

- a) **DOV/17/01345 – Outline application for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), a care home with up to 64 bedrooms (C2 use), publicly accessible open space (including children's play area), attenuation pond, and creation of vehicular access (two dwellings to be demolished) (appearance, landscaping, layout and scale of development to be reserved). Proposed amendments to highway arrangements – Land at Churchfield Farm, The Street, Sholden, Deal**

Reason for report – Number of third party contrary comments.

- 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.

A summary of relevant development plan policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.  
DM1 – Settlement boundaries.  
DM5 – Provision of affordable housing.  
DM11 – Location of development and managing travel demand.  
DM13 – Parking provision.  
DM15 – Protection of the countryside.  
DM16 – Landscape character.

Dover Land Allocations Local Plan (LALP) (2015)

DM27 – Providing open space.

Saved Dover District Local Plan (2002)

None applicable.

Kent Minerals and Waste Local Plan 2013-2030 (2016)

DM7 – Safeguarding mineral resources

National Planning Policy Framework (NPPF)(2012)

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. It is highly desirable that local planning authorities should have an up-to-date plan in place.

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; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

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...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; 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; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities... Planning... decisions... should aim to achieve places which promote...

- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

70. To deliver the social, recreational and cultural facilities and services the community needs, planning... decisions should...

- plan positively for the provision... of... community facilities... and other local services to enhance the sustainability of communities and residential environments...

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities...

75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...

### **Other considerations**

Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Church of St Nicholas – grade II\* – listed 11 October 1963.**

“Parish church. C13 with C14 fenestration and tower, C17 porch, all heavily restored late C19. Knapped flint and plain tiled roof. Nave and chancel north porch and west tower. Three stage tower with string courses corner buttresses and parapet. Nave with restored Y-tracery windows and buttresses, chancel stepped in with renewed lancets, and low windows to north and south. North porch C17 of red brick on flint, the end wall rebuilt C19 in brown brick. C19 doorways. Interior: plain chamfered tower door, fine C15 chancel arch on round responds with moulded octagonal capitals and bases, and wave moulded outer order carried all the way round the arch. The inner reveals of chancel lancets are original C13 work. C19 roofs, of crown posts in the nave. The nave extends to north of chancel and tower as if aisled on plan. The north doorway C15, with attached shafts and moulded surround. C19 fittings, including bad marble reredos. Monuments: large series of black and white marble wall plaques, early and mid C19 Neo-classical, the best to Sarah Curling, d. 1845, with draped urn and enriched bracketed base, signed J. Milligan, Portland Rd, London, and Jane Harvey, d.1842, with a sarcophagus on claw feet, with fasces on the sides, and small coffin over, signed E. Gaffin, Regent St. London. Originally a chapelry of Northbourne. (See B.O.E. Kent II, 1983, 460).”

### **Tomb chest and vault and headstone about 2 and 5 metres north of Church of St Nicholas – grade II – listed 24 March 1987.**

GV II Tomb chest and vault and headstone. Tomb chest to William Hild, Pilot of Deal, d.1674, and members of his family to 1696. Red brick chest with plinth on barrel

vaulted and part rendered vault. Moulded marble top slab with inscription. Headstone to William Salmon, d.1713. About 3 feet high with heavily scrolled shoulders with death's head motif.

**Tomb chest and headstone about 1+5 metres east of Church of St. Nicholas – grade II – listed 24 March 1987.**

Tomb chest. Late C17. Moulded and inscribed top slab on red brick chest on plinth. Inscription illegible. Headstone to Elizabeth Ratley, d.1776. About: 3 feet high, with scrolled shoulders and palm frond surround to heraldic achievement.

d) **Relevant Planning History**

DOV/17/01153 – Screening opinion – proposed residential development – ENVIRONMENTAL STATEMENT NOT REQUIRED.

e) **Consultee and Third Party Responses**

**DDC Regeneration (Planning Policy)** – The proposed development is contrary to policy DM1, by virtue of its location outside of the settlement boundary. No further designations have been made which identify any other purpose for this site e.g. protected open space, or the prevention of coalescence. Dover District Council cannot demonstrate a five year supply of deliverable housing land, which along with the evidence in the revised SHMA relating to the objectively assessed housing need, means that the presumption in favour of sustainable development contained in paragraph 14 of the NPPF (the tilted balance), is relevant to the determination of this application.

The policy manager suggests that if open space is to be retained in perpetuity, it may be feasible to transfer the land to the management of the parish council, subject to their agreement.

**DDC Infrastructure officer** – comments regarding open space requirements that would arise from the proposed development, as required by policy DM27. Notes the following requirements:

- Accessible green space 0.25 ha
- Outdoor sports facilities 0.13 ha
- Children's equipped play space 0.007 ha
- Allotments / Community Gardens 0.023ha

In relation to NHS request – a proportional payment would equate to £13,492.

Ecological mitigation contribution for Thanet Coast and Sandwich Bay SPA and Ramsar site is £2,188.

**DDC Ecology** – no objection in relation to the site specific recommendations in submitted ecological report. In relation to any potential impact on the Thanet Coast and Sandwich Bay SPA, an appropriate assessment has been undertaken and determined that the proposal would not result in adverse impacts on the SPA, subject to securing mitigation payments.

**Natural England** – no objection – subject to the following comments:

Thank you for your email dated 20th February 2018 consulting Natural England on the above application. I can advise that Natural England has no objection to the proposal providing that the housing element makes the appropriate contribution to your authority's Thanet Coast SPA Mitigation Strategy. Our advice is that no contribution is

required from the care home element as residents are likely to be infirm and therefore unlikely to make use of the SPA for recreational purposes.

FOLLOWING RULING OF EUROPEAN COURT OF JUSTICE  
PEOPLE OVER WIND AND SWEETMAN – 12 APRIL 2018  
(RELATING TO HABITATS REGULATIONS ASSESSMENTS)

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

**DDC Trees** – concurs with recommendations in tree protection plan; and the relevant recommendations in the ecological scoping report.

**DDC Heritage** – advises no harm to the setting of the listed building (St. Nicholas's Church), and no need to consult Historic England.

**DDC Head of Strategic Housing** – no objection – subject to the following comments: The number of affordable homes proposed is 14 which represents 30% of the 48 of C3 residential dwellings. It is proposed that the 14 dwellings are split on a 70/30 ratio between homes for social rent (10 dwellings) and an intermediate tenure (4 dwellings). The Council would normally expect intermediate dwellings to take the form of shared ownership housing.

The proportion of affordable housing proposed and the tenure split is considered acceptable.

The proposed unit types within the two forms of tenure are also set out in the statement. The mix of unit types appears to be appropriate but may need fine tuning following discussions with potential affordable housing delivery partners. The applicant has stated he is willing to discuss an alternative mix of house types if the Council feels this would better reflect housing need in the district.

Normally a C2 use class would not be subject to a requirement to provide affordable housing. However, the Council will need to satisfy itself that the scheme does comply with this planning use class as there have been instances where 'extra care' housing has been incorrectly classed as C2. However, it is noted that the application refers to the provision of a 'care home' rather than extra care.

**DDC Environmental Health** – no objection – subject to conditions for:

- Dust management plan.
- Construction management plan with hours of working restricted as follows:
  - Mondays to Fridays 08.00 – 18.00
  - Saturdays 08.00 – 13.00
  - And at no time Sundays and Bank Holidays.
- Land contamination investigation and remediation.

**KCC Highways** – no objection – subject to conditions and following comments:

I refer to the additional information submitted for the above on 4th May and 11th May and confirm the proposed improvements to The Street are acceptable. The proposed development is anticipated to generate approximately 30-35 two-way vehicle movements in the peak hours (including the afternoon school pick-up period), although this is considered to be a robust figure and may well be less bearing in mind there are three primary schools, bus stops, a railway station and Deal town centre within a reasonable walking distance of the site. All of these movements will be along Vicarage Lane to/from the site access and most if not all will also be along the section of The Street between Vicarage Lane and the A258 London Road. Neither of these sections of road are heavily trafficked and both are low-speed environments. The movements are then likely to disperse on multiple routes such that the increase at nearby junctions on the A258 is not significant and substantially less than the usual variation in daily flow.

The section of The Street between Vicarage Lane and London Road has no footway and has effectively operated as a shared surface, where pedestrians have mostly used the southern edge of the street for many years without any apparent significant problems. The greatest number of existing vehicle and pedestrian movements appears to occur during the afternoon school pick-up period, when some parents are collecting children from Sholden C of E Primary School in London Road. There have been no recorded personal injury accidents in the 10 years to the end of September 2017 in this section of The Street. The development will also introduce additional pedestrian movements to and from the site, although most of these are unlikely to be in this section of The Street bearing in mind the other routes available towards other primary schools, bus stops, the railway station and the town centre.

The development proposals include improvements to the existing situation in The Street with a marked pedestrian route along the southern edge of the street at the same level as the carriageway, to provide increased safety for pedestrians and highlight their presence to drivers whilst retaining room for vehicles to pass each other when necessary. The pedestrian route is a different surface colour/treatment (red block paving) and the remaining width of road is also changed to charcoal block paving with an entry paving band of contrasting material at each end, to help drivers identify that they are in a different environment to London Road and Vicarage Lane. At the junction with London Road the existing visibility for pedestrians crossing northbound is poor, obstructed by an existing boundary wall. This is improved by building out the end of the existing footway in London Road so that a pedestrian can see past the first section of adjacent boundary wall before stepping out into the road. This build-out also allows the marked pedestrian route to connect directly to the existing footway network in London Road. These proposals have been independently safety audited and the works will be carried out by the developer through a legal agreement with the highway authority.

Visibility at the junction of Vicarage Lane with The Street is limited both to the west for drivers exiting Vicarage Lane and for drivers turning right into Vicarage Lane, by existing boundary walls. However, the visibility available is acceptable based on the measured speed of vehicles. Visibility to the east for drivers exiting Vicarage Lane is also acceptable based on measured speeds. The proposed site access onto Vicarage Lane can provide acceptable visibility with the removal of some existing on-street parking in the vicinity of the access, as shown on the submitted drawing number 162228/SK/04 Rev. E. A total of nine potential parking spaces would be removed, with six being relocated into a lay-by in the site access road. Additional on-street parking is available if necessary in other sections of Vicarage Lane. The removal of on-street parking would be achieved through an extension of the existing double yellow lines at

the junction with The Street and would also provide an improved, unimpeded route for refuse, delivery and emergency vehicles to both the site and the rest of Vicarage Lane.

The southern boundary of the site adjoins Public Footpath ED56 (Church Lane Path) which provides a pedestrian route towards local schools and Deal town centre. The footpath is being widened and upgraded to also allow use by cyclists as part of the Church Lane development to the east. Connections from the proposed site to this route will enable residents to walk or cycle to the local schools and the town centre, and such connections can be resolved through any reserved matters application (although the requirement for such connections should be a condition on the outline consent). A separate pedestrian/cycle/secondary emergency access was also originally shown between the site and The Street via the existing access to Churchfield Farm, however this has now been removed from the proposals. The Fire Service have confirmed that the proposed main access off Vicarage Lane is sufficient for their purposes and other pedestrian and cycle connections to the site will be available, so this previously shown access is not considered necessary to make the proposals acceptable. Parking restrictions and additional lay-by parking are also proposed which will effectively provide a clearer route along Vicarage Lane and into the site than is currently available.

Access for construction traffic will need to be suitably managed and this can be achieved through submission of a Construction Management Plan which can be secured by condition.

Taking all of the above into account, on balance the proposals are unlikely to have a severe impact on the highway network that would warrant a recommendation for refusal, subject to the following being secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - a) Routing of construction and delivery vehicles to / from site;
  - b) Parking and turning areas for construction and delivery vehicles and site personnel;
  - c) Timing of deliveries (these will be restricted to outside school drop-off and pick-up times);
  - d) Provision of wheel washing facilities;
  - e) Temporary traffic management / signage;
  - f) Site access arrangements.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of vehicle parking and turning facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the site access onto Vicarage Lane as shown on the submitted plans or amended as agreed with the Local Planning Authority prior to first occupation.
- Completion of the improvements to The Street as shown on the submitted plans or amended as agreed with the Local Planning Authority prior to first occupation.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and

constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - a) Footways and/or footpaths, with the exception of the wearing course;
  - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans at the site access onto Vicarage Lane with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of driver visibility splays at all road junctions and vehicular access points within the site prior to first occupation, in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of pedestrian visibility splays at all vehicular access points within the site prior to first occupation, in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision of pedestrian and cycle connections to Public Right of Way ED56 (Church Lane Path) prior to first occupation, in accordance with details to be submitted to and approved by the Local Planning Authority.

I would also request that all dwellings include charging facilities for electric/hybrid vehicles (a minimum of an external domestic plug socket adjacent to each parking space with the ability for this to be upgraded to a charging station).

INFORMATIVE: (Relating to highway approvals and consents).

**Highways England** – no objection – subject to the following comments:

We assessed the originally submitted Transport Assessment (TA), noting that Traffic Figures had not been provided; these Figures have now been supplied and considered. On this basis, we are satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). Accordingly we do not offer any objections or requirements relating to the proposal, and enclose our HEPR form to this effect.

**KCC PRoW** – no objection – subject to informative relating to no storage of materials on footpath ED56.

**Stagecoach** – no objection – subject to the following comments:

The nearest bus stop is in The Street, opposite The Sportsman PH, which is served once per hour by Route 80 on Mondays to Saturdays. This provides direct services to Deal and Dover, and to Sandwich, with most buses continuing from there to Canterbury as Route 43. However, the stop does not meet current disabled access standards, there is no pavement access from the proposed development, and the only access to the proposed development is off Vicarage Lane, so the walk to/from the bus stop will be somewhat circuitous.

We also have concerns about the possible increase in traffic levels in The Street, especially given the lack of pavements, and the capacity of the junction with London Road. This is likely to be detrimental to buses exiting The Street into London Road.

**KCC Infrastructure (education, libraries etc.)** – no objection – subject to the following obligations and informative:

- Primary education – towards an extra classroom at Hornbeam Primary School – £152,904.

- Secondary education – towards phase 1 expansion at Dover Grammar School for Girls – £189,290.
- Libraries – towards large print books at Deal Library – £2,208.73.
- Fibre optic broadband – to work with next generation broadband providers to deliver superfast broadband – informative.

**KCC Minerals and Waste** – no objection – subject to following comments:

The proposed application site is located within a Minerals Safeguarding Area (MSA) as defined by Policy CSM 5 Land-won Minerals Safeguarding of the adopted KMWLP. The proposed development site is coincident with a MSA within the Dover district with the safeguarded economic mineral being Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway.

The Minerals and Waste Planning Authority for Kent notes the correspondence dated 25th April 2018 between Greenlight Developments in relation to minerals and waste policy DM 7 which is provided in the planning application documentation. The correspondence endeavours to invoke criterion 2 of Policy DM 7 of the KMWLP stating the prior extraction of the mineral would not be economic, viable or practicable.

The Minerals and Waste Planning Authority is of the view that the above position is not one evidenced by any investigation of the deposit. However, given the lack of any recent historic mineral workings to supply a brick making facility in the locality, it is considered unlikely that the safeguarded deposit is of economic importance to the brick making industry currently. Therefore, exemption criterion 1 of Policy DM 7 of the adopted KMWLP can be invoked to allow an exemption from the presumption to safeguard the mineral deposit. Furthermore, there is a distinct potential for adverse local residential amenity impacts that would be associated with the prior extraction of any mineral and its onward transportation. Therefore on this occasion, the Minerals and Waste Planning Authority does not object and has no further comments to make.

**KCC Archaeology** – no comments received.

**Environment Agency** – reviewed – no comment.

**KCC Lead Local Flood Authority (LLFA)** – no objection – subject to conditions:

1. Detailed sustainable surface water drainage scheme.
2. No occupation until confirmation of implementation and long term management of sustainable drainage scheme have been submitted to and approved in writing by the LPA.
3. Infiltration allowed only where details have been submitted and approved by the LPA.
4. No occupation of buildings until verification of sustainable drainage system being operational.

**Fire officer** – no objection – subject to the following comments:

Following examination of the plans the provision of an access roadway of 3.7m in width which allows an appliance to within 45m of all points within the dwelling must be provided. Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90m of all points within the dwelling.

In addition, turning facilities should be provided in any dead end access route that is more than 20m long.

**South Kent Coast Clinical Commissioning Group (CCG) (NHS)** – objects to care home, requests contribution relating to proposed residential dwellings:

Care home residents are generally patients that have high levels of health care need, often with multiple co-morbidities and requiring more frequent home visits than other patients registered in the area. The CCG has discussed this application with local practices and we are concerned that the extra demands placed on primary care by the development of a new 64 bed care home will put existing practice populations at risk as services become further stretched. Deal already has a significant number of care home residents registered with local practices and an additional home of this size will have a destabilising effect on local primary care provision.

Given this, the CCG is unable to support the application for a new care home in Sholden. Should the development be approved, the CCG would look to the council and developer to assist in the development of a funding package to support the delivery of care.

In terms of a S106 application for the remainder of the application, should planning for the 48 dwellings be approved, the CCG would seek a capital investment in order to complete the fit out of the upper floor at Balmoral Surgery... The total indicative cost of the scheme would be in the region of £308,625 – broken down into £260,985 building cost, £32,640 IT and telephony costs and a further £15,000 to include professional fees. The current NIA of the building is 991 sqm, the proposed expansion would create an additional 183 sqm of usable space.

In respect of this application a developer’s contributions is required as follows:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
Unknown size	48	48 x 2.34 = 112.32	£40,435.20

**KCC (Nursing homes)** – no comments received.

**Rural consultant** – no objection – subject to following comments:

The land concerned is rectangular in form; it is overgrown and appears to have been disused, or at least not in productive agricultural use, for many years (aerial imagery suggests this lack of use goes back to at least 1990). A recent Agricultural Land Quality report finds the land to comprise about 3.7 ha of very good Grade 2 quality potential, but this is compromised by the encroachment of some 1.9 of poor quality Grade 4 land, so that the Grade 2 land has an irregular “L” shape.

Para 112 of the NPPF states: “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

In the High Court judgement in *Telford & Wrekin v Sec State etc. & Gladman Developments Ltd.* [2016] EWHC 3073 it was held (para. 38) that NPPF 112:

*“is simply an instruction (i) to “take into account” the economic and other benefits of the best and most versatile agricultural land which does not confer any particular level of protection and (ii) to “prefer” the use of poorer quality land if significant development of agricultural land is necessary, which applies to all agricultural land, not just BMV land. It is not a prohibition on the use of BMV agricultural land, nor a restriction on development in principle; it does no more than to encourage the relocation of proposed development onto poorer quality agricultural land if available”.*

It was noted, in para. 42 of the judgement, that much of the surrounding land around Telford is BMV land – as appears to be the case in the Sholden and Deal area – and that “no alternative site comprising poorer quality land was put forward”.

This High Court decision was also a case where the Council concerned (like Dover) has already approved/allocated housing sites on other BMV land – two examples being DOV/13/00945 at Sholden, and the land at Campbell Road/Spitfire Way, Hawkinge.

From this Court judgement, and from other recent planning 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, a Council would have to be able 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 whether or not there are sufficient alternative feasible local sites of lower land quality.

In summary, this is a disused site with a relatively small amount of BMV land, in an awkward shape. The overall impact of the loss of BMV land, having regard to the availability or otherwise of other suitable alternative sites, as well as the availability or otherwise of a robust 5-year local housing land supply, are matters for the Council to take into account in the overall planning balance in cases of this type. However it would seem inappropriate to afford undue significance to the issue of BMV agricultural land loss in this particular instance.

**Southern Water (clean water supply)** – (included in submitted Utilities Statement) – no objection, provides details of necessary works to supply the site.

**Southern Water (drainage)** – (included in submitted Utilities Statement) – no objection, confirms adequate capacity in local sewerage network to accommodate expected foul flow.

**UK Power Networks** – (included in submitted Utilities Statement) – no objection, provides details of necessary works to supply the site.

**Southern Gas Networks** – (included in submitted Utilities Statement) – no objection, provides details of necessary works to supply the site.

**Crime Prevention Design Advisor** – no objection – makes reference to developer not applying seven attributes of Crime Prevention Through Environmental Design (CPTED). Outlines approved documents.

**Sholden Parish Council** – objects – comments as follows:

**(1) Site Context, Policy Context & Need**

- This site has been considered for development in the past and rejected, (*EDAW Report 2006 & site reference PHS009, Site Allocations Document 2010 preferred option for housing*).
- Dover District Land Allocations Local Plan (*Adopted January 2015*), excludes this site. Policy LA13, (*Land between Sholden & Deal*), reflects this decision. Application DOV/10/01012, (*Persimmon Development*), granted development on land between Sholden and Deal stating that the ‘development must not have an adverse impact on the setting of Sholden’. Furthermore, policy LA13 incorporates the importance of St Nicholas Church, the wider landscape and the

creation of a 'soft edge', between the proposed development, surrounding countryside and the church.

- The site is currently a sanctuary for wildlife which has migrated from the areas that are now Sholden Fields and Timperley Place.

*The application would be contrary to CS Policy DM15 Protection of the Countryside*

*The application would be contrary to CS Policy DM16 Landscape Character*

- Separation between the village of Sholden and Deal is historic. Elizabeth Welch, DDC Senior Planner, (*Pre-application advice response, June 2016*), clearly points out that, 'the site is considered important in retaining separation between Sholden and Deal and in order to provide this function must remain undeveloped.'
- Furthermore, Mrs Welch's pre-application advice response does not encourage the development of the site and notes that the plan is contrary to local policies and a number of national policies.
- Development on this site would be contrary to Policy CP7 Green Infrastructure Network which replaces OS4 Local Plan Policy Green Wedges. DDC Policy & Projects Manager Adrian Fox, (*email to Sholden Parish Council, September 2016*), states that although the area is not identified as a 'green gap', '.....it is, however protected by general countryside policies which I believe has already been advised to Sholden Parish Council by Mike Ebbs.'
- The plan would be contrary to Core Strategy Policy DM1 as being outside Deal's urban boundary, has previously been assessed and rejected (*see above*).
- Dover District Council Monitoring Report 2015/2016 (*March 2017*) clearly indicates that the Council has a sufficient supply of housing land to meet the Objectively Assessed Needs, (OAN), until 2023/24, (*Housing, Paragraph 7.59*).
- Sholden is saturated. The number of new builds, (500+), has doubled the size of the village over the past 5 years. KCC's Business Intelligence Statistical Bulletin, (*October 2017*), indicates a population increase in Sholden & Middle Deal Ward of 3.6%, (280), in the period 2015 to 2016. To compare other wards in the same period, Mill Hill is up 0.9%, Walmer 0.7% and North Deal -0.0%. These figures do not include the completion of the Timperley Place, (*Persimmon site*) or Garden Close which is considered to be a 'windfall' site and will be included in the authority's overall housing supply.
- DDC, as a pilot authority for the register of Brownfield sites, (*42 sites currently registered, DDC Monitoring Report 2015/2016, March 2017, paragraph 7.22*), should lead the way in pushing for delivery on these sites before allowing development on a site that is clearly contrary to Core Strategy Policies.
- The refusal for permission of Site application DOV/17/00280, (*Former Kumor Nursery and demolition of 121, Dover Road, Sandwich*), sets an important precedent and is comparable to this application in terms of the contravention of Core Strategy Policies and that the site is landlocked requiring demolition of 1 building for access.
- It must be noted that Persimmon have applied to build an additional 70 homes, (*DOV/16/01476*), thereby extending their current development at Timperley Place.

#### **Site Access**

- Demolition of 2 bungalows is needed to gain access to this landlocked site. Bungalows are in short supply and make up a large part of Sholden's street scene. Bungalows benefit people with mobility issues.
- Access from the site into Vicarage Lane will result in fewer on road parking spaces. Vicarage Lane is a designated cycle path which joins up to Church Lane, (currently being up-graded), and then to the wider network.

- Access from Vicarage Lane into The Street is blind as visibility splays are compromised due to the built environment. There are no pavements. The Street is narrow. The area now is a danger to pedestrians particularly children. A primary school not 100 meters away.
- Access from The Street onto the A258 London Road is problematic due to amount of traffic and the physical environment of the junction.
- Access from the A258 into The Street, compromised as the point made above.
- Emergency Access to the site is from The Street via the driveway between 2 houses. The Street at this point is very narrow. Reliable anecdotal evidence exists that access is impossible for larger vehicles. A recent incident left a vehicle stuck and a wall damaged. A site visit from Kent Fire & Rescue is essential.

### **Highways**

- The additional traffic from this development will have a significant impact on an already compromised local road network where access too and from the A258 is constricted as already described. A258 tailbacks are frequent in both directions. Air quality from traffic poor.
- On-going traffic counts/surveys carried out in Deal and its environs a few weeks ago by Dover District Council indicate acknowledgement by the council of the issues local people face daily. The roads in Deal are not fit for purpose. Significant improvements in infrastructure are needed before any more development takes place.
- Traffic movements reported by Greenlight are unrealistic. It is clear that an assessment of traffic movements is essential which reflects a true picture of the issues at the junction of The Street with the A258 and the junction from The Street into Vicarage Lane.
- Assessment of other junctions needed: London Road/Mongeham Road and impact on Upper Deal roundabout
- A site visit from Kent Highways is essential.

