

Appendix 2

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

Reason for report – Number of contrary representations (30).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Dover District Core Strategy (2010)

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

Saved Dover District Local Plan (2002) Policies

None.

Dover District Land Allocations Local Plan (2015)

LA13 – Land between Deal and Sholden.

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

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;
- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;

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

National Planning Policy Framework (NPPF)(2012)

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

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

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

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

17. Core planning principles... planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...

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

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

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

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

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

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

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

Other Considerations

Flood zone 3a

d) **Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

For original comments – please see first report (attached as Appendix 1).

Comments below are based on further submitted information, following deferral at the Planning Committee meeting of 2 November 2017.

Kent County Council – Local Lead Flood Authority (LLFA) – No objection.

“[Nothing] further to add on this particular site and would refer you to our last formal consultation response.”

River Stour Internal Drainage Board (IDB) – No objection.

“The summary drainage statement from Persimmon Homes... confirms my understanding of the situation... Provided that the on-site drainage system is designed in agreement with KCC’s SuDS Team, in particular that there is sufficient on-site storage to limit runoff to the proposed maximum of 6.6l/s, and that the whole system will be appropriately maintained for the lifetime of the development I can confirm that the IDB has no further objection.

For information... the applicant has now submitted an application to the IDB for consent to connect the SuDS to Southwall Road Dyke, which will be processed over the coming weeks.”

Environment Agency – No objection.

“We have no further comments to make to our KT/2017/122335/01 [previous] response.”

Southern Water – No objection.

Notes that relevant infrastructure is to be provided to service the development and that an application under Section 104 (adoption) under the Water Industry Act needs to be submitted to and approved by Southern Water. All other comments previously made remain unchanged and valid.

Kent County Council – Highways – No objection.

“The information supplied by the applicant corresponds to the information... available at the previous meeting. ... The width of the proposed internal access roads was a concern to Members at the meeting and I can advise that the proposed width of roads, at 4.8 metres, is in accordance with Kent Design for the number of dwellings served... Corn Field Row (the existing, newly built road off which one of the new culs-de sac is served) is also being widened to 4.8 metres to accommodate the additional dwellings.”

KCC are satisfied with the evidence to hand and maintain no objection on highways grounds.

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

Site

1.1. The application site is located to the rear (north west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development

(permitted under DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

- 1.2. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. An existing hedgerow described as species poor extends for 45 metres across the centre of the site and beyond the site to the north east, as far as the Southwall Road Dyke. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.
- 1.3. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.
- 1.4. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely residential on both sides. Some open countryside still separates middle Deal from Sholden.
- 1.5. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.
- 1.6. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.
- 1.7. Approximate dimensions of the site are:
 - Width – between 80 and 120 metres.
 - Depth – 225 metres (from rear of Hyton Drive properties).

Proposal

- 1.8. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the re-provision of parking spaces for existing residents at Hyton Drive.
- 1.9. The affordable dwellings would be dispersed throughout the site.
- 1.10. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.
- 1.11. At the south eastern end of the perimeter road the carriageway stops

approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.

1.12. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields. The section of hedgerow within the site would be removed.

1.13. The proposed housing mix is as follows:

1.14. Market dwellings

- 2 bed x 6 – Alnwick house type.
- 2 bed x 12 – Hanbury house type.
- 3 bed x 3 – Hatfield house type.
- 3 bed x 1 – Hatfield Corner house type.
- 3 bed x 2 – Clayton house type.
- 3 bed x 4 – Clayton Corner house type.
- 3 bed x 6 – Leicester house type.
- 4 bed x 2 – Lumley house type.
- 4 bed x 7 – Chedworth house type.
- 4 bed x 6 – Corfe house type.
- TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.

1.15. Affordable dwellings

- 2 bed x 7 – 2L house type.
- 3 bed x 6 – 3L house type.
- 4 bed x 2 – 4L house type.
- 2 bed x 6 – 2BF flat type.
- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.16. Ridge heights of the proposed buildings are:

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

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

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

development.

2. **Assessment**

- 2.1. At the Planning Committee meeting on 2 November 2017 members resolved to defer this application, for the following reasons:

That, notwithstanding the Officer's recommendation, application number DOV/16/01476 be DEFERRED for the following reasons: (i) To receive further information from Kent County Council Local Leading Flood Authority and/or Southern Water regarding the increase in flood risk to other areas such as Albert Road, Church Lane and Matthews Close if the development were permitted; (ii) To receive a presentation from Kent County Council Highways clarifying traffic flow surveys; and (iii) Should the findings of the North Deal Study be available, that these also be reported to the Committee.

