the building by 1m, taking it to about 6m below pavement level. Both the lower ground floor and the ground floor will accommodate two units: a studio-type flat and a one-bedroom flat. The fifth unit will have two bedrooms (plus study), mainly at first floor but with the second bedroom in the attic. A communal entrance will be provided at a mezzanine level between lower ground floor and ground floor.
- 1.5 Although it will be a single building, visually it has two different profiles due to variations in height and depth from front to rear; this is more apparent from the rear

than from the front – from the front, the only real differentiation is in the height of the roof.

- 1.6 The front elevation will be brought forward by about 1m, making it more or less in line with the two properties either side. The building will be 12.7m wide, leaving a gap of about 1m to the boundary with 24 and 1.4m to the boundary with 28. The depth from front to rear on the left-hand portion (when seen from the road) will be 10.2m with the right-hand section having an additional roof overhang of 1.2m at the rear. Both parts of the building have projecting bays at the front. There will be a pitched and gabled roof significantly taller than that of the existing house, but more in tune with the “stepped” nature of the roofs going along the road. The right-hand part of the roof will be about 0.4m taller than the left-hand part, to accommodate the additional depth of the building at this point. In terms of the street elevation, this means that the ridge of the right-hand part will be 0.6m below the ridge of 24, and the ridge of the left-hand portion will be 1.7m above that of 28.
- 1.7 The rear elevation of the left-hand part will be 2.6m further back than the existing single-storey element of the house at 26 that is to be demolished, making it roughly in line with the projecting rear element of 28, and 2.8m further back than the part of that house that is closest to the boundary. The rear corner of the right-hand part will be 1.4m behind the line of the rear of 24. Fenestration will mainly be to the front and rear, although there will be bathroom windows on both side elevations on all three main floors. At the rear, the ground floor and first floor accommodation will each have a projecting balcony and a “Juliet” balcony, the projecting balcony being accommodated under the roof overhang with “wing” walls to limit the scope for overlooking neighbouring properties.
- 1.8 Externally, the vehicular cross-over will be widened to encompass the entire frontage, providing access to five block-paved parking spaces each accessed directly from the road. An enclosed refuse storage area will be provided to the rear of the parking space adjacent to the boundary with 28. The steps and retaining walls in the front garden will be reconfigured to provide access to the building entrance and paths running down both sides of the building. Cycle parking/storage will be provided behind the parking spaces at a slightly lower level. Details are provided of a landscaping scheme comprising bushes and grassed areas. External materials for the building will comprise stock brickwork and white render, with Marley Eternit tiles.
- 1.9 This is an amended scheme following the withdrawal of an earlier application for the same number of residential units. The amendments that have been introduced include changes to the design and detailing of the front elevation, and a reduction in the fenestration and balcony arrangements at the rear.

2. Main Issues

2.1 The main issues are:

- The principle of the development;
- The visual impact of the development on the street scene and the character of the area;
- Impact on the amenities of surrounding properties, and the standard of amenity for potential occupiers of the development;
- Highways and parking;
- Ecology and habitats.

Assessment

Principle

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies within the defined urban confines of Dover, which is identified under policy CP1 as being the major focus for development in the district, suitable for the largest scale developments.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised, in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy, with the purpose of delivering 505 dwellings per annum. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this general location. Consequently, it is considered that DM1 reflects the NPPF (which supports locating development in urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.6 Having regard to the compliance with Policy DM1 and DM11, the principle of development within this area is acceptable in principle. The determining issues for this application therefore rest on consideration of matters of detail, such as the impact of the proposed development in its specific context and the impact on surroundings, including its impact on the character of the area and existing residential amenities, and a consideration of its general compatibility with the requirements of the NPPF.

Visual Impact

- 2.7 NPPF paragraph 117 says that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118 says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.

- 2.8 Paragraph 122 says that planning decisions should support development that makes efficient use of land, taking account of (amongst other things) the desirability of maintaining an area's prevailing character and setting, including residential gardens, and the importance of securing well-designed, attractive and healthy places. Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
- 2.9 The theme that runs through all this advice is that, notwithstanding the need to provide new homes on suitable brownfield sites, this should always be balanced against the requirement to achieve development that is itself well-designed and appropriate for its setting.
- 2.10 There can be no denying that the building currently on this site is, visually, something of an anomaly. It's height, in particular is at odds with the general pattern of development in Hardwicke Road, with the roofs stepping down gradually to reflect the slope of the road and the surrounding topography. There is scope for a taller building to better reflect this feature, and the proposed scheme achieves this successfully, including the fact that the building itself has two separate roof ridges at different heights.
- 2.11 The building will also increase in width. The flank-to-flank distance to number 24 will be reduced from 5.4m to 2.1m and that to number 28 will reduce from 3.6m to 2.7m. Although the combined impact of the increase in height and increase in width is necessarily to create a noticeably larger and bulkier building, a building of this size could probably be satisfactorily accommodated in the street scene (when seen from the front), especially given that it is only the top part of the building that is readily visible from road level.
- 2.12 However, in other respects the proposed building would not assimilate well into the street scene. This is primarily due to the design and appearance of the front elevation. The changes introduced since the previous application include replacing render with brickwork, altering the disposition and proportions of the windows and, most significantly, introducing projecting bays. Although this signifies a move from a more contemporary, but quite bland, appearance to something that reflects more of the vernacular features of surrounding buildings, the overall impression will be of an uncharacteristically solid, dominant building, the architectural articulation of which does not reflect the rhythm of built development in the road generally. Many of the neighbouring buildings have a strong vertical emphasis and, despite the use of projecting bays, this is not successfully reflected in the current design, for example in the way that the stepping down of the roof does not relate to other features of the building, and the horizontal and vertical arrangement of openings in the central part of the elevation appears incoherent in relation to the rest of the elevation.
- 2.13 Similarly, at the rear, the extensive floor-to-ceiling glazing on the upper floors gives an appearance that is entirely out of keeping with domestic character of neighbouring properties. Whilst, being at the rear, this does not have any significant impact on the public realm, it has implications for residential amenity, which are highlighted later in this report.
- 2.14 The parking arrangements at the front of the site also have an impact on the street scene; this is also discussed later.

Residential Amenity

- 2.15 In addition to ensuring that developments are visually attractive and sympathetic to local character, NPPF paragraph 127 says that planning decisions should create places that have a high standard of amenity for existing and future users. The principal issues to be considered are whether there would be any harmful effects on the amenities of neighbouring properties though a loss of privacy, loss of outlook, deprivation of daylight or sunlight, creation of noise and disturbance, or overbearing impacts. It is also appropriate to consider the level of amenity that would be afforded to future occupiers of the proposed development.
- 2.16 The new building would extend further back into the site than the existing building, replacing what is currently a single-storey element at the rear with a three-storey structure and extending 2.6m further into the rear garden, also at three storeys in height. The principal windows of the adjacent houses face to the front and rear, and the new rear elevation does not extend substantially beyond the rearmost part of the rear elevations of the immediate neighbours. That part of the rear elevation of 28 closest to the boundary is not on that alignment, though, and the proposed building would extend 2.8m to the rear of the windows on that elevation. When seen in plan form (in two dimensions) this is not an uncommon arrangement and, given the distance between these windows and the building and the fact that the 45° rule is easily met, this on its own could not justify refusal. However, when account is taken of the height of the proposed building, it is likely to have an oppressive and overbearing impact when seen from the area outside the rear windows of no 28.
- 2.17 Given the topography of the site, what is called the ground floor is seen as being at first floor level at the rear of the building, and the first floor has the appearance of being the second floor. The rear elevation has the following openings above lower ground (effectively ground floor) level. At ground floor (effectively first floor) level there is a full height window with double doors and a Juliet balcony plus a smaller window of conventional height serving the bed/living room of unit 3 (this is the only habitable room for that unit); there is also a full height window with double doors leading to an external balcony, plus a conventional height window serving the bedroom of unit 4. At first floor (effectively second floor) level there is a full height window with double doors and a Juliet balcony plus a smaller window serving the bedroom, and a full height window with double doors leading to an external balcony plus a smaller window in the living/dining room, all serving unit 5. Externally, the visual appearance is the same on both floors. There are also four rooflights in the attic floor bedroom of unit 5. The external balconies are about 1.15m deep and are situated beneath the roof overhang. On the left-hand side (when seen from inside the new building – that is towards 28) they are enclosed by a full-height solid wall. On the other side they have a glazed panel 1.1m high, with the enclosing “wing” wall being at the end of the building, about 3.5m away. The rear edge of the balconies has 1.1m high glazed panels.
- 2.18 Although the privacy of the rear garden of 28 is adequately protected, a person standing or sitting on the external balconies would have a clear view into the rear garden of 24 from an elevated vantage point, including part of the garden within 5m of the rear of the house, which is habitually regarded as being the most “private” and most frequently used part of the garden. This applies to the balconies on both upper floors.
- 2.19 More generally, the cumulative number and size of the window/door openings, and the fact that they serve not only bedrooms but living rooms (and the only habitable

room in the case of unit 4) means that the potential for overlooking the private garden areas of neighbouring properties is likely to be greater than one might normally expect, exacerbated by the level of use of the rooms where the windows are located. It is not only the potential for actual overlooking that is of concern, but also the perception of being overlooked, generated by the overall extent of glazing. These factors are likely to be felt most by the immediate neighbours either side, but will also, because of the elevated position of the whole building, affect other surrounding properties to some degree, including potentially those in Churchill Road to the rear.

- 2.20 The windows proposed for the flank elevations either serve bathrooms or are secondary windows to a kitchen and could be obscure glazed to avoid overlooking and loss of privacy.
- 2.21 Although the proposal would create a series of apartments (as opposed to conventional family housing) this is a normal residential use and there is no reason to suppose that any unacceptable noise or disturbance will arise. Although concern has been raised about the location of the refuse storage area at the front of the site, this is enclosed by fencing and is about 14m away from the closest point of the neighbouring house; it is in an area where a certain amount of activity is to be expected, especially as the majority of houses along this stretch of road (including the existing dwelling at this application site) appear to use their parking areas for refuse bins as well.
- 2.22 Turning to the amenity of future occupiers, the internal layout has been amended from earlier schemes to avoid habitable rooms at the front of the site where there is limited outlook (and that, such as it is, would be of the parking and refuse storage area). The rooms at ground and lower ground floor level at the front of the site are all kitchens. The rear garden will provide a communal open amenity space, including drying areas, accessible to all units albeit that for the upper floors this is via the front entrance and pathways at the side of the building. Units 1 and 3 meet the Nationally Described Space Standards for a one bedroom, one person dwelling; units 2 and 4 meet the standard for a one bedroom, two person unit, and unit 5 meets the standard for a two bedroom, four person, two storey unit.

Highways and Parking

- 2.23 One parking space is provided for each unit, which meets the standard set out in the Core Strategy DM13 and IGN3 and is broadly consistent with NPPF objectives. The spaces are all of adequate size, with the end spaces increased in width. In order to accommodate the parking spaces, the submitted plan indicates that the vehicular cross-over will be increased in width from about 7m to 15.5m. This will have some impact on the space available for on-street parking but, given the proximity of the access to next door's parking area, this is likely to result in the loss of, only one on-street parking space. Notwithstanding that all the anecdotal evidence points to parking locally being under some strain, this is not the level of impact that could be described as "severe" (as referred to in NPPF para 109) and would not justify refusal.
- 2.24 Concern has been expressed at the visual impact of increasing the number of cars parked in the front garden of this property, and the detrimental effect this might have on the street scene and potentially on the outlook from neighbouring properties. I have some sympathy with that view, especially given the elevated nature of the parking areas relative to the houses they serve. However, this is a feature that is already prevalent along this stretch of road and it would be difficult to argue that what is now proposed would be out of character; especially as the

alternative would appear to be a continuation of the on-street parking that already takes place.

Ecology and Habitats

- 2.25 The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment.
- 2.26 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.31 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.

Other Issues

- 2.32 Concern has been expressed over the potential for the development to cause harm to the integrity of the structure and foundations of neighbouring property. Whilst some aspects of construction activity are capable of being material planning considerations, those particular aspects are technical matters that would be covered under the Building Regulations or, if necessary, dealt with through the Party Wall, etc. Act. As Members will be aware, a loss of property value is not generally a material consideration.

2.33 Some local residents are worried that the erection of purpose-built flats will change the character of the area. Whilst the majority of nearby properties appear to be in single family occupation, there are some purpose-built flats in the wider area and it is also possible that some properties that appear to be single residential properties have been converted internally. The NPPF seeks to encourage more efficient use of urban land and an increase in densities is specifically cited as something that should not be resisted purely on a matter of principle. In this instance, however, it is not the principle of building flats that causes harm, but the way in which this manifests itself in the design and layout of the site and the consequential effects on character and amenity; these are aspects that the NPPF is concerned about.

3. Conclusion

3.1 The site is within the urban confines and the principle of redevelopment for residential purposes is acceptable. The part of the site where the new building is proposed may be regarded as previously developed land and the NPPF encourages appropriate schemes that make more efficient use of such land. However, the NPPF also recognises that this objective needs to be balanced against the need to ensure that developments safeguard the environment, respect the character of the area and achieve a high standard of amenity. NPPF paragraphs 117, 122 and 127 are particularly relevant.

3.2 Whilst in some respects a taller building such as is proposed would make a more meaningful contribution to the street scene than the existing building, there are other elements of the scheme that fail the tests set out in the NPPF. The design and external appearance of the building would appear out of place in the street scene and does not follow the rhythm of other development in the road. The design of the rear elevation does not respect the domestic character of the surrounding development. In addition, the rear balconies would allow unacceptable overlooking of the private garden area of neighbouring property, and the overall number and size of windows on the rear elevation would, taking account of the proposed use of the rooms they serve, be likely to cause an unacceptable loss of privacy to neighbouring properties generally. Because of the elevated position and height of the building, this degree of fenestration would also be oppressive. The height of the building and its proximity to the boundary would also be oppressive and overbearing for part of the external area at the rear of no 28.

3.3 These issues – the failure to respect the character of the area and to safeguard the amenity of neighbouring properties – are the most important in determining this application. In pursuit of sustainable development, paragraph 11(d) of the NPPF requires that where there are no relevant development plan policies to address these issues (as is the case here), planning 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 Framework taken as a whole. In this instance the adverse effects on the character of the area and on amenity clearly outweigh any benefits that might occur, for example, through a modest increase in housing numbers. On that basis, planning permission should be refused.

g) Recommendation

I. REFUSE PLANNING PERMISSION for the following reasons:

(1) The proposed development, by reason of the unsympathetic design and appearance of the front elevation, would look out of place in the street scene and

fail to respect the character of the area. The design and appearance of the rear elevation also fails to respect the character of the area by reason of the extent of glazing and disposition of window and door openings, which is at odds with the domestic character of neighbouring buildings. For these reasons the development does not meet the objectives of paragraphs 117, 122 and 127 of the National Planning Policy Framework (2019).

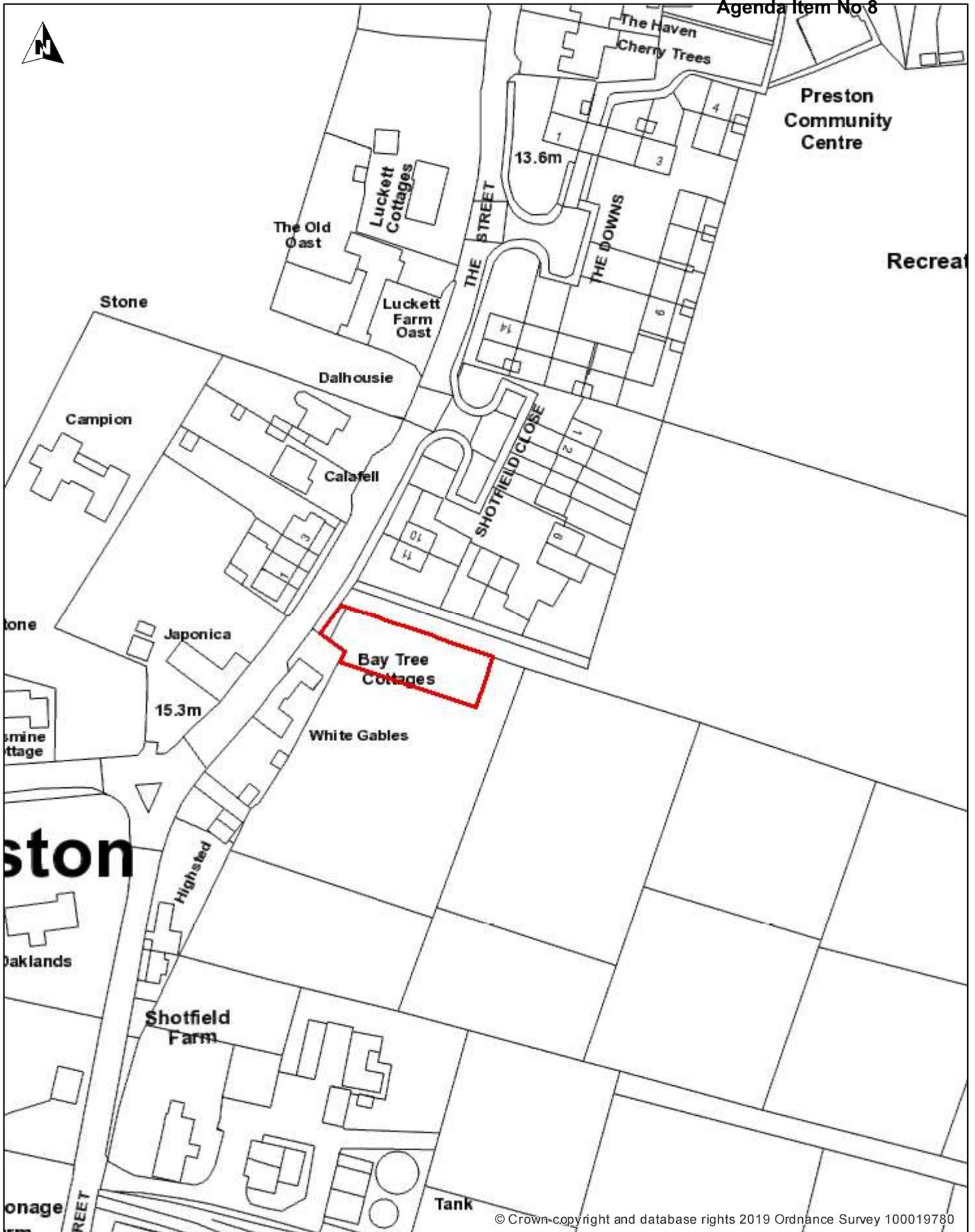
(2) The proposed development would cause unacceptable harm to the amenities of neighbouring residential properties through a loss of privacy and overlooking of private garden areas. This is exacerbated by the fact that many of the windows situated above lower ground floor level serve rooms that are likely to be in regular day-time use. The number of large windows situated at height would be oppressive for neighbouring residents. The height of the building and its proximity to the boundary would also be oppressive and overbearing for part of the external area at the rear of no 28. For these reasons the development does not meet the objectives of paragraphs 122 and 127 of the National Planning Policy Framework (2019).

(3) For the reasons cited in reasons for refusal 1 and 2, the adverse effects of granting planning permission significantly and demonstrably outweigh any identified benefits, and the proposal therefore fails the test set out in paragraph 11(d) of the National Planning Policy Framework (2019).

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle the wording of reasons for refusal, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Neil Hewett



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DOV/20/00211
Paddock At Shotfield Farm
Preston
CT3 1DP

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/20/00211 – Erection of a detached dwelling, creation of a vehicular access and associated parking – Shotfield Farm, The Street, Preston

Reason for report: Number of contrary views (11).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – 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.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework 2019 (NPPF)

- 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 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.

- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states '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 (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'
- Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

National Design Guide (2019)

Kent Design Guide

Ash Neighbourhood Development Plan (Draft for Reg14 Consultation)

d) Relevant Planning History

DOV/ 98/00930 - Erection of stables for accommodation. Approved.

DOV/03/01099 - Erection of 2 storey side extension. Approved.

DOV/04/00562 - Erection of dormer windows to front. Approved.

DOV/19/00006 - Change of use and conversion of barn to dwellinghouse with associated parking. Approved.

DOV/19/00785 - Erection of a pair of semi-detached dwellings with associated parking. Refused.

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

DDC Heritage Officer – no objection. The proposal would infill the gap and would result in less than substantial harm to the heritage asset. The harm should be judged against the public benefits arising from the scheme.

DDC Waste Services – no objection.

KCC PROW Office – no comments.

Southern Water – no objections.

KCC Highways - refer to the above planning application and confirm I have no objections in respect of highway matters. Adequate access and parking arrangements are proposed. The following should be secured by condition.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work and during construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work and during construction.
- Provision of wheel washing facilities prior to commencement of work and during construction.
- Measures to prevent the discharge of surface water onto the highway.
- Provision and retention of the vehicle parking spaces prior to commencement.
- Use of a bound surface for the first 5 metres of the access.
- Provision and retention of the cycle parking facilities prior to commencement.
- Completion of the necessary vehicle crossing in the footway prior to the use of the access.
- Provision and maintenance of a visibility strip 2.4m in width from the edge of carriageway along the site frontage with no obstructions over 1m above carriageway level within the strip, prior to commencement.
- Provision and maintenance of 1 m x 1 m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to commencement.

KCC Archaeology – The proposed development site lies within a parcel of undeveloped land on the edge of the village of Preston. The village of Preston lies in an area of high archaeological potential associated with several past discoveries which suggest extensive Iron Age and Romano-British occupation in the area. Less than 200m to the east of the proposed development site is the scheduled monument of a ring-ditch and enclosure (NHLE entry 1003121) and evidence for Iron Age occupation was previously recorded at Shotfield Farm during the laying of a new waterpipe in the 1960s. Significant quantities of pottery of Iron Age and Romano-British date have also been recorded at Shotfield Farm during excavations for the growing of potatoes. Several Romano-British burials are recorded to the south of the village.

It is possible that the proposed development may impact remains of archaeological interest. I therefore recommend that provision be made in any forthcoming planning

consent for a programme of archaeological works. The following condition covers what would be required:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Preston Parish Council – views not received.

Public Representations:

Eleven (11) letters of objection received in relation to the planning application raising the following matters:

- overlooking
- block natural light into the garden
- increase in traffic
- blind bend
- out of keeping with the street
- there are no traffic calming measures at this end of the village and cars speed round that bend
- it would be detrimental to maintaining the “openness and character of the village”
- build in this gap and would be heavily encroaching on White Gables
- increased potential for accidents through reversing vehicles and further obstruction to the pavement from vehicles parked on it
- spoil the view for neighbouring houses
- overshadowing

f) 1. The Site and the Proposal

1.1 The application site forms part of Shotfield Farm which is located on the eastern side of the village of Preston on The Street. Shotfield farm consists of the farm house, stabling for up to 19 horses, 20 x 40 floodlit rubber arena, 40 x 45 soft track arena, horse walker, tack room, club house, paddocks for grazing. The application site lies outside of defined confines of Preston (albeit adjacent) and for the purposes of planning, it is considered to be within the countryside.

1.2 The application site shares boundaries with listed building ‘White Gables’ to the southwest which addresses the crossroads whilst Japonica (listed building) sits across The Street opposite the application site.

1.3 The application seeks consent for the erection of a detached dwelling with associated parking.

Concerns were raised in relation to the scheme with regards to the potential impact on the setting of the Grade II listed building, visual amenity concerns and the impact on residential amenity by virtue of its proximity of ‘White Gables’. Amended drawings were received on 06 May 2020. The following amendments have been made to the scheme:

- The overall length of the dwelling has been reduced by 1m and it has been further setback from the road by approximately 1.5m to the southeast. In total, the proposed dwelling is now setback from the edge of the road by approximately 11m.
- The overhang of the gable roof was reduced by 1.5m to 0.5m. Some overhang has been retained with a view to ensure visual clarity in terms of articulation of the finishes to the front elevation.
- The overall height of the dwelling has been reduced by 350mm together with a reduction in the height of the front facing facade wall by 500mm.
- The northern side elevation facing Shotfield Close has been amended to be partly brick and partly clad in timber cladding.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on Highways

Assessment

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 such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 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.
- 2.3 Having regard for the most recent Annual Monitoring Report 2018/19, the Council are currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test (92%). It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.4 Policy DM1 and the settlement confines referred to within the policy 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 policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with

the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF. This application is adjacent to the confines of a Village and so the development is contrary to DM11. The degree of harm arising from the infringement with Policy DM11 is considered to be limited. It is therefore considered that, for the purposes of this application, DM11 is partially out-of-date and should be afforded limited weight.

- 2.6 Policy DM15 generally seeks to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. This policy is broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside, albeit the first part of DM15 (which seeks to prevent the loss of countryside), should carry only limited weight as its blanket approach is out of step with the NPPF.
- 2.7 Whilst it is considered that policies DM1 and DM11 are largely out-of-date, policy DM15 is not out-of-date, although is in a degree of tension with the NPPF. It is considered that the 'tilted balance' is engaged in this instance.

Impact on the Character and Appearance of the Street Scene

- 2.8 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.9 The site lies in close proximity to a junction formed by The Street and The Forstal. The site lies in an exposed location and is directly adjacent to a thin strip of development which falls within the confines of Preston. It currently comprises land with equestrian uses.
- 2.10 The application site is narrow towards the front and is partially concealed by a single storey, part two storey dwelling, 'White Gables'. It is noted that the properties in The Street to the south of the application site are street fronting dwellinghouses with little or no setback from the road with gaps in between. Whilst there are a few L-shaped clusters immediately to the north of the site which constitute short independent cul-de-sacs. Therefore, whilst there is a variation in the layout of the properties in The Street, it should be noted that the properties in the area have vernacular architectural features and together with the intermittent gaps, it gives the area a strong rural feel.
- 2.11 It is relevant to note the previous application for a pair of two storey semi-detached dwellings was refused on the grounds of impact on the character and appearance of the street scene, by virtue of inappropriate design of the dwellings and the loss of the gap. This application for a proposed detached dwelling whilst would infill that gap, it would be a chalet style dwelling with no roof dormers which would effectively give this the appearance of a single storey dwelling. The dwelling has been orientated such that the gabled elevation would address the road and has been significantly setback from The Street frontage. Therefore, whilst there will some loss of openness, the scale, siting and orientation of the dwelling would effectively help retain the spaciousness and rural character of The Street.

- 2.12 The proposal is considered to have been designed using contemporary architectural features with an underlying tone of vernacular architecture. The dwelling is considered to be appropriately designed, well-proportioned and utilises a palette of high-quality materials. The proposal would result in the creation of some hardstanding for the parking of cars within the site frontage, however, the impacts resulting from the creation of hardstanding and other domestic paraphernalia could be softened by a high-quality landscaping scheme. This could be achieved by attaching a suitably worded condition. Having regard for the above, it is considered that the resultant impact from the proposed dwelling could be adequately contained and as such it would not cause unacceptable harm to the character and appearance of the wider countryside. Therefore, the proposal is not considered to be contrary to policy DM15 of the Core Strategy and paragraph 170 of the NPPF. In addition to this, it is considered that the development would relate well to the neighbouring buildings and the local area more generally and would integrate into the existing built environment, in accordance with paragraphs 127 and 130 of the NPPF. Finally, it is recommended that a suitably worded condition be attached to remove the permitted development rights including Classes A (extensions), B (dormers/hip to gable extensions), D (Porches) and E (outbuildings) to allow further control of development on the site.
- 2.13 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Section 66(1) which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular paragraphs 189 – 196 at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 195 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.14 The listed building ‘White Gables’ (immediately adjacent to the site) addresses the crossroads (as does the neighbouring listed building, Japonica) and is surrounded by fields, although it does not seem to have a clear historical working relationship with the land. The simple detailing of the listed building, its position in the street and the open space around the listed building all contribute to it being a prominent and attractive building in the street scene when entering the settlement. The field path and land between the listed building and the modern residential development at Shotfield Close is therefore considered to be an important gap.
- 2.15 The proposed development would be set back from the street so that it would only become viewed in context with the listed building when exiting the settlement. The new development and the listed building would be viewed in context of each other from an adjacent footpath. Whilst the proposed development would infill this gap, following the receipt of amended drawings which resulted in a further setback of the building from the road and the listed building, it is felt that the harm caused to the setting of the listed building has now been sufficiently minimised. It is therefore concluded that the harm caused to the setting of the listed building would be less than substantial harm. Paragraph 196 states, “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed*

against the public benefits of the proposal". As established above, the harm caused to the heritage asset would be less than substantial harm which should be weighed against the benefit arising from the proposal. It is considered that the provision of a high quality family dwelling in a sustainable location is a sufficient public benefit to overcome the limited harm identified.

- 2.16 In conclusion, having regard to both the statutory duty of the council under The 'Act' and the policy within the NPPF, no harm would be caused to the setting of the Listed Building or the Conservation Area.

Impact on Residential Amenity

- 2.17 Nos 10 and 11 (Semi-Detached Pair Shotfield Close to the North)

The application site lies at a distance of approximately 15m from the side elevation of the semi-detached pair. Furthermore, there are no windows to the side elevation of the proposed dwelling facing the semi-detached pair. Having regard for the above, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring occupiers of No's 10 and 11 Shotfield Close.

- 2.18 White Gables to the South-West

The proposed dwelling would lie to the northeast of White Gables. Therefore, no harm from overshadowing or loss of light would occur from the proposal. At the time of site visit, it was noted that there are no openings to the rear elevation of White Gables that would be affected by the proposed development. The proposed dwelling would be sited at a distance of approximately 12.5m from White Gables. Therefore, having regard for the adequate separation distance between the properties, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring occupiers.

- 2.19 There are no other residential properties in the vicinity to be directly affected by the proposal. Therefore the proposed development complies with paragraphs 127 and 130 of the NPPF in this regard.

Living Conditions of Future Occupiers

- 2.20 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a private garden and areas which could be used for refuse storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Impact on Parking/Highways

- 2.21 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional travel in a location beyond settlement confines. However, given the siting of the proposed development directly adjacent the settlement confines, it is not considered that the harm caused by the proposal in this respect would be sufficient to warrant a refusal on this basis.

- 2.22 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would result in the creation of a new access and would accommodate two open car parking spaces within the site, meeting the needs generated by the occupiers of the dwelling. Having regard for the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy. KCC Highways were formally consulted on the proposal and have raised no objection, subject to conditions.
- 2.23 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (inc. IGN 3) and the NPPF, and to encourage and facilitate the use of this sustainable forms of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Ecology

- 2.24 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

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

- 2.25 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding 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.
- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Archaeology

- 2.30 The application site lies in an area with archaeological potential. Therefore, there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, KCC Archaeology have recommended that in the event that the planning permission is granted, a pre-commencement condition (for an archaeological works programme) be attached to the permission.

Drainage

- 2.31 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.
- 2.32 Whilst Southern Water have raised no objection in this instance, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal.

Other Material Considerations

- 2.33 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.
- 2.34 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.
- 2.35 With regards to the social role, it is considered that the proposal would enhance the environment together with providing a family dwelling in the village.
- 2.36 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural character of the area. No wider landscape impact is envisaged from the proposal. The application site abuts the settlement confines of Preston and has fairly good access to the public transport and facilities and services in Preston such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objectives of the NPPF and objectives relating to supporting community facilities.
- 2.37 In conclusion, taking the above facts in the round, it is considered that the proposed dwelling would lie in a sustainable location and would not result in any adverse impacts. As such, the proposal would support the sustainability principles of the NPPF.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the area or wider countryside. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and drainage. Finally, whilst it is considered to cause less than substantial harm to the heritage asset, the benefit arising from the proposal (an additional family home) is considered to outweigh the harm identified. Having regard for the above, it is recommended that the application be approved, subject to conditions.

g) Recommendation

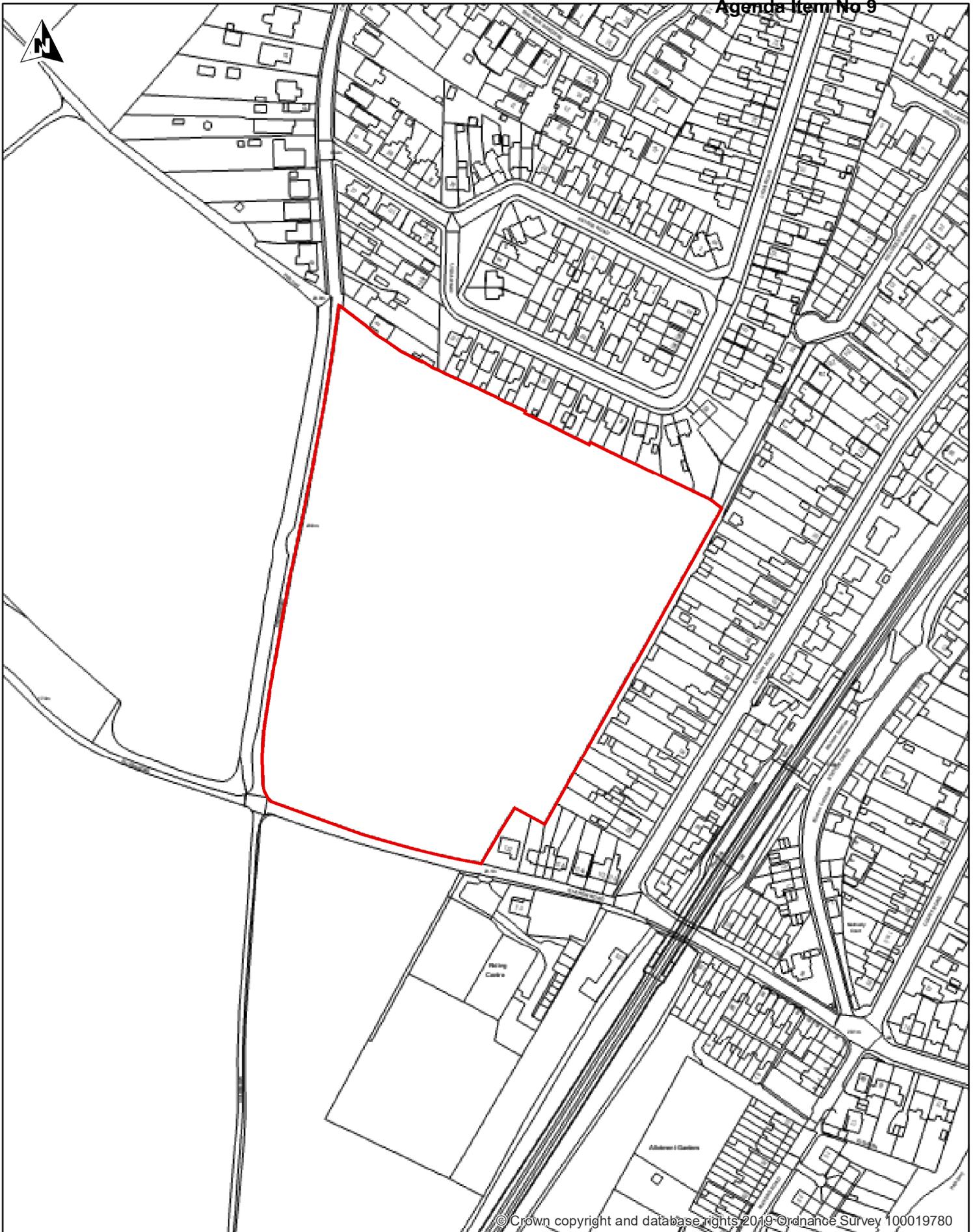
I. PERMISSION BE GRANTED, subject to conditions which include:

(i) 3-year time limit (ii) Approved plans (iii) samples of materials (iv) provision of parking facilities (v) measures to prevent the discharge of surface water onto the highway (vi) pre-commencement condition for Construction Management Plan (vii) use of bound surface for the first 5m of the access from the edge of the highway (viii) Provision and maintenance of a visibility strip measuring 2.4m in width from the edge of carriageway along the site frontage with no obstructions over 1m above carriageway level within the strip, prior to use of the site commencing (ix) Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing. (x) cycle parking details (xi) bin storage (xii) completion of access prior to first use (xiii) removal of PD rights (classes A, B, D and E) (xiv) Surface water disposal scheme (xv) foul water drainage scheme (xvi) submission of a landscaping scheme (xvii) boundary treatments and hard surfacing materials.

- II. Powers to 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.

Case Officer

Benazir Kachchhi



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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 – Deferred from Planning Committee meeting on 13 February 2020

- 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 annex.

- d) **Relevant Planning History**

Please refer to report attached as an annex.

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

Please refer to report attached as an annex.

Additional comments since last agenda.

KCC Highways: I refer to the Coldblow Level Crossing Impact Assessment submitted on 21st May and concur that in highway terms, the development proposals are unlikely to generate a material increase in use of Coldblow and the crossing or have a material impact on the highway in relation to rail replacement bus services.

The British Horse Society: No response

Network Rail: As part of our licence to operate and manage Britain's railway infrastructure, Network Rail have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable. Following an internal consultation, Network Rail's level crossing team have raised concerns regarding the impact of the proposed development on Coldblow User-Worked level crossing (hereinafter referred to as "Coldblow level crossing").

Coldblow Level Crossing is a User-Worked type crossing and therefore reliance is placed on the user (member of public) opening the gates when it is safe to do so, which on this crossing is indicated by a green light. The user then traverses the crossing and closes the gates behind them.

However, the user may not always be aware of the dangers and as a result misuse does occur. Recently a near miss occurred when numerous drivers chose to use Coldblow level crossing to bypass roadworks on Dover Road but failed to close the gates behind them. This led to trains being cautioned (slowed) over the crossing until a railway employee attended to close the gates. Not only was there a risk from vehicles driving straight onto the railway whilst a train is approaching but children and animals also had direct access to the operational railway. This highlights when traffic issues occur on Station Road or Dover Road it results in the level crossing becoming a "rat run" for drivers.

The introduction of this up to 100 dwelling development is likely to generate more traffic in the area, a proportion of which will choose to use the level crossing. Any increase in the usage of the level crossing results in an increasing of the risk and increase the risk of misuse.

The proposed road improvements on Station Road may also increase the likelihood of vehicle drivers choosing to use the level crossing if it results in a build up in traffic. Network Rail are also keen to understand how the improvements will interact with traffic as well as the rail replacement buses which may affect the ability of the bus to stop where it does currently.

Network Rail's initial assessment was undertaken using the information currently provided within this planning application. The information does not include any assessment of the impact on Coldblow level crossing, as a result, Network Rail requires the applicant to prepare a 'Level Crossing Impact Assessment' which contains information such as the predicted vehicular and pedestrian trips made across Coldblow level crossing from the proposed development.

As a result of our concerns outlined above, Network Rail would like to place a holding objection until information is provided to enable Network Rail to carry out a full assessment and identify any mitigation that may be required. Any assessment provided to Network Rail would need to factor in the effects of the proposed road improvements on Station Road.

Revised comments following submission of additional information: Network Rail have now reviewed the LCIA and would like to make the following comments.

Network Rail believe the Census 2011 data used within the LCIA does not provide a true reflection of the local population. It is understood there is ongoing housing construction within the area post 2013 with one example being the 223-dwelling development off Station Road. It appears from our records Network Rail were not consulted on the Station Road planning application and as a result did not make any representations. It is worth noting however, Network Rail would have raised similar level crossing impact comments.

The cumulative impact of this Cross Road development, as well as those not included within the LCIA may therefore have an impact on traffic within the local area and in particular the morning and evening peak commute traffic. As a result, residents may choose alternative less congested routes such as the route over Cold Blow level crossing.

Network Rail also question the route used to compare journeys shown on Figure 5 within the LCIA. Residents may continue to Ringwould rather than turn left when driving away from the crossing and go back on themselves.

As a result of the points made above, Network Rail would question the findings of the LCIA i.e. no additional car-based and 4 additional pedestrian/cycle-based trips are forecast.

The most appropriate option currently available to reduce the risk at Cold blow level crossing is an upgrade to a Manually-Controlled Barrier type level crossing which would cost in the region of £3-5m. This upgrade would remove the need for the public to manually open the gates.

However, given the substantial monies required, Network Rail are in the view that this development does not significantly impact the level crossing alone to justify contributing the total amount required to upgrade the crossing. This request would be unfair and unreasonable in terms of the development's scale, type and location, therefore, not meeting the planning obligation tests.

As a result, Network Rail are keen to discuss with Dover District Council other funding options available to mitigate the risk imported to Network Rail by the cumulative impact of new developments within the area. Network Rail are aware that Dover District Council does not currently have a Community Infrastructure Levy charging schedule but would like to suggest a meeting to explore other options.

Clarification Response: Network Rail previously requested a Level Crossing Impact Assessment is undertaken to identify whether the proposed development at Cross Road, Deal would present an unacceptable risk to Coldblow User-Worked level crossing.

Following review of the LCIA by Network Rail's Level Crossing team, Network Rail raised issue with the data used within the LCIA to which the applicant has provided satisfactory justification for this within a letter to Network Rail sent on 09/06/2020. As a result, Network Rail recommends no objection to the proposals.

Third Party Representations - A total of 156 representations have been received objecting to the proposal (155 Objections and 1 Support). The following is a summary of the objections received since 13 February Planning Committee Agenda and those reported verbally at the meeting.

A further 58 representations of objection have been received since 13 February. Some of these are from the same authors or are follow up comments. (The total number of individual addresses is identified as 136 on our record system). Below is a summary of the additional planning related comments received to date:

- Drivers take short cuts and this is not considered in the Transport Statement
- Proposed footpath along Station Road is too narrow and not safe
- Impact of the increase in users on the manual level crossing and safety concerns
- Changes to the highway are inadequate
- Area is not suitable for development
- Impact on existing junctions not fully considered
- Traffic figures identified are incorrect
- The development is not sustainable, not needed and will have a detrimental effect on the existing community
- Central government advice should not be taken into consideration as its not sustainable
- Deal can't cope with more traffic development will cause unacceptable levels of congestion
- Local services can't manage greater increases in demand
- Double yellow lines are ignored
- Drivers drive too fast, take no notice of signs or measures to slow traffic
- No pedestrian crossings proposed
- How are construction vehicles going to gain access to the site, roads are too narrow
- In a high flood risk area, known to flood
- The environment and agricultural land should be protected
- DM1 is still relevant and the policy position is being misinterpreted
- Large lorries already get stuck
- Are road works intended to take place before houses are constructed
- Effect on an existing business – riding school
- Traffic data is out of date
- How does this development address carbon emissions – does not comply with para. 148 of the NPPF
- Consultants need to visit a site or can't consider their evidence or opinion
- The professional opinion has a high number of errors
- Insufficient consideration has been given to the riding school business
- An adjacent building site is a high risk to riders and horses at the riding school
- There will be continuous construction noise for years
- Riding school business would no longer be able to operate
- The professional opinion has not taken into account the proposed road works
- Landscaping should be implemented pre-construction

- There will be harm and stress caused to the horses
- Development will cause additional pollution, it is not sustainable
- An electric sub-station is proposed near residential properties this is not acceptable
- There is no access to Sydney Road from the site, this is a private means of access and is privately owned and maintained.
- HGV's and construction traffic accessing from the north (Cross Road) only is not safe in highway terms, road is largely single lane and there are already severe problems on this road and associated junctions
- The proposal will cause safety issues at Coldblow level crossing and increase traffic using the manual level crossing
- Works to Station Road will take longer than 4 weeks and cause more congestion
- All landscape buffer works to the southern boundary should be completed prior to construction
- How will access be maintained to residential properties during the road works
- Why were Network Rail comments not sought at the outset
- DDC need to consider the health and safety implications on Coldblow level crossing in close proximity to the site
- Using Cross Road, with the tight junctions at Mill Hill will make restricted access problems even worse and HGV's turning a hazard for all
- Drainage hasn't been addressed
- Traffic along Cross Road is already an issue due to the high number of parked cars
- The noise and vibration from construction traffic
- Parked cars will get damaged as Cross Road isn't wide enough for passing cars
- Construction traffic will affect residents and pedestrians and their health and safety, there are serious implications and pollution concerns
- HGV's already have to mount pavements in Cross Road to get access and at most existing junctions
- Cross Road should be one way only
- Where will construction workers park?
- How will all the additional traffic be accommodated?
- Crossing Cross Road is already hazardous, especially for children accessing schools
- There isn't space for residents to park cars on their properties
- Nobody in the local area wants this development the application has been discussed many times and should be refused, existing residents are not being listened to
- Access for emergency vehicles will be even further restricted
- Cross Road is currently not wide enough for a bus
- Why do residents have to put up with this distribution and stress
- Traffic accidents and damage will occur due to construction traffic
- This proposal if approved would cause a precedent
- Use of the manual level crossing will almost certainly increase due to congestion and road works associated with this development
- This is a greenfield site and should be kept as such for local residents
- Proposed landscaping would not screen the riding school
- Development on this site is inappropriate with poor access and should not be allowed
- The highway works on Station Road are proposed on private land
- Damage to private property due to vibration and construction vehicles
- Cross Road and its footpaths are too narrow and are heavily used by pedestrians
- Access to and from properties on Cross Road will be affected
- The level crossing impact assessment uses out of date data and does not take into account congestion problems on Dover Road and Station Road which result in an increase in the use of the level crossing
- Recent developments in the area have not been taken into account in the level crossing impact assessment

- Bats use the local area and the site should be maintained as open space for the benefit of wildlife and local people

It is worth noting that a number of objections were raised in relation to the process of the application, including the management of committee, the committee site visit, minutes taken, the delegated report and the information displayed on the public web-site, along with the consideration of planning policies.

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

Please refer to report attached as an annex.

Assessment

Update

2.1 This application was reported initially to Planning Committee on 16 January 2020 but following a lengthy discussion was deferred for a Members Site Visit on 11 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.

2.2 Due to the nature of the site visit, representatives from KCC Highways and Transportation and the applicant also attended. Any issues raised were reported verbally to Planning Committee by the appointed Chairman on the 13 February Planning Committee. Prior to the site visit, additional plans were provided by the developer to more clearly show the proposed highway works and were submitted to assist understanding at the site visit. The plans submitted did not propose any amendments and all proposed off-site highway works are as originally proposed.

2.3 These plans have been added to the application and are available to view online, to ensure all third parties had the opportunity to view these plans. It was also discussed at the site meeting that a number of conditions could assist to address the highway concerns and these are reflected in the recommendation and list of conditions identified.

2.4 The application was reported back to the 13 February Planning Committee and a copy of this report is attached as an annex to this follow up report. KCC Highways and Transportation also attended Planning Committee and detailed discussions took place in relation to highway matters. Following discussion at the Planning Committee, Members recommended that the application be deferred to seek the views of The British Horse Society in relation to the impact on the riding school and the safety of the horses.

Principle of Development

2.5 This is discussed in detail in the appended report.

Impact on the Landscape and Visual and Rural Amenity

2.6 This is discussed in detail in the appended report.

Highway Impacts

- 2.7 This is also discussed in detail in the previous report with the following summarising discussions that have taken place and suggested conditions.
- 2.8 At the Members site visit on 11 February 2020 the impact of the proposed off-site highway works, particularly focusing on Station Road and the works near the riding school were discussed. On assessing the works that would take place a number of conditions were suggested to ensure the works considered a number of specific factors and also that the works are partially implemented prior to construction works commencing on site, in the interests of highway safety and the free flow of traffic. On further consideration of the specific wording it is suggested the following conditions are included in the recommendation:
- 2.9 *Prior to the commencement of construction on site, the off-site highway works shown on plan numbers 2243-F02 Rev J, 2243-F03 and 2243-F01 Rev P shall be implemented in accordance with a detailed highway works phasing strategy to be submitted and approved by the local planning authority, this shall include details of measures to provide a dropped kerb to enable parking to 112 and 144 Station Road. The agreed phasing strategy shall be implemented accordingly.*
- 2.10 *Development shall not be commenced until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order (TRO) adjusting and prohibiting on-street car parking in the vicinity of Station Road, Sydney Road and Cross Road. A scheme indicating the extent and full details of the TRO shall be submitted to and approved by the local planning authority.*
- 2.11 At the 13 February Planning Committee further discussions and measures were discussed in relation to the safety of horses using Station Road/Ellens Road. KCC Highways stated that the proposed off-site highway works along this stretch of road would result in the reduction of vehicle speeds (from the current 60mph) as the 30 mile per hour restriction would be significantly extended to the junction with Cross Road, along with the widening of the road along this section resulting in increased visibility to the east. It was also advised that the riding school would be able to cross the footpath proposed outside the riding school with their horses and it is considered reasonable to install road signage to advise of the need to slow down, due to the use of the road by horses. A further condition is therefore suggested to this effect and is included in the list of suggested conditions.
- 2.12 Given the detailed discussions relating to the highway works and the imposition of detailed conditions and controls, it is considered that previous highway concerns expressed by Members would, to a sufficient degree, be addressed. It is not considered that the proposal would result in a severe highway impact and as previously advised by KCC Highways, would accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.
- 2.13 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 there are no highway grounds to refuse this planning application.

Impact on the Riding School

- 2.14 The application was deferred from the February Planning Committee to enable comments to be received from The British Horse Society in relation to the impact on the riding school and the health and safety of the horses. The society were consulted in February and to date there has been no response. Due to the nature of the concerns it was considered that specialist advice needed to be sought to enable the impact on the horses and the riding school to be appropriately assessed.

- 2.15 A specialist legal equine planning consultant was therefore identified and advice was sought in respect of the impact on the riding school and horses as a result of the proposed development. On appointment of the consultant full background information was provided to enable an opinion to be offered. As the consultant was based in Cheshire it was not considered necessary for a site visit to be undertaken as most of the information was available electronically. In addition, the appointment took place at the start of the COVID-19 outbreak and a site visit would have breached government advice on non-essential journeys at that time. It was therefore not reasonable or proportionate to require a site visit. The advice was made publicly available.

The conclusion states:

“Due to the distance of the proposed construction area of the development site, to the north, and due to the particular type of horses that I would anticipate are used for teaching, I would not expect the business to be unduly affected during either of the construction phase or post development.”

- 2.16 The opinion was based on the construction phase of the development and post-construction phase and considers the horses’ welfare, rider safety and impact on business. These views are also based on the indicative site layout plan which identifies a landscaped buffer and open space to the southern section of the site. At this stage the applicants had also offered their agreement to a legal obligation requiring the open space and landscaping to be provided before occupation of 70% of the site and this was also relayed to the consultant. The opinion does not consider the impact of the proposed off-site road works.
- 2.17 On further discussions with the consultant it was advised that horses do not like visual changes or sudden noises, which can cause them to react badly and cause stress that could affect both their welfare and the safety of riders. However, they do adapt over time, so once completed the proposed development is unlikely to cause an undue impact on the riding school. The construction phase has greater potential to cause stress and anxiety, due to visual changes and noise. There is some debate as to how much of the development site will be visible from the riding school, due to the intervening landscaping, however, the clarification from the developers that they would be happy to implement landscaping works prior to 70% occupation and include this within the legal agreement would assist and further minimise the impact from the construction site.
- 2.18 In terms of the off-site road works which are in much closer proximity to the riding school, the applicant has clarified the expected duration of the works, as the road would need to be temporarily closed during the works resulting in a shorter period of time, and it has been confirmed this would be expected to be undertaken within 4 weeks. It would therefore be reasonable to assume that the riding school and the horses could be affected over this 4-week period but once the works were completed the horses would be able to adjust to the visual changes.
- 2.19 Additionally, a construction management plan and an environmental construction management plan are included in the list of conditions. Combined these would seek to control the movement, routes and timing of construction traffic and the noise, working hours and overall management of the construction site. These conditions therefore seek to minimise the impact of the construction phase of the development site in terms of the impact on existing/adjacent uses and their amenity. These measures would also address some of the concerns from the riding school and the impact on the horses.
- 2.20 Further the applicants have also confirmed some of the basic details that would be covered in the construction management plan condition and have confirmed they would expect that Cross Road would form the preferred route for construction vehicles, due to the railway bridge on Station Road. This would further reduce the

potential for noise and disturbance from large vehicles travelling past the riding school.

- 2.21 On the basis of the evidence available and the controls and measures that can be put in place, through conditions and the legal agreement, along with the short period of time for the road works along Station Road, the impact on the riding school and the welfare of the horses has been minimised as far as practicable and beyond the standard requirements for similar types of development. Therefore, on balance, the development, including during the construction phase, along with the adequate measures identified, will minimise disruption to the riding school. The overall impact on the riding school, the welfare of the horses and riders has therefore been found to be appropriate and acceptable from the proposed development. There is also limited evidence to suggest that there would be any long-term impact on this existing riding school business, which should be able to continue operating throughout the majority of the construction phase.

Impact on Coldblow Level Crossing

- 2.22 The impact of the proposed development on the manual level crossing at Coldblow has also been raised, due to the potential for an increased use as a result of the proposed development. Network Rail were consulted on the planning application but were not initially consulted as all the criteria for consultation had not been fully met, they were formally consulted to ensure consistency following concerns raised directly by them in respect of the application.
- 2.23 Initial comments following formal consultation raised concerns regarding the potential for increased use of the manual level crossing as a result of this development and concerns in relation to increased development generally within the local area and recent safety concerns at the level crossing. Their comments are set out in full in the consultee section above. As a result, a Level Crossing Impact Assessment was requested to assess the potential impact and a holding objection raised.
- 2.24 The applicants duly provided a Level Crossing Impact Assessment and Network Rail re-consulted on this additional report. The report identified a very limited material increase on the use of the level crossing as a result of the proposed development. KCC Highways were also re-consulted on this additional information. The transport assessment submitted with the planning application also did not identify a material increase in the use of the level crossing and KCC Highways have confirmed that they agree with this position, with a limited direct increase in the use of the manual level crossing as a result of this development.
- 2.25 Network Rail, however, raised some concerns, which are set out in full in the above section. They requested clarification with the data used in the submitted assessment, the baseline position in relation to other recent developments and the distribution of vehicle trips. They identified that the most appropriate option currently available to reduce the risk at Cold blow level crossing is an upgrade to a Manually-Controlled Barrier type level crossing which would cost in the region of £3 to £5m. This upgrade would remove the need for the public to manually open the gates. It was clarified that it was not expected that the full cost should be requested as a contribution nor was the holding objection withdrawn or upheld. As a result, the applicants sought to clarify their position and confirmed the data was as set out in the Transport Assessment which is up to date and found to be acceptable as a result of the impact of the development on all highway matters.
- 2.26 In addition, they raised the need for further discussion with DDC regarding future developments. The consultation response was also followed up by a letter to Network Rail in relation to the issues raised and to seek clarification on their formal position. Requests for contribution have to be backed up by relevant evidence and have to satisfy the 3 tests in the CIL Regulations (2010) (as amended) being:

- 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.

2.27 No material increase in traffic has been identified in the use of Coldblow Level Crossing as a result of this proposed development, (ie. no addition car movements and 4 pedestrian movements), it therefore cannot be necessary, directly related or reasonably related in scale and kind to the proposed development. It would therefore not be reasonable, even more so at this late stage in the consideration of the planning application, to request additional contributions to address what would appear to be an existing issue at the manual level crossing. Network Rail were also advised that their views on this position and the Local Plan Review would be sought at the Regulation 18 stage of the Local Plan Review and would be fed into the formulation of any subsequent policies that may result.

2.28 Issues with the level crossing have existed for some time and are ongoing, it would therefore not be reasonably related to the development proposed and are not there to address existing situations. Without relevant evidence and planning justification it would not be appropriate to make requests for such planning contributions, unless a need related to the development has been identified. In response to the points raised Network Rail confirmed their position and have now raised no objection to the proposed development.

Routing of Construction Traffic

2.29 To address concerns relating to the riding school and the safety of the horses associated with large HGVs and construction vehicles using Station Road to access the site, clarification on the proposed route of construction traffic was sought from the applicants. It was clarified and anticipated that Cross Road would be the main route to the site for construction vehicles. This was expected due to the low railway bridge on Station Road. A Construction Management Plan (CMP) condition was proposed to be added that would have required this information in full and at a later date however this request was brought forward for the above reasons. This does not change the need for full details in all respects, including timings, signage, working hours etc to be provided by a condition. Nevertheless, this position has resulted in a large number of objections to the use of Cross Road for this purpose. In terms of whether the road is wide enough and turnings at junctions can be made by HGVs, the Transport Assessment submitted with the application would have taken this into account to a certain extent. KCC Highways would also have been mindful of these aspects of the proposed developments in making their formal comments. No objections have been raised in relation to highway matters relating to this development and on this basis the proposed development is considered to be acceptable, subject to the planning conditions set out in this report.

Planning Contributions - Summary

2.30 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.

3. Conclusion

- 3.1 In terms of planning policies, development of this site outside the settlement confines would be contrary to policy DM1 and in tension with the 'blanket' restrictions in policies DM11 and DM15. The development otherwise accords with policies DM16 and DM25 of the Core Strategy. In saying that, it is recognised that this 'basket' of policies (DM1 in particular) are not up to date relative to the approach in the NPPF. The NPPF indicates (paragraph 11) where this is the case development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.
- 3.2 When weighing up the benefits of the development identified in the report, although there are significant objections 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 would help boost the supply of homes as sought by the NPPF (paragraph 59). 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 been agreed in principle, including education, health and open space contributions. It has also been agreed that the S106 will also require the open space and landscape buffer to be provided in advance of 70% occupation of the units, bringing forward the formal landscaping in advance of a significant proportion of the normal housing building schedule.
- 3.4 KCC Highways consider the proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works, including those considered by Members at the Committee Site Visit. The proposed impact on the highway has been considered in some detail and has been through a number of detailed discussions and considerations. This includes a number of specific conditions and the impact is not considered to be severe. The development accords with paragraph 109 of the NPPF and the impact on the local highways is consequently acceptable, including during the construction stages.
- 3.5 Further detailed consideration has been given to the impact on the riding school and its horses and further advice has been sought in this respect. This is the primary reason for the deferment from the 13th February Planning Committee

and although advice has not been forthcoming from The British Horse Society, expert advice has confirmed that with the additional measures and conditions set out in this report, the likely impact on the riding school business and the welfare of the horses will be minimised to an acceptable degree. On this basis and on balance, the development is found to be acceptable in this regard.

- 3.6 In terms of the impact on Coldblow Level Crossing this has also been found to be acceptable and it has been demonstrated that no financial contribution can be sought from this proposed development. The concerns raised by Network Rail will also be considered further in the Local Plan Review.
- 3.7 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 and undertakings to further control the development on site.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, undertaking for landscaping works 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 (inc. route for construction vehicles)
- 8) Highway conditions (parking, visibility splays, highway works and access fully implemented prior to construction works, 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) (if not covered in the s106)
- 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 (inc. dust 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
- 27) Broadband connection
- 28) EVC charging points
- 29) Road signage to advise of riding school/horses
- 30) Off-site highway works prior to commencement and in accordance with a phased scheme

31) Scheme for Traffic Regulation Order along Station Road to be implemented prior to construction works

- 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

- 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 linnets and yellowhammers
- 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 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.

(g) 2. Main issue

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 the 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 granted, 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 policies 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 an 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

- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 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

- 2.31 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.

- 2.32 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.
- 2.33 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.
- 2.34 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

- 2.35 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.
- 2.36 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.

- 2.37 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.
- 2.38 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.
- 2.39 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.
- 2.40 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.
- 2.41 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.

- 2.42 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.
- 2.43 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

- 2.44 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.
- 2.45 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.
- 2.46 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.
- 2.47 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.
- 2.48 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

- 2.49 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.
- 2.50 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.
- 2.51 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.
- 2.52 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.
- 2.53 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.
- 2.54 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.

2.55 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

2.56 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.

2.57 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.

2.58 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.

2.59 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.

- 2.60 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.
- 2.61 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

- 2.62 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.
- 2.63 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.
- 2.64 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.
- 2.65 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.
- 2.66 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.
- 2.67 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.
- 2.68 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.
- 2.69 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.
- 2.70 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.
- 2.71 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.
- 2.72 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

- 2.73 The NPPF identifies the importance and significance of heritage assets in the consideration of development proposals. There are no designed 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.
- 2.74 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.
- 2.75 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.”
- 2.76 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.
- 2.77 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.

- 2.78 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.
- 2.79 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.
- 2.80 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.

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 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