*The application would be contrary to CS Policy DM11*

*The application would be contrary to CS Policy DM12*

### **Infrastructure**

- Roads are at capacity, GP's surgeries are full, Sholden Primary School is at full capacity, travelling is essential. Power supply to Sholden is constantly interrupted by cuts or low power. The evidence strongly indicates that this application is not sustainable.

*The application would be contrary to CS Policy CP6 Infrastructure*

### **Care Home**

- South Kent Coast Clinical Commissioning Group have responded that the area already has a significant number of care homes and cannot support this application. Furthermore, the current demands on primary care from new developments have increased pressure on existing services stretching them to their limit. An additional care home 'will put existing practice populations at risk'. Vehicle movements to and from the care home have been significantly underestimated. Noise and light pollution will affect existing residents. Car parking is inadequate. Care packages that encourage elderly people to stay at home appears to be the current trend.

### **Conclusion**

- The site has been considered and rejected and there is no good reason why it should be re-considered now.
- Separation between Sholden and Deal must be maintained.
- The site is not sustainable.
- Site visits by KFRS and Highways are crucial.
- Should this application go to Planning Committee, a site visit by them is crucial.

**(2)** Comments relating to DOV/17/01345 Land at Churchfield Farm Amended description, amended details, re-advertisement dated 23 April 2018. In addition to the councils comments strongly objecting to the application, (13 December 2017), the council would like to make further comments based on the amended application of 23 April 2018. The council strongly objects to the application. The removal of the contentious emergency access exiting into The Street, has resulted in only one access which is essentially a cul de sac within a cul de sac. The current site, if permission is granted and including the additional properties in Vicarage Lane, a cul de sac, will exceed the max number of homes (50) for a cul de sac situation and therefore the need for an additional emergency access is essential. In addition, this does not take into account emergency evacuation of the care home. Furthermore, parking spaces allotted to the care home (18) is inadequate.

**(3)** Sholden Parish Council strongly objects to the highways amendment as it does not in any way render the junction / road any safer for pedestrian use or road users. The visibility in this part of The Street is poor. There is a safety problem here as vehicles are often forced into the middle of the road in order to exit onto the A258 while at the same time creating a collision course for vehicles entering into The Street from the A258. The visibility is poor. The layout is unacceptable. This is a dangerous, narrow and busy road / junction as per our initial comments. The measures set out in this amendment do not go any way in alleviating the highways issues here.

### **Public comments – 9x support, 94x object**

#### **Support**

- Need for good quality accommodation for elderly.
- Proposal will improve wasteland character of area.
- Proposal respects existing residents with open space provision.

#### **Object**

- Highways – visibility, blind bend, traffic movements, pedestrian safety, school children.
- Care home – no need and not supported by CCG, disturbance and light pollution.
- Housing need already met.
- Loss of green space.
- Infrastructure cannot support scheme.
- Cumulative effect of development in the area.
- Fewer sustainable transport options.
- Emergency access concerns (before removed).
- Concern that rest of site will be developed.
- Build on brownfield land instead.
- Surface water flooding risk.
- Land will be sold on and the scheme will be amended.
- Utilities issues.
- Loss of ecology.
- Contaminated land.
- Need to retain Sholden as a village.
- Loss of views.

- Does not accord with the local plan.

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

1.1. The Site

- 1.2. The site is located behind (east of) the junction of The Street and Vicarage Lane in Sholden, east of the A258 London Road, and west/north west of Middle Deal (adjacent to Diana Gardens).
- 1.3. The site is related to the old Churchfield Farm, but has not been farmed in recent memory. The site is covered by overgrown vegetation and scrub, with some intermittent areas of tree coverage, and is private land, although there are walking tracks worn into the ground. The site is level with the land at Vicarage Lane, but is higher than The Street, particularly when moving towards the north east. The site is currently accessed from an old farm track, come residential access, between numbers 30 and 32 The Street.
- 1.4. The site is immediately adjacent to the rear of dwellings on The Street and Vicarage Lane, on its north western and south western boundaries respectively. Along its south eastern boundary is public footpath ED56. The north eastern boundary of the site opens out on to open farmland and on to the southern end of the Timperley Place development.
- 1.5. Adjacent to the southern corner of the site is the grade II\* listed Church of St Nicholas, and its churchyard. Two tombs within the yard are grade II listed.
- 1.6. The Street and Vicarage Lane retain village and suburban characters respectively. The junction of The Street with the A258 London Road, the main access into Deal or Sandwich, is narrow and intimate in character, with visibility partially restricted by the road orientation and close boundaries on both sides, with no pedestrian footway. The Street is served by a regular bus service during the main hours of the day.
- 1.7. Approximate site dimensions (as seen from Vicarage Lane) are:
- Depth – 258 metres (including access), 210 metres (not including site access).
  - Width – 267 metres.
  - Site area – 5.6 hectares.

Proposed Development

- 1.8. The proposed development is an outline application that comprises the erection of up to 48 dwellings and up to a 64 bedroom care home. Matters of layout, appearance, scale of development and landscaping are reserved.
- 1.9. The indicative drawing shows the development focused in the western section of the site, with an L shaped section of land bordering the north east and south east site boundaries.
- 1.10. This section of land would be set aside for the following:
- 0.73 hectares existing woodland and copses
  - 0.74 hectares proposed structure planting
  - 0.45 hectares proposed SUDS
  - 0.31 hectares proposed LEAP and kickabout area

- 1.06 hectares species rich grassland
- 0.11 hectares retained scrubland

As well as including footpath links to the existing footpath ED56, running adjacent to the south east site boundary, on a south west – north east axis from London Road to Church Lane. This would equate to 60% of the site not being developed for housing or the care home.

- 1.11. The single vehicular access to the development would be taken from Vicarage Lane, where numbers 1 and 2 would be demolished. Around this junction parking would be restricted by double yellow lines. Six compensatory layby parking spaces would be created near to the junction within the site.
- 1.12. Works are proposed to The Street between its junctions with Vicarage Lane and London Road. This would comprise resurfacing with coloured blocks – black for the main carriageway and red for an indicated footway. At the junction with London Road, the footway would be built out into the carriageway to meet to the south western end of the proposed footway.
- 1.13. Plans will be on display.

## **2. Main issues**

- 2.1. The main issues to consider are:
  - Policy position/principle of development.
  - Design, street scene, visual amenity, and countryside impact.
  - Residential amenity.
  - Highways and transport assessment.
  - Site drainage.
  - Minerals.
  - Ecology and trees
  - Affordable housing and planning obligations.
  - Other matters.
  - Sustainability conclusion.

## **3. Assessment**

### Policy Position/Principle of Development

- 3.1. The site is outside of but adjacent to the Deal urban boundary (at Sholden). Policy DM1 makes exceptions for developments to be permitted outside of the settlement boundaries where it can be shown that the proposed development is justified by other development plan policies, it functionally requires such a location, or it is ancillary to existing development or uses. The proposed development does not meet any of the exceptional circumstances noted in policy DM1, therefore it is considered contrary to policy DM1 and would not normally be acceptable in principle.
- 3.2. Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside of urban boundaries unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to Policy DM11.

- 3.3. NPPF paragraph 12 reiterates section 38(6) of the Planning and Compulsory Purchase Act 2004 i.e. that decisions must be made on the basis of the plan led system, unless material considerations indicate otherwise.
- 3.4. A recent appeal decision at Walmer, Deal (DOV/17/00487) concluded that the Council has approximately 4.5 years supply of housing. Given this position, Paragraph 49 of the NPPF applies whereby relevant policies for the supply of housing should not be considered up to date and the 'tilted balance' set out at Paragraph 14 of the NPPF is engaged i.e. permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.
- 3.5. In March 2017, the DDC Cabinet agreed to commence a review of the Core Strategy and Land Allocations Local Plan (LALP). In so doing, it was acknowledged that the evidence base underpinning some of the policies of these plans is no longer up to date – a fact which also triggers the application of the 'tilted balance'. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 and CP3) for the supply of housing are not up to date.
- 3.6. Paragraph 215 of the NPPF also states that in cases where development plan policies pre-date the NPPF (as is the case here), "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."
- 3.7. The objectives of Policies CP1, DM1 and DM11 are considered to be broadly consistent with the aims and objectives of the NPPF. That said, while DM1 is framed to safeguard the countryside, it also has a limiting effect on the supply of land for housing and in this regard and against the backdrop of not being able to demonstrate a five year supply of deliverable housing land, the weight to apply to policies CP1 and DM1 are therefore more limited.
- 3.8. Policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are consistent with the NPPF and both policies are applicable to the assessment of the application.
- 3.9. Arising from the above, while the starting point remains that the decision must be made in accordance with the development plan unless material considerations indicate otherwise, this approach must be adopted having proper regard to the 'tilted balance' i.e. whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 3.10. The proposal as submitted is contrary to the development plan. This report will consider, in the context of the NPPF and the tilted balance in particular, whether any other material considerations exist which would justify granting planning permission contrary to the development plan.

#### Design, Street Scene, Visual Amenity, and Countryside Impact

- 3.11. In terms of design, it should be noted that the application is currently outline in form, with matters of appearance, landscaping, layout and scale of development to be reserved. Therefore, the exact nature of the proposal in this regard cannot currently be guaranteed. However, given the submitted indicative layout and wider constraints of the site, i.e. with three sides of the site bordering existing

development, a reasonable idea of any final outcome is considered to be demonstrated – should permission be granted.

- 3.12. The characteristics of the proposal are that in street scene terms, the proposed development is screened by existing residential properties on The Street and Vicarage Lane. There may be views through to the development but these would likely only be intermittent. One of the main effects on the street scene would be the demolition of numbers 1 and 2 Vicarage Lane to provide the vehicular access. In visual terms it is not considered that the loss of these dwellings would be particularly harmful as they possess no overriding architectural merit.
- 3.13. The other key effect on the street scene and appearance of the area would be the proposed works to the highway for the primarily visual demarcation of a pedestrian footway in The Street between its junctions with Vicarage Lane and London Road (on its south eastern side). Physical works are proposed e.g. the buildout of the footway at the junction with London Road and the change of road surface to blocks, however, in terms of physical separation, alterations are limited. The proposed works would alter the appearance of the highway at this section, however, in terms of overall effect, this change is not considered to be harmful.
- 3.14. The impact of the proposal on the countryside is most accurately considered from the north and north east of the site, where the land opens up into arable fields. Given that existing development surrounds the site on its north west, south west and south east boundaries, the area of influence from which the proposed development can impact the open countryside is relatively narrow.
- 3.15. Footpath EE392A, running east from the north eastern corner of The Street across to the Persimmon development at Timperley Place, and bridleways EE385, running north from The Street along Marsh Lane towards Southwall Road, and ED4, extending north west from the western end of Southwall Road; all provide public vantage points at a range of close and long distances.
- 3.16. It is considered that the view of the development from public vantage points would not be harmful to the wider rural character of the area, for a number of reasons. The pattern of development since the 1990s has infilled most of the open gaps along Church Lane, with development that has extended from Middle Deal into the fields of Court Lodge Farm, including where this land has been allocated for housing in the LALP. The effect is that where the site did provide an end stop to what was contiguous farmland on its north eastern boundary, it now appears more as an undeveloped parcel of land interrupting the prevailing urban form. The site itself is partially hidden to the south and south west of Timperley Place – historic aerial photographs show that it has not been used to grow crops for at least 28 years, or managed for at least 15 years.
- 3.17. Any development of this site, and it should be noted that a large proportion of the site is proposed to be undeveloped/enhanced for open space and biodiversity purposes, would be seen in the context of the existing built form behind the site (when viewed from the north and north east) and to the sides.
- 3.18. The loss of what has now become overgrown scrubland would not, it is considered, result in undue harm. The proposed areas set aside for public open space in perpetuity could interact with a managed and designed urban edge – the proposal could provide a tangible benefit to the character of the area. In addition, long range views of St Nicholas's Church could be secured in perpetuity (subject to the future use of the land immediately to the north east of the site).

- 3.19. **Policy perspective, current and historical.** The 2002 Dover District Local Plan identified the site as a green wedge under policy OS4. This policy is no longer in force and in district-wide terms was superseded by Core Strategy policy CP7 – Green infrastructure network. Figure 3.6 of the Core Strategy illustrates the green infrastructure network but in accordance with the figure 3.4 identifies the site as an intended urban extension, or at least, as an area of search for such an extension.
- 3.20. The detailed land allocations in this part of Deal subsequently came forward through land allocations in the 2015 Dover District Land Allocations Local Plan (LALP) defined in part by a planning application for the current Timperley Place development.
- 3.21. The detailed allocations for this area excluded the application site from the urban boundary but did not go so far as specifically designating it for alternative purposes such as public open space (figure 3.6 of the LALP). Historically, looking back at work undertaken by EDAW in 2006, titled “Consideration of potential housing sites – land between Deal and Sholden”, the site was considered under one option for development adjacent to Diana Gardens, while seeking to use the rest of the site as publicly accessible open space.
- 3.22. Consideration of the site as part of the preparation for the LALP was undertaken on the basis of the wider potential urban extension, where it was considered at that point in time that allocation of the entire area was not appropriate. In terms of reference to the site itself, the setting of the church was identified as a consideration, but nothing further was noted.
- 3.23. The reasoned justification to policy LA13 – Land between Deal and Sholden (being built out as Timperley Place) states at paragraph 3.176:
- “Land to the west of the site, currently in agricultural use must also be retained to ensure that there is separation between the settlements of Sholden and Deal...”
- 3.24. Given that the site has not been in agricultural use for at least 28 years, and that the Core Strategy was adopted in 2010, the planning policy manager confirms that this specific site is not referred to by 3.176.
- 3.25. It is therefore considered that the application site, beyond being outside adjacent to the settlement boundary, rather than inside adjacent to the boundary, has not been identified for any overriding form of protection – and accordingly, there is no further justification requiring this.
- 3.26. **Policy DM15 – Protection of the countryside.** This policy 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 in the local plan; or justified by the needs of agriculture; or justified by a need to sustain the rural economy or a rural community; it cannot be accommodated elsewhere; and it does not result in the loss of ecological habitats.
- 3.27. The development would result in the loss of countryside by virtue of being outside of settlement boundaries, although as addressed above, it is not considered to adversely affect the character or appearance of the countryside. In terms of the criteria, the proposed development is not justified by an allocation, it

is not needed to sustain the rural economy or a rural community, and in terms of the location of housing sites, it could most likely be debated that this development could be located elsewhere. Therefore, it is considered that the proposal is contrary to policy DM15.

- 3.28. **Policy DM16 – Landscape character.** This policy states that development which would harm the character of the landscape as identified through a landscape character assessment, would only be permitted if it is:

In accordance with allocation in the local plan and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 3.29. In accordance with the assessment above, it is not considered that the development would harm the character of the landscape. In any case, it is also considered that the proposal could adequately incorporate design measure to mitigate any adverse impacts, including a condition requiring details of lighting to be submitted. The proposal is therefore considered to be in accordance with policy DM16.
- 3.30. In general terms therefore, it is not considered that the proposed development would result in harm in terms of its indicative design, how it would affect the street scene, or how it would impact the character or appearance of the wider countryside. It is, however, contrary to the criteria of development policy DM15 regarding protection of the countryside. Under the terms of the presumption in favour of sustainable development, this conflict is further considered below.

#### Residential Amenity

- 3.31. A number of concerns have been raised by local residents in relation to the effects from development on their homes, which neighbour the site on three of its boundaries. It should be noted that the proposed development is outline in form, with matters of access in detail. Accordingly, the layout and scale of development has not been set, but what has been illustrated in the indicative layout drawings submitted with the proposal is likely to be followed to some degree, as certain parameters, such as the retention of public open space in perpetuity, providing a defined gap between Middle Deal and Sholden would in reality most likely be retained in the location shown. As such, the concerns of residents can be assessed to a degree at this stage, with further consideration possible at reserved matters stage, were the development to be granted permission.
- 3.32. **Overlooking.** The location of dwellings behind existing dwellings has led to concerns about overlooking into private amenity areas. These concerns are understandably focused where the site backs on to existing dwellings on The Street and on Vicarage Lane. Dwellings located further into the site would be unlikely to give rise to the same concerns. In any case, at this stage, detailed elevations have not been submitted with the application, and the layout is not finalised. Accordingly, it is expected that were outline permission to be granted, such details could be addressed through matters of design and layout at the reserved matters stage.
- 3.33. **Overshadowing.** The dwellings on The Street are typically sited at a higher level than the highway, with the site being at a slightly higher level still. Accordingly, the detailed design of any development would need to factor in sufficient distances behind existing dwellings, in particular those on The Street due to

topography and relative locations i.e. any new dwellings being located to the south and east, such that when shadows are cast, these would not unduly harm existing residents.

- 3.34. **Access disturbance.** The vehicular site access requires that two dwellings, 1 and 2 Vicarage Lane, are demolished for a road to be formed. This leads to some concern regarding the potential effect on the residents living at 5 Vicarage Lane and 2, 4, 6, 8 and 10 The Street (where the road would run adjacent to these rear boundaries). This does inevitably result in traffic movements in close proximity to parts of these dwellings where previously there had been none. Countering this potential disturbance, the applicant proposes to erect garden walls along these boundaries (within the site boundary), which would help to attenuate noise and provide a greater degree of security – such detail could be secured by planning condition. Additional to the erection of garden walls, the width of land provided by the demolition of the two dwellings means that the vehicular access would be set off of the residential boundaries and due to the proximity of the new junction with Vicarage Lane, vehicles would not be moving fast when passing, therefore reducing any sound levels. This is a fine level of consideration, however, it is considered that on balance, the proposed access arrangements are not unduly harmful due to the mitigating factors of the proposal.
- 3.35. In residential amenity terms therefore, it is considered that the proposed development is acceptable, primarily due to the principal considerations being able to be addressed at reserved matters stage, should the proposal be granted permission.

#### Highways and Transport Assessment

- 3.36. **Transport assessment.** Following the submission of further information in support of the transport assessment, Highways England and KCC Highways have both raised no objection to the proposed development. In both cases, traffic count data was requested to understand the potential impacts on modelled junctions.
- 3.37. The modelled scenarios are as follows:
- 2017 (based on count data)
  - 2022 (forecast year base (using background growth data), plus committed development)
  - 2022 (forecast year base, plus committed development, plus proposed development)
- 3.38. The modelled junctions in this case were at the following locations:
- London Road/The Street
  - London Road/Mongeham Road
  - London Road/Manor Road
- 3.39. Highways England was satisfied that this information demonstrated that there would be no severe effect on the functioning of the strategic road network (SRN), the nearest part of which in this case is the A256 connecting the A2 at Whitfield to the A299 at Manston.

3.40. The tables shown below are based on agreed modelling extents with KCC Highways.

AM Peak Junction	Total junction inflows (vehs/hr)			Changes		
	Base year (2017)	Forecast year base (2022) + committed	Forecast year base (2022) + committed + proposed			
	A	B	C	B-A	C-A	C-B
London Road/ The Street	1403	1456	1491	53	88	35 (2.5%)
London Road/ Mongeham Road	1610	1670	1690	60	80	20 (1.2%)
London Road/ Manor Road	1704	1781	1797	77	93	16 (0.9%)

PM Peak Junction	Total junction inflows (vehs/hr)			Changes		
	Base year (2017)	Forecast year base (2022) + committed	Forecast year base (2022) + committed + proposed			
	A	B	C	B-A	C-A	C-B
London Road/ The Street	1402	1447	1479	45	77	32 (2.3%)
London Road/ Mongeham Road	1543	1593	1612	50	69	19 (1.2%)
London Road/ Manor Road	1734	1799	1813	65	79	14 (0.8%)

3.41. The development is modelled to give rise to 35 two way movements in the AM peak and 32 two way movements in the PM peak.

3.42. Typically, a material change is considered to occur when traffic flows at a junction change by 5% or more. Below this, any changes are considered to be within daily variances. The largest increases are seen at the junction of The Street and London Road, with a 2.5% increase in the AM peak and a 2.3% increase in the PM peak.

3.43. The effect of the development on the junctions of The Street with London Road, London Road with Mongeham Road, and the London Road/Manor Road mini roundabout are shown to be within daily variances. Accordingly, the effect of the

development itself is considered to be negligible and certainly not severe, which is the test set out in NPPF paragraph 32.

- 3.44. **Pedestrian safety.** KCC Highways did maintain a concern regarding the functioning of the short stretch of road from the junction of Vicarage Lane and The Street, to the junction of The Street and London Road. This section of road is used by parents for dropping off and collecting children attending Sholden primary school. There is no footpath on either side of this section, which is narrow and has some impaired visibility due to a bend and high brick wall. The concern was that the increased flow of traffic from the site at this location might have led to pedestrian/motor vehicle conflict, particularly at school drop off/collection times.
- 3.45. **Scheme resolution.** The applicants propose a scheme, which would see the road at this section paved in blocks, rather than tarmac, with a red coloured section denoting the pedestrian footpath. The footpath itself would be at grade with the road, except where it would be built out at the junction of The Street and London Road. As there would be no physical build out into the main part of the highway, vehicles would still be able to use this junction as now, with no impediments to tracking. However, the visual alterations to the highway, would provide cues for pedestrians and those driving vehicles, about the nature of how the road is used at this location. Given the future baseline assessment (with development) for this junction and the relatively low vehicular use of the junction at present, particularly in terms of how often larger vehicles, such as buses, pass by, this is considered to be acceptable and demonstrates, with the support of the safety audit, that in traffic terms, the development can be accommodated.
- 3.46. **Parking on street.** The new junction between the site and Vicarage Lane would require double yellow lines either side and opposite on Vicarage Lane. This would result in the loss of some parking space, albeit only where there are currently no crossovers. The proposed junction drawings show layby parking for six vehicles within the site, which would provide adequate compensatory parking, particularly as discussed, at school drop off and collection times.
- 3.47. **Emergency access.** The scheme as originally submitted included an emergency access using the existing farm track off of The Street, between numbers 30 and 32. This was partly intended to satisfy the needs of Fire and Rescue, however, the Fire Officer has subsequently confirmed that this access is not required. This is due in part to the width of the proposed main access at Vicarage Lane, i.e. allowing fire appliances to drive around the side of the highway if necessary. Were outline permission to be granted, domestic sprinkler systems could be secured through condition if they were considered necessary, i.e. to add resilience.
- 3.48. **Policy DM11.** This policy states that development outside of the urban boundaries that generates travel movements will not be permitted. In that respect, therefore, the proposed development is contrary to policy. It should, however, be noted that the primary aim of this policy is to discourage development in rural locations that would be reliant on the use of the private motor vehicle due to limited or non-existent sustainable transport options. In respect of this development, it is well served by bus routes running along The Street (80) and London Road (69 and 81). There are also walking and cycling options to the centre of Deal. Given that the urban boundary extends beyond the site towards Sandwich and around the site towards Middle Deal, it is considered that although the development would be outside of urban boundaries, enough alternative travel options exist that in context, mean it would be difficult to sustain

a reason for refusal based on this policy.

- 3.49. In the wider context, with information from the transport assessment, and proposed works to the highway, the development is considered to be acceptable from a highways/transport perspective.

#### Site Drainage

- 3.50. **Flood zone.** The site is located entirely within flood zone 1, so in terms of flood risk in relation to coastal flooding or from rivers, the site is at least risk.
- 3.51. The Environment Agency has reviewed the proposed development and has no comments.
- 3.52. **Surface water.** Nevertheless, the flood risk assessment does propose flood risk mitigation measures, including raising the finished floor levels of dwellings 150mm above surrounding ground levels, and incorporating soakaways, surface water attenuation and storage measures into the design of the development. Modelling shows that there would be adequate storage on site for all storms up to the 100 year plus 40% climate change storm. The proposed measures would be secured through planning condition, were permission to be granted.
- 3.53. KCC as the lead local flood authority (LLFA) has no objections, subject to conditions.
- 3.54. **Foul water.** Southern Water have indicated that foul flows from the proposed development can be accommodated in the local sewerage network. The submitted drainage strategy notes that connection to the sewer network may be subject to a pumped solution, and therefore, space has been retained on the indicative masterplan for a pumping station, should this be necessary. A condition is recommended to ensure the provision of a foul drainage scheme at the reserved matters stage.
- 3.55. It is considered that the drainage proposals for the site are acceptable in all regards and would not result in undue harm to neighbouring residents or surrounding areas.

#### Minerals

- 3.56. Policy DM7 of the Kent and Medway Minerals and Waste Local Plan identifies at the strategic level areas of the county which may coincide with mineral deposits. The site itself (with a caveat for pinpoint accuracy) potentially coincides with brick earth deposits. The policy states that:

“DM7 – Safeguarding mineral resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or...”

- 3.57. There are seven potential exceptions to policy, however, for the purposes of this application, only 1 and 2 are considered relevant. The applicant and Kent County Council, in its role as the local planning authority for minerals and waste, have taken different views, with the applicant contending that part 2 applies, due to the confined nature of the site and the residential uses that neighbour it; whereas

KCC considers that part 1 applies.

- 3.58. I do consider that there would be a case regarding part 2 of the policy applying, however, in any event, KCC has raised no objection, therefore the proposed development of this land in respect to sterilising the potential future use/extraction of any minerals present, is considered to be acceptable.

#### Ecology and Trees

- 3.59. **Survey.** The ecological scoping survey identified that the site is considered to be of value at the local level to nesting birds, foraging bats and common reptiles (common lizard and slow-worm). No evidence of badger setts has been recorded, although some mammal holes attributed to fox use are considered to be old badger sett entrances. Dormouse surveys have been undertaken due to local sightings but no presence has been evidenced.
- 3.60. **Mitigation.** A range of appropriate and proportionate ecological mitigation and enhancement measures have been put forward, some on a precautionary basis. These include specific measures aimed at ensuring no offence is committed in relation to impacts on faunal species during the construction phase. In addition, the retention and enhancement of existing woodland and tree belt habitat, extensive new shrub and tree planting, new species rich grassland creation and new wetland provision will deliver a diverse mix of functionally linked, species rich habitats.
- 3.61. **Trees.** Trees on site are not of any particular notable quality, however, the submitted tree protection information shows that a large part of the existing trees are proposed to be retained. This is in part linked to the proposed ecological mitigation scheme addressed above. The retention and enhancement of existing trees, it is considered, would help to enhance the wider appearance of the site and in general terms, is considered to be acceptable.
- 3.62. The DDC ecology and tree officers have raised no objections to the proposals.
- 3.63. **Layout.** The indicative development footprint has been minimised, enabling the provision of an extensive public realm area to be enhanced for the benefit of biodiversity, within which habitat retention, enhancement and creation can be brought forward. These provisions, it is considered, would give rise to a significant benefit over the current situation.
- 3.64. **Thanet Coast and Sandwich Bay SPA and Ramsar sites.** Following the judgement of the European Court of Justice in the case of People over Wind and Sweetman on 12 April 2018, it has been ruled that ecological mitigation measures are unable to be factored into the consideration of development proposals at the screening stage. Therefore, an appropriate assessment of the site was required to be undertaken in relation to the potential impact of the proposed scheme on the SPA. The appropriate assessment, which incorporated survey data from visitors to the SPA, and a 'shadow appropriate assessment' undertaken by the developers was accepted by Natural England, subject to a mitigation payment being secured as part of any grant of permission.
- 3.65. Subject to its consideration at the correct stage of the decision making process, the ecological mitigation scheme that the council has been operating is still considered to be an adequate and appropriate approach to addressing the potential for impacts resulting from a given development. This operates in the form of financial contributions towards a warden resource at the SPA. The

contribution in this instance is calculated at **£2,188**, which the applicant has indicated they are willing to pay.

Affordable housing and planning obligations

- 3.66. Affordable housing. Policy DM5 requires that for developments of 15 or more dwellings, 30% of those dwellings should be affordable. Typically the housing department at the council will liaise with registered providers to agree a tenure split i.e. social rent/affordable rent/shared equity. For 48 dwellings, the provision of on site affordable housing required is 14. The developer has indicated that this provision can be accommodated without it affecting the viability of the site. The provision would be secured through planning condition were permission to be granted.
- 3.67. Planning obligations. Development proposals above ten dwellings typically incur infrastructure contribution requirements. The key regulations that govern how and when contributions (planning obligations) can be sought, are set out in the Community Infrastructure Levy (CIL) regulations 2010. Regulation 122 states that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:
- a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related in scale and kind to the development.
- 3.68. Regulation 123 further limits the use of planning obligations:  
(3) A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that—
- a. obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and
  - b. five or more separate planning obligations that—
    - i) relate to planning permissions granted for development within the area of the charging authority; and
    - ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.
- 3.69. **Kent County Council** is the key infrastructure provider for a number of services including education and libraries. KCC has requested the following:
- Primary education – towards an extra classroom at Hornbeam Primary School – £152,904.
  - Secondary education – towards phase 1 expansion at Dover Grammar School for Girls – £189,290.
  - Libraries – towards large print books at Deal Library – £2,208.73.
  - Fibre optic broadband – to work with next generation broadband providers to deliver superfast broadband – informative.
- 3.70. In total, KCC has requested £344,402.73. Of this request, it is considered that the education element meets the tests of regulations 122 and 123. Five obligations have already been entered into for book stock at Deal Library. It is not considered that specific large print books can be differentiated in terms of infrastructure types and therefore the pooling limit has been met. The total obligation therefore considered acceptable, and agreed by the applicant, is **£342,194**.

- 3.71. The **South Kent Coast Clinical Commissioning Group (CCG)**, the NHS, has partially objected to the proposal on the basis that the local GP surgeries in Deal cannot sustain the type of clinical requirements that would be placed on them by the residents of a new nursing home in the area. While the CCG has commented that it does not support the new care home, it has also stated that should the council be minded to grant permission then it would look to work with the applicant to formulate a care package. This said, having requested the CCG to explore this particular issue further there has been no specific response. Accordingly, in relation to the care home and any requirements that it might place on local GP surgeries, no further request has been made of the applicants.
- 3.72. The CCG has also made the following request for funding relating to the proposed 48 dwellings, for the fit out of the upper floor of the Balmoral Surgery – £40,435.20. The council's infrastructure officer has commented that this requirement does not appear to be based on a proportionate calculation – accepting the CCG expectation that the 48 dwellings might be occupied by 112 people. Accordingly, the infrastructure officer has re-calculated the figure, so that is fairly and reasonably related to the development in scale (in accordance with 122(c) above). The revised request, therefore, is **£13,492**, which the applicant has indicated would be met.
- 3.73. **Open space.** Based on 48 dwellings and a 64 bedroom care home, the council's infrastructure officer has calculated, in accordance with policy DM27, that the development should provide for the following amounts of open space:
- Accessible green space – 0.25ha.
  - Outdoor sports facilities – 0.13ha.
  - Children's equipped play space – 0.007ha.
  - Allotments/community gardens – 0.023ha.
- 3.74. The application proposes open space/ecological enhancement areas as follows:
- Existing woodland and copses – 0.73ha.
  - Proposed structure planting – 0.74ha.
  - Proposed SUDS – 0.45ha.
  - Proposed LEAP and kickabout area – 0.31ha.
  - Species rich grassland – 1.06ha.
  - Retained scrubland – 0.11ha.
- 3.75. The infrastructure officer advises that the proposed LEAP and kickabout area, while not providing for formal outdoor sports, would be an acceptable contribution for outdoor sports facilities and children's equipped play space.
- 3.76. In relation to the requirement for accessible greenspace, it is considered that this is adequately covered within the remaining set aside land. This does raise a question about this conflicting with land set aside for ecological enhancement purposes, however, at this stage there would appear from the land budget that there is adequate land to accommodate both requirements.
- 3.77. The exact details of how this land would be delivered, managed and maintained for these purposes would need to be resolved, whether this entails a land transfer and commuted sum for ongoing maintenance, or the formation of a management company funded by future residents. If permission were to be granted, officers would seek delegated power to resolve the details of any such arrangement as part of a section 106 agreement.

- 3.78. Relating to allotments, Sholden Parish Council is the responsible authority for allotments at this location, but have not requested or provided evidence towards contributions for allotment space in this case.
- 3.79. **Thanet Coast and Sandwich Bay SPA/Ramsar mitigation scheme.** Using the mitigation scheme calculation, the required contribution for this development is **£2,188**, which the applicant has agreed to.
- 3.80. Accordingly, financial contributions from the scheme total **£357,874**. Added to the financial contributions, would be 14 on-site affordable dwellings, on-site open space, and highways improvements.

#### Other Matters

- 3.81. **Care home concern – CCG (NHS).** The applicant has responded to the CCG regarding the concern expressed about the care home placing undue pressure on the functioning of local GP surgeries. It is contended that the care home would not necessarily lead to an increase in the relevant population of the local area i.e. occupants are most likely expected from a 10 minute drive/3 mile radius, which is the typical approach taken within the care home sector.
- 3.82. In other words, the applicant states that the demand already exists regardless of the whether the care home is constructed. This would appear to be supported in recent comments from KCC strategic commissioning (under DOV/17/01268), which notes that the over 65 population of the district is expected to increase regardless from 22,720 (2011) to 30,750 (2021), and to 39,950 (2031). Given that no solution, as such, has been pursued by the CCG, this is not considered to be a reason that could sustain grounds for a refusal.
- 3.83. **Heritage and listed building.** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard is had to the desirability of preserving the setting of listed buildings. The Church of St Nicholas is grade II\* listed, however, it is considered, and supported by the heritage officer, that the indicative layout of development, especially in regard to the existing development at Vicarage Lane, would not harm the setting of the listed building. (Two tombs within the churchyard are also listed – grade II). Existing views toward the church from the adjacent countryside would not be blocked by this development, and it is considered, given the condition of the land since at least the 1990s, the indicative proposed landscaping could actually be seen as a benefit in terms of setting.
- 3.84. **Archaeology.** The site is identified as being in an area of archaeological potential, however, the county archaeologist has not responded to the planning consultations that have been undertaken. It is considered prudent in this case to use a planning condition that would require any archaeological find to halt works on site until such time as a scheme of investigation is submitted to and approved in writing by the local planning authority.
- 3.85. **Agricultural land.** The submitted soil report notes that the land has been stripped of topsoil and its agricultural quality is now somewhere around grade 4. The rural consultant notes that there is an L shaped area of land (3.7ha) which has been confirmed as grade 2, whereas an area of grade 4 land (1.9ha) does compromise and encroach on this. Best and most versatile (BMV) agricultural land coincides with grades 1, 2 and 3a. Accordingly, there would be a loss of around 3.9ha of BMV land. In terms of how significant this is, the rural consultant

comments as follows:

“The overall impact of the loss of BMV land, having regard to the availability or otherwise of other suitable alternative sites, as well as the availability or otherwise of a robust 5-year local housing land supply, are matters for the Council to take into account in the overall planning balance in cases of this type. However it would seem inappropriate to afford undue significance to the issue of BMV agricultural land loss in this particular instance.”

- 3.86. Given the nature of the site and development which has begun to break up wider arable fields to the north east, the loss of this land, which is also acknowledged as being ‘compromised’, is not considered to be harmful.

#### Sustainability Conclusion

- 3.87. Noted above in the policy position/principle of development section, is the acknowledgement that the council is currently determining planning applications not only in reference to policies in the development plan, but also in reference to the presumption in favour of sustainable development. The presumption effectively states that if the adverse impacts of a development do not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, permission should be granted.
- 3.88. Accordingly, the consideration of the scheme, detailed above, should also explicitly be made against the three roles of sustainable development – the economic role, the social role and the environmental role.
- 3.89. **Economic role.** The proposed development would bring economic benefits in terms of time limited construction contracts. It would also bring longer term benefits, the proposed care home facility would bring with it a number of jobs, likely permanent and flexible, full time and part time. The largest economic benefit would come as a result of the number of people that would live within the individual dwellings, depending that is, on the degree to which these people might be new to the area, or moving within the area. These people would support the local economy to varying degrees, potentially with increased levels of local spending. The site would no longer be productive farmland, however, this site has not been farmed in recent memory and the resultant effect of the development of sites accessed from Church Lane in particular, is that this site has become more difficult to access and farm profitably as part of a larger concern. In economic terms, it is considered that the benefits of the development would outweigh any adverse impacts.
- 3.90. **Social role.** As noted above, this development would bring with it new residents that could become part of and strengthen the existing community. The proposed care home would provide a social facility for an identified existing [and in the future, more critical] need, and this is considered to be a benefit in absolute terms. The proposed development would contribute to the council’s five year land supply calculation and would also deliver 14 affordable houses, as well as planning obligations in support of local primary and secondary schools. New recreational facilities would be delivered for local children, as would newly accessible open space, to be secured in perpetuity. The comments of the CCG are taken into account and this represents a potential adverse effect of the proposal – it is noted that the proposed care home is considered to represent a potentially unacceptable strain on local GP surgeries, however, the CCG has not commented further in terms of any solution to address this issue. In terms of the social role, and the respective benefits and adverse impacts of this scheme, it is

considered that the benefits ultimately outweigh any harm. The obligations are noted in terms that they are required to make the development acceptable, however, the concern regarding GP surgeries could potentially have been addressed in this manner also, were a scheme proposed.

- 3.91. **Environmental role.** The environmental impact of the proposal is considered to be more balanced. There is a loss of countryside involved in the proposal, although in terms of character, as previously addressed, this is not necessarily considered to be harmful. Countering the absolute loss of countryside is the delivery of open space to be retained in perpetuity, along with an enhancement of the existing trees and vegetation around parts of the site, based on a precautionary principle, which would provide an ecological corridor for any local species. The development would bring with it activity where there has been none for a number of years, including increased travel movements in and around the proposed new junction between the site and Vicarage Lane, and between the junctions of The Street and Vicarage Lane, and The Street and London Road. However, it has been shown in the transport assessment that these movements can be accommodated at peak times, such that there are no objections from KCC Highways or from Highways England. In heritage terms, the location of the grade II\* listed church is acknowledged and addressed by way of an indicative site layout that refrains from placing any dwellings within the setting of the church, to the degree that it both maintains views to it from the neighbouring countryside, and has raised no objection from the DDC heritage officer. The environmental aspects of the proposal are considered to be balanced, but in terms of adverse impacts outweighing benefits, this is not considered to be the case.
- 3.92. **Overall.** It is considered that where there are adverse impacts of the proposal, taken across the three roles of sustainability that planning must balance, the adverse impacts are not shown to demonstrably or significantly outweigh the benefits.

#### **4. Conclusion**

- 4.1 The proposed development is considered to be acceptable.
- 4.2 The proposal is outline in form, so consideration in this case is against an indicative layout, however, as noted, there are elements of this which are fixed i.e. the proposed access, and other elements which would be difficult to alter i.e. the location of open space, which is to be secured in perpetuity through a legal agreement, and which provides an appropriate setting for the grade II\* listed church, as well as ecological enhancement measures.
- 4.3 There is not considered to be undue harm arising to the character of the countryside or the immediate vicinity, even accepting that some countryside would be lost to the development, and the separation of Middle Deal and Sholden, although reduced in terms of distance, would now be defined with no further encroachment possible at this location.
- 4.4 Concerns have been raised about the amount of traffic and transport movements that would be associated with the proposal, however, the applicants have demonstrated to the satisfaction of both KCC Highways and Highways England that any impacts would not be severe. The applicants propose works to the junction of The Street with London Road, and to the highway of The Street from that point north east as far as the junction with Vicarage Lane. These works would assist with the operation of this section of The Street, for both vehicles and

pedestrians.

- 4.5 The proposed development would meet all compliant planning obligations and policy required contributions, so in this regard, is seen to be addressing its own impacts, such that benefits might be provided to the local communities.
- 4.6 There are no flooding or drainage concerns and the site can be adequately serviced by the full range of utilities.

g) **Recommendation**

- I. SUBJECT TO the completion of a necessary S.106 agreement covering payment and any relevant management issues set out in this report, planning permission be GRANTED, subject to the following planning conditions, including:  
(1) Reserved matters – layout, appearance, scale of development, landscaping  
(2) Time limit and period for reserved matters submissions  
(3) Approved drawings  
(4) Commencement time limit  
(5) Affordable housing  
(6) Contamination investigation and verification  
(7) Construction management plan  
(8) Surface water drainage scheme and verification  
(9) Foul sewage – At the same time as the submission of the reserved matters, full details of a Scheme for the provision of foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the design of all sewerage infrastructure and a timetable and programme for the provision of the foul sewerage infrastructure.  
(10) Biodiversity enhancement  
(11) External lighting  
(12) Soft and hard landscaping, including means of enclosure  
(13) Archaeology  
(14) Ground levels  
(15) Samples  
(16) Highways – no surface water on to highway  
(17) Highways – bound surface  
(18) Highways – vehicle parking and turning facilities  
(19) Highways – cycle parking  
(20) Highways – completion of site access before occupation  
(21) Highways – completion of improvements to The Street before first occupation  
(22) Highways – completion of roads, footways, footpaths, verges, junctions, street lighting sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture in accordance with approved details by X time  
(23) Highways – completion of works between adopted highway and dwelling before occupation of dwelling – footways and/or footpaths; carriageways, turning facilities, highway drainage, visibility splays, street lighting, street name signs and highway structures (if any)  
(24) Highways – provision and maintenance of visibility splays onto Vicarage Lane (no obstructions above 1 metre in height)  
(25) Highways – driver visibility splays  
(26) Highways – pedestrian visibility splays  
(27) Highways – pedestrian and cycle connections to ED56  
(28) Site levels  
(29) Details of earthworks  
(30) Arboricultural method statement  
(31) Wildlife enhancement scheme  
(32) Refuse and recycling storage  
(33) Broadband connection.
- II. That powers be delegated to the Head of Regeneration and Development to settle the detail of the section 106 agreement in relation to the delivery, management and ongoing maintenance of the proposed open space and ecological enhancement land.
- III. That powers be delegated to the Head of 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

Darren Bridgett