Flooding

- 2.2. At the meeting members expressed concern in relation to the nature of flooding at the application site and in surrounding areas, with particular regard to existing conditions, if these would be worsened as a result of the proposed development going ahead, and whether the primary source of concern related more to tidal flooding or surface water flooding.
- 2.3. In terms of tidal flooding, the information presented at the meeting related to sea defence works and how these protect the site, among other parts of Deal, up to the standard of a 1 in 300 year flooding event.
- 2.4. In terms of surface water flooding, the applicant has since provided further information in relation to proposed drainage arrangements, which illustrates that were the development to be built, there would be an expected improvement in the potential of the site or surrounding areas to flood in any given rainfall event. This information has been relayed to the relevant consultees. As noted above, the consultees have either confirmed that they have no further comment to add, or in the case of the River Stour IDB
- 2.5. The proposed surface water drainage would be dealt with by a split arrangement whereby the western part of the site drains towards the existing balancing pond at a peak discharge rate of 2.3 litres per second in the 1 in 100 year rainfall event (plus 20% allowing for climate change).
- 2.6. Were this part of the site to remain undeveloped, it would continue to discharge surface water at the following rates:
- 1 in 10 year event – 17.7 litres per second.
 - 1 in 30 year event – 24.8 litres per second.
 - 1 in 100 year event – 34.9 litres per second.
- 2.7. The eastern part of the site is proposed to drain into the existing surface water sewer, using existing connections, at a rate of no more than 4.3 litres per second during any rainfall event including 1 in 100 years plus 40%.
- 2.8. Presently there is no form of restriction on the surface water drainage rate at this part of the site, which is calculated to drain at a rate of 171.7 litres per second in the 1 in 100 year rainfall event.

2.9. Accordingly, in terms of how surface water drainage from the site would be managed and how it would affect existing residents within the area, it has been demonstrated from the submitted information that the measures proposed in the development would improve the situation. None of the consultees have objected to the proposal and the River Stour IDB has confirmed that the applicant has submitted an application to link the balancing pond into the Southwall Road Dyke, which was discussed at the meeting in November.

Highways

2.10. The applicant has submitted further information relating to the traffic impact of the proposal. This information has been relayed to and agreed by KCC Highways.

2.11. The information submitted and agreed gives an indication, in percentage terms, of how the development would affect traffic movements at local junctions immediate to and further afield from the development site.

2.12. Increases in traffic would be seen primarily at the junction of Hyton Drive and Church Lane (where the site is accessed from) and along Orchard Avenue and Middle Deal Road. Beyond the key routes to and from the site, traffic increases are within daily variances, including at the Manor Road roundabout.

2.13.

Junction	% Increase in traffic resulting from application	
	AM peak	PM peak
Church Lane/ Hyton Drive	12.7%	13.3%
Orchard Avenue/ Church Lane	7%	6.8%
Middle Deal Road/ Orchard Avenue/ Bowling Green Lane	3.3%	3.3%
Middle Deal Road/ Southwall Road	2.3%	2.4%
A258 London Road/ Bowling Green Lane	1%	0.9%
A258 London Road/ Middle Deal Road	1%	0.8%
A258 London Road/ Manor Road	0.7%	0.6%

2.14. The assessment process employed to determine the above information took account of all major residential and non-residential development commitments in Deal, including specifically Sholden Fields, Minters Yard, and the existing Timperley Place development adjacent to the site, using TEMPRO (Trip End Model Presentation Program), which is the industry standard. This was also used to estimate background traffic growth. The model was agreed with KCC Highways.

North Deal Study

2.15. Members also requested that if available, the results of the North Deal traffic study be presented to them. This study, however, is still ongoing and no results are currently available.

- 2.16. In respect of highways matters KCC Highways maintains no objection to the scheme, subject to conditions.

Other

- 2.17. **Affordable housing.** At the meeting in November, concern was expressed regarding the concentrated layout of affordable housing that was proposed, with all units focused in the south eastern section of the site. The applicant has amended the proposal to create a more dispersed layout of affordable units, which is more integrated with the market units.
- 2.18. **Legal agreement.** The applicant has submitted a draft legal agreement to the council, proposed to secure the development obligations and the protection of the open space at the north western end of the development for that purpose in perpetuity. The document is currently being reviewed by the Planning Solicitor.
- 2.19. **Clarification of amendments to original report:**
- Consultee and third party responses – River Stour IDB – reference regarding response to most recent consultation is incorrect. The IDB did respond confirming that there was no further objection subject to agreement with the local lead flood authority.
 - Consultee and third party responses – Dover Town Council, should read **Deal** Town Council.
 - 3.65 - £3497.43, should read **£3591.11**.

Conclusion

3. It is considered that the information submitted pursuant to the reasons for deferral adequately addresses those reasons.
- 3.1 The further information relating to surface water drainage illustrates that by incorporating management measures in relation to how surface water is released into the balancing pond and Southwall Road Dyke, as well as the existing surface water sewer, drainage at the site, and in neighbouring local areas, would be improved over the current situation. This would represent a benefit to neighbouring residents who area currently subject to uncontrolled flows direct from the neighbouring fields.
- 3.2 In terms of traffic information, the applicant has followed the industry standard for modelling. The further information submitted is a conversion of the previously submitted figures into percentage differences for modelled junctions. This illustrates that in relation to traffic movements created by the development, the effect on junctions dissipates in a relatively short distance from the site, such that by the time that traffic meets the A258 London Road the effects are within daily variances that could otherwise be expected.
- 3.3 In all other respects the consideration of the application remains as per the original report attached at Appendix 1 and the recommendation, therefore, is to grant permission.

g) Recommendation

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of

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

- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett