

a) **DOV/18/00663 – Erection of six dwellings (replacing two dwellings granted under application number DOV/15/00749 – Plots 17 and 24 Bisley Nurseries, The Street, Worth**

Reason for report: Due to the number of contrary views. The application has also been called to Planning Committee by Cllr Carter, on the grounds that: the development is contrary to the Worth Neighbourhood Development Plan; concerns regarding the capacity of foul sewerage infrastructure; and the development would increase traffic flow problems.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural areas.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

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

Worth Neighbourhood Development Plan

- WDP01 – Allocates the wider site for residential development of approximately 30 dwellings, provided that a series of nine criteria are satisfied.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or
 - ii. 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
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion. Policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding. All development in areas which are at risk from flooding should be subjected to the sequential test, which seeks to steer new development towards areas with the lowest risk of flooding. Development should not be granted in areas at risk from flooding if there are reasonably available sites in areas which have a lower risk of flooding. Development should also be subjected to the exception test which requires that the development provides wider sustainability benefits to the community that outweighs flood risk and that the development will be safe over its planned lifetime.
- Chapter fifteen requires that biodiversity is protected and enhanced by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursuing opportunities for securing measurable net gains for biodiversity. Paragraph 177 states that “the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined”.
- Chapter sixteen requires that development conserves and enhances the historic environment. An assessment should be made as to whether the development would cause harm to the significance of a heritage asset and, if so, whether this harm would be substantial or less than substantial. Any harm must be weighed against the public benefits of the scheme. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/00749 - Outline application of the erection of up to 32 dwellings with public open space, paddocks and car park for village hall (with some matters reserved) – Granted

DOV/16/01161 - Reserved matters application pursuant to outline application DOV/15/00749 for the details of the appearance, landscaping, layout and scale of 32 dwellings with public open space, paddocks and car park for village hall – Granted

DOV/17/00831 - Variation of condition 17 of planning permission DOV/15/00749 to make amendments to the provision of affordable housing (application under Section 73) - Granted

e) **Consultee and Third Party Responses**

KCC Contributions – Request that the development provides a contribution of £192.06 towards library services. An informative regarding Next Generation Access Broadband is also suggested.

KCC Public Rights of Way – No comments as the changes do not have a direct impact on the existing Public Rights of Way.

Southern Water – The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised and the main should be protected during construction. A formal application should be made to Southern Water for a connection to the public foul sewer.

Worth Parish Council – Object, as it increases the number of houses on site by four and this increases the pressure on the waste water for the site. The application does not coincide with the Worth Neighbourhood Development Plan.

Public Representations – Sixty-four letters of objection have been received, raising the following points:

- The development would be contrary to the Worth Neighbourhood Development Plan
- The WDP policy specified a definitive number of houses
- Additional affordable housing will be required
- Southern Water have no intention of improving existing sewers, whilst the development would place additional pressure on the system
- Additional traffic in the village and on the A258 and other roads
- The roads in the vicinity of the site are already unsafe
- Insufficient car parking
- There are concerns regarding flooding
- Inadequate infrastructure to accommodate the development
- The development would erode the character of the village
- There is no need for more houses in the village
- Loss of agricultural land
- The village lacks facilities and services
- Other dwellings have been built in Worth which were not included in the WDP
- There is no evidence that the larger dwellings are unviable

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

1.1 The site lies adjacent to the built up area of Worth, which is defined as a Village within the Core Strategy. Villages are designated as the tertiary focus for development in the rural area. The village is also the subject of an adopted neighbourhood development plan which, sitting alongside the local development plan, sets the planning policies for the area.

1.2 Worth contains a limited range of facilities and services, including an equipped play area, a village hall, a Church, a public house and a primary school. The site is also relatively close to Sandwich, which is defined as a Rural Service Centre and contains a much wider range of facilities and services.

- 1.3 Worth is relatively well served by public transport with bus stops along Deal Road providing hourly services to Deal, Sandwich and Canterbury, whilst the nearest mainline train station (Sandwich) is located around 1.5km to the north. The majority of the facilities and services within the vicinity can be accessed by footpaths, the majority of which are lit.
- 1.4 The site itself is designated within the Worth Neighbourhood Development Plan, at policy WDP01, as a development site for the provision of approximately 30 dwellings. The site was formally used as a plant nursery and included a range of glass houses. Planning permission (DOV/15/00749 and DOV/16/01161) has been granted for the erection of 32 dwellings, following the demolition of an existing dwelling (i.e. a net increase of 31 dwellings), construction of which is nearing completion.
- 1.5 This application seeks full planning permission for the conversion of the two largest dwellings on the site, approved under the previous planning application (DOV/15/00749 and DOV/16/01161) into three dwellings each, thereby providing six dwellings in place of the two dwellings which have been approved. The location, scale and form of the buildings would be unaltered from the approved scheme, whilst the design of the buildings would be varied slightly to provide three entrances in place of one. The rear garden would be subdivided into three.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network
- Drainage

Assessment

Principle

- 2.2 The site lies within an area which has been designated for residential development within the Worth Neighbourhood Development Plan, under policy WDP01. This policy permits development for approximately 30 dwellings, subject to 12 criteria. These criteria relate to material considerations and will be addressed under the appropriate headings within this report.
- 2.3 The approved development on the site allows for the erection of 32 dwellings, following the demolition of one dwelling, providing a net increase in dwellings of 31. The current application would increase the number of dwellings provided by the development from a net increase of 31 to a net increase of 35. As has been set out in many of the representations which have been submitted, the number of dwellings proposed exceeds the number envisaged by WDP01, albeit that number was an approximation. Consequently, there is some tension with that policy.
- 2.4 It is acknowledged that the Council is currently unable to demonstrate a deliverable five year housing land supply, which adds weight in favour of

development which providing housing. Given that the application relates to a site which has been allocated, it must be concluded that the location of the site is sustainable. Notwithstanding the additional weight to be attributed to this benefit, the presumption in favour of sustainable development, or 'the tilted balance', is disengaged, by virtue of the need to undertake an Appropriate Assessment, in accordance with paragraph 177 of the NPPF.

- 2.5 On balance, whilst there is clearly some tension with policy WDP01, given that the site is allocated for residential development, is within a sustainable location and given the unmet need for housing, it is considered that the principle of the development is acceptable. The development will also need to meet the 12 criteria of policy WDP01.

Character, Appearance and Heritage

- 2.6 Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.7 The site does not contain any listed buildings and is not within a conservation area. However, the site does lie adjacent to the Worth conservation area and relatively close to a number of listed buildings. The conservation area and listed buildings all lie to the south east of the site, with the nearest listed building being approximately 140m from the boundary of the application site.
- 2.8 The application does not seek to enlarge or significantly alter the approved buildings which are to be used to provide six dwellings. Consequently, there can be no question that the location, scale or form of the buildings is acceptable. In terms of the detailed design of the building, the scheme would largely retain the appearance of the approved dwellings. To the front elevation of the building, the only change would be a minor alteration to the design of the front door and its side lights. To the side elevations, which would be little seen from public areas, one additional door would be provided on the elevation to the left hand side of the buildings, whilst the approved door to the right hand side of the buildings would be made into a main front door. Additional windows are proposed to each side elevation which would be designed to complement the appearance of the front elevation and would not, it is considered, be detrimental to the character of the building. The changes would result in the loss of the chimney which had been proposed to the side of the buildings, which would be a retrograde change. However, it is not considered that this would be so harmful that it would warrant refusal of the application. To the rear of the property, the only significant changes would be

the loss of Juliet-style balconies at first floor level and their replace with windows. It is considered that this change is neutral.

- 2.9 To the front of the buildings, the hardstanding areas and garages would remain unaltered and would not be split in any way, retaining the appearance of the development as approved. To the rear, it is proposed to split the gardens into three with additional fences. Whilst this would change the character of the gardens, the subdivided gardens and fences would not be highly visible from outside the site, due to the vegetation to the boundaries of the site.
- 2.10 For these reasons, the development would cause no harm to the character and appearance of the area. Likewise, having regard for the provisions of The Act, the development would cause no harm to the significance of listed buildings or the conservation area.

Impact on Residential Amenity

- 2.11 The proposed buildings are set a significant distance away from the nearest neighbouring property which currently exists in the village. However, they would be relatively close to some of the dwellings within the development which is currently under construction.
- 2.12 The location, size and form of the buildings, together with the openings in the front and rear elevations, would not be significantly altered from those proposed by the approved development and, as such, would not cause any increased loss of light, sense of enclosure or overlooking. Furthermore, whilst additional and altered openings are proposed within the side elevations of the buildings, these would face towards the side elevations of buildings under construction or would be well separated from boundaries, such that angled views out of windows would be in excess of 20m from the rear elevations of neighbouring properties or would face towards open areas of land. Consequently, the development would cause no harm to the living conditions of neighbouring properties.
- 2.13 The dwellings themselves would be well sized, naturally lit and have access to a private garden. The submitted plans show that each would be provided with a refuse store and a cycle store. It is therefore considered that the living conditions of future occupants would be reasonable.

Impact on the Local Highway Network

- 2.14 The development would utilise the access road which was granted under the previous application. This access road is of sufficient width to allow two cars to independently access and egress the site respectively, without having to wait on The Street. Swept path (or tracking) plans, which account for the hypothetical location of parked cars, were submitted with the previous application which demonstrated that the configuration of the access road would allow for the safe and convenient access and egress of vehicles, including large refuse lorries. The layout of the access road was therefore considered to be acceptable. Whilst the development would increase the number of vehicles using the access and using the surrounding highway network, it is not considered that this increase would be so significant that it would cause unacceptable harm to highway safety or the free flow of traffic.

- 2.15 The approved access onto The Street includes a pedestrian footpath along the western side of the main access road, which would link to a pedestrian crossing built out to the southern side of The Street, providing safe pedestrian access into the village, where basic facilities and services are provided.
- 2.16 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1 of the Core Strategy. Given the location of the site and the size of the proposed dwellings, the development should provide two car parking spaces per dwelling. The development would provide these twelve spaces, with two spaces available for each dwelling. However, four of these spaces would be provided as tandem spaces in car ports/garages. Garages are not normally considered to contribute towards parking provision, as they are rarely used as such. The use of tandem spaces is also far from ideal, reducing the usability of these spaces. It is therefore considered that it would be reasonable to include a condition on any grant of permission to require that the car ports remain open, with no garage doors being erected. Visitor parking has not been provided within the site, which is usually required at a rate of 0.2 spaces per dwelling. However, the approved development provided seven visitor spaces, exceeding 0.2 per dwelling. With the additional dwellings now proposed, the visitor provision across the wider site would be exactly 0.2 per dwelling, whilst it is noted that areas would be available for some informal parking. For these reasons, it is considered that the car parking provision would not cause significant harm to the local highway network and would certainly not cause severe harm, which is the relevant test within the NPPF.
- 2.17 As set out above, the development would provide the requisite number of cycle parking spaces.

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

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

- 2.22 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.23 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Flooding and Drainage

- 2.24 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 2.25 The site lies within Flood Risk Zone 1, which has the lowest risk of fluvial or sea flooding. As such, the development does not need to be assessed against the sequential or exception tests, as outlined within the NPPF.
- 2.26 Regard must also be had for the developments impacts on localised flooding, in particular regarding foul sewerage and surface water drainage, including whether the development would lead to an increased risk of flooding on-site or elsewhere.
- 2.27 It is worthwhile reviewing the drainage considerations from the previous applications for this site, the outline application DOV/15/00749 and the corresponding reserved matters application DOV/16/01161. Southern Water advised at the outline planning application stage that there was inadequate capacity in the local network to provide foul sewerage disposal to the proposed development. Consequently, they requested that a condition be attached to any grant of permission (condition 15 of the outline permission) requiring full details of on and off site measures for the disposal of foul drainage infrastructure.
- 2.28 Southern Water initially confirmed, in response to the reserved matters application, that condition 15 should not be discharged, as the details for on-site sewerage infrastructure had not been designed to Sewers for Adoption standards, although a subsequent comment confirmed that, subject to the on-site sewerage infrastructure remaining private, the details are acceptable.
- 2.29 Southern Waters initial comment also stated that:

“the results of carried out further detailed hydraulic assessment of the capacity of the sewerage network indicates that the additional foul flow from the proposed development can be accommodated within the existing network without any improvement works required”.

- 2.30 Subsequently significant, and understandable, concerns were raised by third parties that the development would not provide the improvements to the network which were necessary to accommodate the development. These comments referred to several incidents of flooding within the local area, which appear at odds with the contention that there is adequate capacity. Consequently, Southern Water were asked for further comments to justify their position.
- 2.31 The response provided by Southern Water confirmed that their earlier assessment of capacity was relatively basic and limited to the information which is available (essentially this is a desk based exercise). This initial assessment is therefore subject to change once a more detailed capacity check is carried out in advance of development. This further work demonstrated that there was capacity in the network to discharge the 1.5l per second which would be generated by the previous scheme, if split between two manholes (TR33565001 and TR33565101). Southern Water therefore reconfirmed that this additional evidence demonstrated that, for the previous scheme for 32 dwellings (a net increase of 31 dwellings), there was sufficient capacity to meet the needs of the development without improvements to off-site infrastructure. Southern Water also commented that, in the absence of any such improvements, the previous development “will not exacerbate any existing flooding issues in the area”.
- 2.32 Southern Waters response acknowledged that flooding events had occurred within the locality, but that these were caused by a blockage, private drainage issues and surface water entering the network and not due to insufficient capacity. Southern Water have also confirmed that between 16th September 2016 and the end of 2016, seven maintenance jobs were carried out to improve the operation of the system.
- 2.33 Turning to the current application, the on-site drainage system would likely be very similar to the foul drainage scheme approved under the previous reserved matters application, albeit three connections would be made to each building, as opposed to one. The foul discharge would, however, increase due to the increase in the number of dwellings. Concerns have again been raised by third parties regarding foul drainage and, in particular, that improvements to the existing sewers are not proposed placing additional pressure on the system. Third parties have also advised that misconnections from highway surface drainage are not the cause of previous flooding, contrary to the previous assertions of Southern Water. Southern Water have not raised concerns regarding the capacity of the existing network and have not requested that a condition for details of off-site sewerage infrastructure be attached to any grant of permission. Whilst it is understandable that concerns would be raised, in the absence of evidence that the existing system does not have capacity to accommodate the flows from the additional four dwellings now proposed, it is not considered that a robust reason for refusal could be sustained.
- 2.34 It is acknowledged that the application will not alleviate any existing issues with the network; however, the planning process cannot require overall betterment of the network. A condition requiring details for the on-site drainage infrastructure, together with a timetable for its implementation and a maintenance plan, be secured by condition.
- 2.35 The area covered by impermeable surfaces would not be significantly increased in comparison with the approved development. Consequently, it is

considered that the surface water can be appropriately managed without increasing the likelihood of localised or off site flooding.

Contributions

- 2.36 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. For developments of between 5 and 14 dwellings, a contribution towards the provision of affordable housing, equivalent to 5% of the GDV, should be sought. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions. The second criterion of Policy WDP01 states that 30% of the dwellings on the allocated site should be affordable. The previous application proposed the provision of nine affordable dwellings, equating to 30% of the dwellings proposed by that application. The proposed application would, in conjunction with the previous application, reduce the overall provision across the allocation to 25.7%. However, notwithstanding the requirements of Policy DM5, the NPPF (which post-dates the Core Strategy) advises at paragraph 63 that “provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas”.
- 2.37 The development would provide for four additional dwellings and six dwellings overall, falling below the threshold of major development and under the DM5 threshold. Furthermore, the site is not in a designated rural area (defined as National Parks, AONB’s and areas designated as ‘rural’ under Section 157 of the Housing Act 1985). The provision of affordable dwellings on the approved development has already been settled and it is understood that an RSL is already in place to manage the nine units. Given the relatively small number of additional dwellings and the difficulty in attracting an RSL for small numbers of affordable dwellings (one affordable dwelling would amount to 25% provision), it has been agreed that an off-site contribution should be sought. Discussions are, at the time of writing, not complete and so a verbal update will be provided to members on the night of the committee meeting as to the contribution proposed, the calculation which has led to this amount and its acceptability.
- 2.38 KCC have advised that the development would place additional pressure on local library services, for which there is currently insufficient capacity. To meet the needs generated by the development, KCC have therefore requested a contribution of £192.06 towards library book stock. It is considered that this is necessary and reasonably related to the development and should therefore be sought. The applicant has agreed to provide this. No other contributions have been sought.

Archaeology

- 2.39 The outline application for the wider site (DOV/15/00749) was supported by an Archaeological Desk Based Assessment to consider whether the development has the potential to impact upon archaeological remains. Following assessment of that report, a condition was attached to the outline planning permission requiring a programme of archaeological works take place prior to the commencement of the development. An application for the approval of these details was accordingly submitted and granted (CON/15/00749B) and the archaeological scheme has been carried out. Given that the current

application does not propose to alter the location or form of buildings, it is not considered that it has the potential to cause additional impacts to archaeology. Therefore, it will not be necessary to attach an archaeological condition to the current application.

Contaminated Land

- 2.40 The site has a history of low level commercial use, associated with the plant nursery business. As such, whilst there is no known contamination and whilst the site has already been largely built out, there is a reasonable likelihood that previously unknown contamination may be present on the site. The proposed residential use is considered to be a use which is particularly sensitive in terms of contamination. It is therefore considered that it would be appropriate to attach to any grant of permission a condition requiring previously unknown contamination which is identified at the site to be reported, assessed and mitigated, as appropriate.

Other Matters

- 2.41 Third parties have raised a concern that the development would result in the loss of agricultural land. Permission has already been granted for the development of the site, whilst the site is small and has not been used for agriculture for some time. It is not, therefore, considered that the development would result in a material loss of agricultural land.
- 2.42 Concern has also been raised by third parties that no evidence has been provided that the larger dwellings are not viable. However, there is no requirement to consider the viability of the approved scheme and, instead, the current application should be considered on its own merits.

Conclusions

- 2.43 The site forms part of the housing allocation under policy WDP01 of the Worth Neighbourhood Development Plan; however, this policy states that the allocation should provide for approximately 30 dwellings. The previous approval allowed a net increase of 31 dwellings, whilst the current application would increase this to 35 dwellings. There is therefore some tension between this application and the policy. However, there is a need for dwellings in the district, the site is in a relatively sustainable location, would not increase the amount of development proposed (the buildings would not be increased in size) and would be acceptable in all other material respects. Policy WDP01 sets out 12 criteria (relating to detailed matters) to be assessed when considering applications. The development, by utilising the as approved buildings with only minimal alterations, would meet all of these criteria, with the exception of criterion 2, which requires that 30% of the dwellings built on the site are affordable. As discussed above, given that nine units on the site will be delivered as affordable dwellings and this application proposes a relatively small number of dwellings, and having regard for the Affordable Housing SPD and its Addendum, it would be proportionate and pragmatic to seek a contribution towards affordable housing. An update will be provided to members, such that the weight attributed to the contribution can be given due weight.
- 2.44 So, the benefits of the scheme, namely the provision of four additional family dwellings in a sustainable location, which cause no demonstrable harm, must be weighed against the disbenefits, namely increasing the number of

dwellings above the approximate number identified by Policy WDP01 and reducing the proportion of affordable dwellings within the scheme (although the overall number of affordable dwellings would remain the same and a financial contribution towards affordable housing would be provided). Whilst it is necessary to balance these factors, it should be noted that the 'tilted balance' (the presumption in favour of sustainable development, described at paragraph 11 of the NPPF) does not apply. Given the lack of demonstrable planning harm and given the contribution the development would provide towards the Districts five year housing land supply, it is considered that the application is acceptable and it is recommended that permission be granted.

g)

Recommendation

I Subject to the submission and agreement of a s106 agreement to secure contributions, PERMISSION BE GRANTED subject to conditions to include:-

(1) standard time limits, (2) approved plans, (3) samples of materials, (4) full details of hard and soft landscaping, (5) provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material), (6) provision and retention of cycle parking, (7) full details of foul drainage including a timetable for the works and a maintenance programme, (8) previously unidentified contamination, (9) provision of refuse storage, (10) removal of permitted development rights for means of enclosure, (11) car ports for Plots 17A, 17B, 17C and 24B to remain open (with no garage doors)

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

Case Officer

Luke Blaskett