

- a) **DOV/17/01530 – Outline application for the erection of up to 63 dwellings, access, open space, associated infrastructure and groundwork's (appearance, landscaping, layout and scale reserved)– Land to rear of Matthews Close &, Southwall Road, Deal, CT14 9PZ**

Reason for report: The number of contrary views.

- 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. Deal is described as a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.
- CP3 – Of the 14,000 houses identified by the plan 1,600 (around 10%) is identified for Deal, subject to investigation of Middle/North Deal.
- 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.

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 to 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.

The Deal Transport and Flood Alleviation Model

- Provides an assessment of the transportation and flood issues in Deal and identifies areas with potential to provide housing.

d) **Relevant Planning History**

Whilst it is not considered that there are any previous applications for the application site which are relevant to the determination of the current application, it is considered that applications on the adjoining site (Land on the West side of Albert Road, Deal, CT14 9RB) are relevant:

DOV/15/01290 – Outline application for a mixed-use development incorporating 142 residential units, 960sqm B1 Office, 370sqm of A1, 280sqm of D1, and a link road between Albert Road and Southwall Road (some matters reserved) – Granted

DOV/18/00203 – Variation of condition 11 (foul drainage) of planning permission DOV/15/01290 to allow amendments to the wording of the condition (section 73) – Granted

DOV/18/00892 – Reserved Matters application for the approval of Appearance, Layout, Landscaping and Scale pursuant to DOV/15/01290 for the erection of 141 dwellings and 370sqm of retail (A1) space, together with associated parking and groundworks – Current

e) **Consultee and Third Party Responses**

DDC Head of Strategic Housing – The application is in relation to the proposed development of 63 dwellings. The Council would normally expect that for developments of 15 units or more there would be an on-site provision of affordable housing in accordance with its adopted Affordable Housing Supplementary Planning Document. The SPD states that the Council's preferred approach is to secure 30% of total housing as affordable housing on such sites unless material considerations indicate otherwise and to ensure the type of affordable housing provided will meet an identified local need.

The application form indicates that the developer is only proposing to provide 6 dwellings as intermediate housing. It is not clear from the form whether this will take the form of shared ownership housing which would meet the definition of affordable housing. However, 6 dwellings only equates to 10% of the total and consequently there is a requirement for the developer to demonstrate that there are material considerations which justify a lower percentage provision of affordable housing.

DDC Environmental Health – The site appears to have had little historical use and is low risk. Owing to the size and sensitivity of the development, a limited site investigation is recommended as a precautionary measure, to include a ground gas assessment, which I concur with. Basic radon gas protection measures area also deemed necessary. Conditions are recommended to require that further investigation takes place and, if necessary, any contamination is remediated.

DDC Heritage – The submitted archaeological study notes that no Listed Buildings are affected by the proposed works but with no explanation provided. Nonetheless, due to the large rear garden to 4 Southwall Road (Grade II) and its placement dominantly related to the street, the gap between it and the proposed new development is considerable. In my view there will be no harm to the setting of the listed building.

DDC Infrastructure and Delivery Officer – A 63 house development of the Core Strategy housing mix would create the need for:

- 0.32 ha of accessible green space
- 0.17 ha of outdoor sports facilities
- 0.008 ha of children's equipped play space
- 0.03 ha of allotments / community gardens

Paragraph 4.18 of the planning statement includes the phrase 'A total of 0.42 hectares of open space is provided as part of the illustrate [sic] plan'. Will this precise level of provision be cited in any decision notice? If so, then some of the open space needs could be met on site. However, paragraph 4.18 also states 'It is envisaged that a series of character areas would be further developed in the detailed design of the scheme, as would any specific space typologies, such as play space.' The illustrative designs submitted would not allow for a play area to be provided on site because the largest, centrally located open space is identified as an attenuation pond (or ponds as shown in Design Development Plan 4 on page 25 of the Design and Access statement). Some smaller open spaces may also be provided, but these are not in suitable locations for equipped play.

Given that the centre of the development site lies approximately 750m from the strategic play area at North Deal Playing Field, an off-site contribution to increase the capacity of that site would be appropriate. A suitable contribution may be calculated as follows:

The average size of a play area in our district is 0.01ha. The cost of creating a Local Area for Play and providing 15 years of maintenance has been calculated as £42,520, which equates to a commuted sum of £32,330 presuming interest at 2%. So the need created by this development equates to around 80% of a play area and therefore a suitable sum would be £25,864. I can confirm that the pooling limit of 5 contributions has not been reached for the play area at North Deal Playing Field.

Page 35 of the Design and Access Statement includes the following statement 'The proposed development takes full account of environmental considerations and provides enhancements to ensure the overall effect is positive' Including, under the heading of 'Enhancement of Greenspace and Ecology' 'The delivery of a high quality green infrastructure with public open space usable for active recreation.' However, there is no explanation of the way in which the proposed open spaces will in fact contribute to active recreation and as previously noted the on-site open spaces will primarily function as SUDS. An appropriate way to address this issue would be an off-site contribution towards outdoor sports facilities. A suitable contribution may be calculated as follows:

The adopted Playing Pitch and Outdoor Sports Facilities Strategy identifies a need to increase capacity at the hard courts at Victoria Park so as to meet additional need for outdoor sports expected during the plan period. A project is currently being drawn up in liaison with the Lawn Tennis Association to reconfigure courts, to increase capacity for tennis and possibly also netball. The need for sports facilities arising from the development is 0.174ha or 1,740 m². According to Sport England guidance the area of a doubles tennis court, including run-offs is 669m². So the need arising from this development equates to 2.6 tennis courts. According to LTA guidance the cost of constructing a porous macadam court is £27,000 (<http://www.lta.org.uk/globalassets/venue/support-your-venue/documents/porus-macadam-court-guidance.pdf>), therefore a reasonable contribution may be calculated as £70,000.

Crime Prevention Officer – The applicant has not yet demonstrated that they have considered crime prevention or applied the seven attributes of Crime Prevention Through Environmental Design. If the applicant fails to contact us, this may have an effect on the development with regards to Secure By Design, as awarding it retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit and local policing.

NHS – *Initial response received 19th January 2018*

The development would increase the number of patients in the area. The only option available to increase capacity to meet this demand is the internal redesign of the Balmoral Surgery to provide additional clinical space to cater for the occupants of the new development. A plan has been drawn up for this project which would cost £308,625. A proportionate contribution for the development has been calculated as £51,840.

Subsequent response received 12th October 2018

The £360 per occupant has been a figure historically used for NHS requests for contributions as it reflects the capital cost of a surgery for 10,000; £3.6m/10,000 = a £360 per capita payment. This figure has not been updated for many years and is likely not reflective of the cost of building currently, however as the CCGs have only recently taken on delegated responsibility for the S106 process this is something we will look at in the near future.

Due to the nature of the conversion works proposed at Balmoral, on this occasion I accept that a lower contribution could be appropriate and am happy to agree to your calculation below (£14,276.26).

Highways England – No objection

KCC Growth, Environment and Transport – Part of the application site is within 250m of the established Deal Household Waste Recycling Centre which is safeguarded under Policy CSW 16 of the adopted Kent Minerals and Waste Local Plan 2013-30. The existing impacts on the highway network associated with such facilities (traffic and sometimes substantial queuing) will need to be considered alongside the impacts upon the highway network in the area which may incur as a result of the proposed development. Consideration should be given as to whether any potential increased traffic loading pressure on Southwall Road will constrain the continued lawful operation of the safeguarded waste management facility.

When determining the application, Dover District Council should ensure that Kent County Council as Highways Authority have no concerns regarding the above.

KCC Highways and Transportation – *Initial response received 2nd February 2018*

The impact of the development at the A258 London Road/Albert Road junction has not been modelled in the Transport Statement. This modelling should therefore be submitted. I also note there is an existing access track from Southwall Road into the site and it appears this could serve as a pedestrian and cycle link, particularly the latter bearing in mind it would then provide a connection to the existing cycle route in Southwall Road. The applicant should therefore investigate the provision of such a link. I shall be pleased to comment further on the application once the above additional information has been submitted.

Subsequent response received 25th April 2018

I refer to the above planning application including the additional information submitted on 8th March and 17th April. Access to the site is via the link road previously approved between Albert Road and Southwall Road. The proposals are likely to generate approximately 32 two-way vehicle movements in the network peak hours, with around two thirds likely to be to/from the Albert Road direction and one third to/from the Southwall Road direction. The junctions of the link road with these roads have been assessed and can accommodate the additional vehicle movements. These movements are then likely to be distributed and spread out further to the east, south and west of the site such that the additional movements through any one junction are not material.

Whilst it would be preferable to have a pedestrian link to Southwall Road from the southwest corner of the site, this cannot be achieved over land within the control of the applicant or the highway authority, and such access is still available via the approved link road. Whilst not essential in highway terms it appears possible to achieve such a link to Matthews Close to the east of the site, providing a slightly more direct walking route to/from the railway station and town centre, and this could be

dealt with through the reserved matters application. Taking the above into account the proposals are unlikely to have a severe impact on the highway network that would warrant a recommendation for refusal. I therefore have no objections in respect of highway matters 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
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Temporary access arrangements
- Provision of measures to prevent the discharge of surface water onto 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.
- 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).

Informatives are also recommended

KCC Archaeology – The proposed development site lies in an area of archaeological potential arising from known finds from the area and due to its position on the edge of the Lydden Valley. To the south-west of the proposed development site ongoing archaeological investigations are currently examining a rich multi-period landscape, which contains remains of Neolithic, Bronze Age, Iron Age and Romano-British date. These remains include evidence for an extensive agricultural landscape, enclosures and monuments. To the north Late Bronze Age, Iron Age and Romano-British finds are noted at the former Northwall Sandpits, whilst remains of Romano-British date are also recorded to the north-east and to the south.

It is possible that the proposed development may affect important archaeological remains, potentially including a continuation of the important and extensive archaeological landscape currently under investigation to the west at Courtlodge Farm. I therefore recommend that provision is made in any future planning consent for the archaeological evaluation of the site, to be followed by further safeguarding and/or investigation measures as required.

KCC Economic Development – The development would give rise to additional demand for infrastructure in order to meet the needs of the development.

Contributions, which have been assessed to be necessary, related to the development and reasonably related in scale and kind, are requested. These contributions comprise:

- Primary Education - £164,538 towards Phase 2 of the expansion of Deal Parochial Primary School.
- Secondary Education - £203,695 towards Phase 1 Dover Grammar School for Girls
- Community Learning - £1615.25 towards IT equipment for the new learners at Deal Adult Education Centre
- Libraries - £3025.26 towards “Digital Den” technology cart for 5-11 year olds at Deal Library
- Social Care - £4804.38 towards Meadowside Social Car Hub in Deal and the provision of 1 wheelchair adaptable home.
- It is also recommended that high speed broadband be provided to the dwellings.

KCC SUDS – The FRA demonstrates that surface water from the proposed development can be accommodated within permeable pavement with a possible overflow pond and control flows off-site to 2l/s.

It is understood that the majority of the site is overlain by superficial tidal flats deposits which are anticipated to be poorly draining and it is anticipated that the water table will be within 3m of the ground surface. We agree that infiltration is unlikely to be feasible at the site but we are concerned that ground water levels may have a bearing on the drainage system design.

We understand that the site is within a defended area with respect to flood risk. Given the nature of the defences, we accept that surface water management measures can be appropriately provided within this area.

Kent County Council as Lead Local Flood Authority have the following comments:

- 1) The discharge rate from the site will need further discussion. The proposed rate is low and may need to be assessed in light of operation of the drainage system.
- 2) It is preferred that any permeable pavement which serves as a positive contribution to the overall provision of attenuation is provided within common areas. Private drives and private parking should not be included within this area. We would seek confirmation at detailed design how these areas will be managed.
- 3) It would be preferred that consideration is given to the positive contribution of the pond area to the overall drainage system. This can provide other benefits to the overall amenity of the development area.
- 4) Any outfall to the ditch system to the north will require consent from the River Stour Internal Drainage Board. Consultation should be undertaken with the IDB to confirm the acceptability of the discharge at this location.
- 5) Further ground investigation would be recommended to confirm the ground water level on the site to finalise the details of design of the pavements proposed within the scheme.

It is recommended that three conditions are attached to any grant of permission, requiring: the submission of a detailed sustainable surface water drainage scheme for approval; the submission of a detailed scheme for the maintenance of the sustainable

surface water drainage scheme for approval; and the submission of a verification report which prevents any occupation until the surface water drainage system has been carried out.

Environment Agency – No objection, subject to conditions being attached to any grant of permission to ensure that: the development is carried out in accordance with the submitted Flood Risk Assessment and, in particular, finished floor levels are set above the design flood level; piled foundations are avoided unless specifically approved; previously unidentified contamination is remediated; and a scheme for foul drainage works is approved and implemented to the satisfaction of the LPA.

Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to appropriate mitigation, the proposal should not result in a likely significant effect. Natural England has not assessed the applications impact on protected species.

River Stour Internal Drainage Board – Advice received, but no recommendations are made.

Kent Wildlife Trust – There is no conservation designation specifically associated with this site. However, the development will nevertheless have a residential aspect and therefore consideration needs to be given to the potential increased recreation pressure on the Thanet Coast and Sandwich Bay SPA. Dover district needs to ensure that the proposal adheres to the Mitigation Strategy and makes a financial contribution, in addition to providing on site recreation space.

I note from the Ecology Appraisal (Aspect Ecology, December 2017) that specific surveys were carried out for protected species. It would be recommended that the existing treeline and hedgerows should be retained and enhanced as far as possible and that the residential housing should be designed to accommodate this existing green infrastructure. A lighting strategy should be conditioned in order to reduce impact on this edge habitat and its associated species, such as invertebrates, breeding birds and foraging bats.

Please note the recommendation in the Ecological Appraisal, which recommends that permeability of the site is maintained for the Hedgehog with fence cut-outs at ground level. Kent Wildlife Trust would strongly support this in addition to strategic drop curbs at amenity grassland, well connected with hedgerows and other linear features and raised garden gates.

Kent Wildlife Trust does not object to this proposal, subject to the above recommendations. We look forward to commenting on future stages of this development.

Southern Water – *Initial comments received 29th January 2018*

The exact position of the water main must be determined on site by the applicant before the layout of the proposed development is finalised.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission.

“Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.”

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

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

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

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

Subsequent comments received 2nd July 2018

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme.

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

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

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

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

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted

Subsequent comment received 5th October 2018

Southern Water can confirm that there is capacity within the sewer network for this development as long as the connection is into the 450mm public sewer located in Albert Road, therefore the proposed condition should be capable of being met by the developer. We suggest that the reference to long term maintenance should be only applied to any surface water attenuation facility to be installed.

All other comments in our previous letter 29/01/2018 remain valid.

Deal Town Council – Deal Town Council wish to defer decision until further detailed information on the development is provided by the developer

Public Representations – Eight letters of objection have been received, raising the following points:

- There is uncertainty regarding the capacity of the sewerage system, which has caused long standing issues (foul water flooding)
- Permission should not be granted until flooding has been fully resolved and tested over time
- The development is high density and looks cramped
- Insufficient car parking provision
- Increased traffic on the local roads
- Increased air pollution
- Surface water drainage has not been adequately addressed
- The space could be better used for recreation or gardens
- The site is in a flood risk zone

Eight letters of support have been received, raising the following points:

- The principle of the development has been accepted on the adjacent site
- This site is the last piece of the jigsaw
- Construction jobs
- The development will secure contributions
- The development will benefit from the infrastructure provided on the adjacent site
- The housing will allow people to get on the housing ladder
- Provision of high quality housing (market and affordable)
- Logical extension to the town

- Sustainable site

One neutral letter has been received, raising the following points:

- Not against the development on a site which can only be used for housing, but concern is raised regarding the proposal for a single access. Parking provision for existing residents should also have been provided.

- f)
1. **The Site and the Proposal**
 - 1.1 The site is located to the west of the built up area of Deal, within Flood Risk Zone 3. The areas to the south east, south west (both residential uses) and north west (commercial/industrial uses) of the site are within the settlement confines of Deal, whilst the application site itself is outside of the confines. To the east of the site is the land which was the subject of the approved outline planning application for the development at land at Albert Road and Southwall Road (DOV/15/01290). This permission related to the erection of 142 dwellings, 960sqm of B1 offices, a 370sqm A1 retail unit and 280sqm of D1 non-residential institution (indicatively described as a children's nursery). A new road, designed to provide improved traffic distribution in the area, was also approved to provide a new link between Albert Road and Southwall Road and has been commenced on site.
 - 1.2 The site itself measures approximately 2.5ha and is roughly rectangular in shape. The land is vacant of buildings and agricultural in nature, although it does not appear to have been actively farmed for some time. The site is relatively flat, although there is a slight rise in levels from north to south. There are trees to and hedges to most boundaries, although there are few trees to the south eastern boundary. The largest trees are to be found on the north eastern boundary of the site.
 - 1.3 This application seeks outline planning permission for the erection of up to 63 residential dwellings (C3), an access to the north eastern boundary of the site into the land at Albert Road/Southwall Road, open space, landscaping, infrastructure and groundwork's. The reserved matters are appearance, landscaping, layout and scale, whilst access is to be considered.
 2. **Main Issues**
 - 2.1 The main issues are:
 - The principle of the development
 - The impacts on the character and appearance of the area
 - The impacts on heritage assets
 - The impacts on the highway network
 - The impacts on neighbouring properties
 - The impacts on flood risk and drainage
 - The impacts on ecology
 - Development Contributions and Infrastructure

Assessment

Principle

- 2.2 The Core Strategy housing allocation for Deal (policy CP3) is 1,600 dwellings. This figure seeks to meet the local needs of the expanding population of Deal, rather than strategic needs. However, there is limited scope to provide such a provision of housing. The LALP identifies land for approximately 800 dwellings and whilst extant planning permissions reduce the deficit, there remains a deficit of housing land to meet the needs of the population of Deal.
- 2.3 The application site is located outside of the defined confines of Deal. Policy DM1 of the Core Strategy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. Whilst there is no specific policy relating to the site, the site is referenced within the Land Allocations Local Plan (LALP), which acknowledges that there may be the potential for development in this location and that this could include retail and residential development and a new road.
- 2.4 The land between Albert Road and the industrial units on the Minters Industrial Estate (known as Land on the West side of Albert Road, Deal) has been granted outline planning permission for a mixture of residential and commercial uses, together with the formation of a new access road between Albert Road and Southwall Road. In approving this development, the Committee Report acknowledged that the Albert Road site had been identified within the Middle/North Deal area identified by paragraph 3.67 of the Core Strategy as having an opportunity for urban expansion, which is expanded upon at paragraphs 3.194 and 3.195 of the LALP.
- 2.5 The Deal Transport and Flood Alleviation Model suggests that development be focused towards the Albert Road and Southwall Road area. This study is a material consideration and adds significant weight in favour of residential development in this location. It is acknowledged that this application falls outside of the land which is required to provide the access road, which was secured by the Albert Road development; however, it is considered that the identification of this land as having development potential continues to carry weight.
- 2.6 While the current application site is located outside of the defined settlement confines of Deal, the confines extend to three of the four boundaries of the site (to the south east, south west and north west). In addition, the land to the north east of the site (the Albert Road site, discussed above) received outline planning permission in 2017 for the erection of 142 dwellings together with office, retail and non-residential institution uses. As such, once the Albert Road development is built out, the application site will be surrounded by development.
- 2.7 At present, the Council is unable to demonstrate a deliverable five year housing land supply. Consequently, it is considered that the provision of a significant number of dwellings must carry additional weight in favour of the development. However, whilst the lack of a five year housing land supply increases the importance of, and weight attributed to, securing housing it must be noted that the presumption in favour of sustainable development (the 'tilted balance') does not apply as the application has been subjected to an Appropriate Assessment, which engages paragraph 177 of the NPPF.

- 2.8 Furthermore, it is considered that the site would be well linked to the existing built up area of Deal and would be well linked to the facilities and services of the town, including bus stops, the train station, and the town centre. Whilst a departure from Policy DM1, having regard for the significant weight which must be given to the need to provide housing and the sustainability of the sites location it is considered that, subject to material considerations, the principle of residential development on the site is acceptable.

Character and Appearance

- 2.8 The layout, scale, appearance and landscaping of the proposal are reserved at this outline stage. It is important to note that this application will not be considering the reserved matters and, as such, the determination will not consider whether the indicative details submitted are acceptable; however, an indicative layout plan and parameter plans have been submitted to suggest how the development could be accommodated on the site. Access is not reserved at this stage, with the proposed access road, linking to the approved development on the adjacent site, laid out in detail. This road would link with Albert Road to the south of the site.
- 2.9 The applicant has submitted an indicative layout plan, which suggests that the development would provide street fronting properties in a, predominantly, perimeter block layout. This layout, whilst generally successful, would provide some stretches where side and rear elevations and boundaries front onto usable spaces. In particular, concern is raised regarding the stretch of rear gardens fronting onto the north eastern boundary of the site, the provision of a path to the rear of the four blocks adjacent to the north western boundary and the side elevations and boundary treatments of units 1, 8, 15, 27 and 32 which front onto the open space. This would, if replicated in the reserved matters application, produce a poor quality public realm, whilst also working against the principles of designing out crime. Notwithstanding these concerns, the density of development is consistent with the density in the surrounding area, whilst the indicative plan incorporates generously sized open spaces. Whilst some of this space provides multiple functions (such as drainage features) and therefore cannot be altered, it is considered likely that an acceptable layout could be achieved which would have regard for the character of the surrounding area.
- 2.10 Whilst scale is reserved at this stage, an indicative plan has been submitted which suggests that the buildings would be up to three storeys in height, with dwellings rising to between 9m and 13m above ground level and apartment blocks rising to between 9m and 15m above ground level. Alternatively, the submitted design and access statement shows two storey dwellings with pitched roofs. The buildings in the area are typically two storeys in height and so the proposed indicative maximum height would exceed that which informs the character of the area. It is also necessary to have regard for the requirement that finished floor levels are set above the design flood level, although it is likely that this could be accommodated through minor land raising. However, large parts of the site would not be prominent from outside of the site and, as such, taller buildings could be achieved on some parts of the site (north and west) without causing harm. In particular, development towards the north west of the site would be located adjacent to large commercial warehouse type buildings. Consequently, taller buildings to these parts of the site could be achieved. However, development close to the south eastern boundary would be visible from Matthews Close where it would be seen in conjunction with the two storey dwellings on the Close. Consequently,

it is likely that any application for Reserved Matters approval would need to reduce the height of buildings in this location to ensure that the development had respect for the scale of the adjacent development, providing a natural transition to the taller buildings beyond. In considering this, regard has been had for the NPPF (2018) which seeks to strike a balance between optimising the ability of sites to accommodate development, whilst maintaining the prevailing character of an area. Whilst it is therefore likely that the quantum of development proposed could be accommodated on the site successfully, the scale of the dwellings will need to be carefully considered by the applicant and assessed at the reserved matter stage.

- 2.11 Indicative images of the design of the buildings have been submitted which illustrate how the proposed buildings could appear. Again, whilst these images are indicative only, they demonstrate that a high quality design, responding to the character of the area, would be achieved on the site. The appearance of the dwellings suggests traditional two storey dwellings under pitched roofs, which would have chimneys, window cill details and covered front doors. A mixture of materials to provide two distinctive styles of dwelling are also suggested (red brick with roof tiles and yellow/cream brick or render under dark tiles or slate). The indicative dwellings would respond positively to the style of dwellings proposed (albeit not approved) within the current reserved matters application for the site at Albert Road.
- 2.12 The density of the development also provides the opportunity for meaningful landscaping, around the dwellings, road verges, drainage ditches and the 'SUDS landscape'. The indicative layout plan would provide a central open space which could provide informal recreation and, in wet weather surface water storage capacity, together with strips of landscaping to the north eastern and north western boundaries. The site contains trees to its north eastern, north western and south western boundaries. The indicative plans demonstrate that the vast majority of the trees on site could be retained. The trees which would likely need to be removed are largely the lower value category C which have limited longevity and which are located in areas where their amenity value is reduced. Subject to securing a high quality landscaping scheme at the reserved matters stage, including the provision of native replacement trees, the limited loss of lower value trees would be acceptable.
- 2.13 Overall, whilst the layout, scale, appearance and landscaping are reserved, and consequently the indicative details are not for determination, it is considered that these details demonstrate that the site could successfully accommodate the development, albeit amendments would be required at the reserved matters stage.

Heritage

- 2.14 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Regard must also be had for the NPPF, in particular, whether the development would cause any harm to the significance of heritage assets.
- 2.15 There is one listed building within close proximity to the site. Walnut Trees which is Grade II Listed, is located around 52m to the south of the site,

although its curtilage abuts the application site. Other listed buildings (Berkeley House and Sherrard House are located a little further away.

- 2.16 The application has been supported by a Heritage Statement which assesses the significance of these heritage assets and the impacts of the development on that significance. It is noted that, the application site forms a small part of the once rural setting to these listed buildings, which has now largely been eroded by the construction of dwellings around them. The field is surrounded on three sides by development and, once the Albert Road site is built out, completely surrounded. Consequently, the value of the site in providing a rural setting to these buildings is negligible. It is also noted that the scale of the gardens to these properties and the screening effect of vegetation further limits the contribution of the site to their setting. The Councils Principal Heritage Officer has concurred that the development would cause no harm to the setting of listed buildings. As such, having regard for the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF, the development would cause no harm to designated heritage assets.
- 2.17 It is also necessary to consider the developments impacts on non-designated heritage assets, in particular Archaeology. The KCC archaeologist has confirmed that site lies in an area of archaeological potential. Archaeological investigations to the south-west of the site are on-going, but are currently examining a rich multi-period landscape, which contains remains of Neolithic, Bronze Age, Iron Age and Romano-British date. These remains include evidence for an extensive agricultural landscape, enclosures and monuments. To the north Late Bronze Age, Iron Age and Romano-British finds have been discovered at the former Northwall Sandpits, whilst remains of Romano-British date are also recorded to the north-east and to the south.
- 2.18 Having regard for the likelihood of archaeological remains at the site, and given that the application would require re-grading of the land and extensive excavations (for foundations, the laying of roads, the laying of services and drainage features etc.) across the site, there is a reasonable likelihood that the development will impact upon non-designated heritage assets of archaeological importance. It accordance with the NPPF, and having regard for the advice of the County Archaeologist, it is therefore considered reasonable and proportionate to attach to any grant of permission a condition requiring archaeological evaluation of the site, to be followed by further safeguarding and/or investigation measures as required.

Impact on Residential Amenity

- 2.19 The site is bounded by residential properties to its south eastern and south western boundaries. In assessing the impacts on neighbouring properties, regard must be had for the likely need to undertake land raising in order to overcome issues of flood risk. The indicative layout plan shows how dwellings could be set away from the south western boundary with their gardens backing onto the gardens of properties on Southwall Road. This arrangement would result in the proposed dwellings being set away from the boundary by around 12m, providing back-to-back distances (to numbers 10 to 44 Southwall Road) of around 54m. Number 4a and, to a lesser extent, No's 6 and 8 Southwall Road are located closer to the application site than other properties on Southwall Road, being set 3.5m, 18m and 23m away from the site boundary respectively. The indicative layout plan shows that one of the proposed dwellings (plot 37) would be located adjacent to the boundary with

No.4a. The indicative location of this dwelling would be likely to cause some sense of enclosure and would have some potential to cause overlooking if inappropriately designed. However, it is considered that these issues could be overcome at the reserved matters stage through relatively minor changes to the layout and through the considerate design of the dwellings. It is not, therefore considered that this would be a reason to refuse this outline application. Consequently, it is considered that the development proposed could be achieved without causing a loss of amenity to the properties on Southwall Road.

- 2.20 Turning to the south eastern boundary of the site, the site adjoins the boundaries of No.'s 42 and 51 to 67 Matthews Close.
- 2.21 Plots 22 to 26 would back onto the rear gardens of No.'s 53 and 55 Matthews Close. The indicative locations of these dwellings would be around 12m from the rear boundaries of these dwellings and around 13m from the rear projection of No.55. Plot 21 would be located just 8m from the rear elevation of No.59 Matthews Close. These relationships, if replicated in the reserved matters application, would cause a loss of amenity to these neighbours. Plots 7 and 14 would be located close to No.'s 42 and 67 Matthews Close respectively, but would be oriented in line with these properties. Consequently, subject to detailed consideration of their precise location and fenestration design, dwellings in these locations would be unlikely to cause unacceptable harm. Whilst the indicative layout would not be acceptable, causing harm to the living conditions of neighbours on Matthews Close, it is considered that, given the size of the site and the density of the development, the layout could be amended at the reserved matters stage to overcome these concerns.
- 2.22 The proposed dwellings would all be of a reasonable size and would be provided with private rear gardens or, in the case of the flats, would have access to shared communal open space. The indicative layout plan shows that 20m back to back distances between the proposed dwellings can be achieved in a manner which avoids unacceptable levels of overlooking, outlook or light. The application has been supported by a Noise Assessment which demonstrates that, subject to being installed with standard double glazing and acoustically treated ventilation, the proposed dwellings would not be subjected to unreasonable levels of noise. This should be secured by condition. It is further considered that the indicative layout could accommodate refuse and cycle provision.

Impact on the Local Highway Network

- 2.23 Access is not a reserved matter and, as such, the access to the site is for consideration.
- 2.24 The site is well located to access facilities and services. Deal Train Station, which provides regular main line (including high speed) services, is located around 1km away. There are a number of bus stops within 400-500m of the site, again providing regular services on a number of routes. The boundary of the defined town centre is around 600m away by foot.
- 2.25 Traffic generation modelling has been undertaken, having regard for the location of the site and the likely destinations. This modelling, known as TRICS, is a nationally recognised standard methodology for predicting traffic generation from developments. The TRICS assessment utilises actual data from manual counts at other sites across the country. The data sets chosen

must be comparable to the size and type of development being proposed and the conditions in which the site is located. In this instance, the data sets chosen related to: residential developments of a similar size to that proposed by the current application; where surveys were undertaken on week days; where the site was in an edge of town and 'residential zone' location; where local populations are comparable with those found in the area around the application site; and in localities with similar levels of car ownership. The actual trips generated by these developments are then used as an evidence base upon which the likely trip generation from the proposed development can be estimated. Having regard for these actual figures from other developments, KCC Highways and Transportation have advised that they concur with the findings of the submitted assessment, predicting that the development would produce approximately 32 two-way vehicle movements in the network peak hours when the highway network is used most, with around two thirds likely to be to/from the Albert Road direction and one third to/from the Southwall Road direction.

- 2.26 Existing traffic flows have been modelled using traffic survey data obtained in 2014 which has been 'growthed' (i.e. increased to account for development which has occurred since 2014), which provides a baseline for the assessment. The forecasted traffic flows from the development have been modelled, to assess the developments impact on the junctions in the vicinity of the site. Traffic collision data has also been collected for the area to establish whether there are any safety concerns in the area (Albert Road, Southwall Road, London Road, Church Lane and Orchard Avenue). Records for the last five years shows that there have been twelve reported accidents, seven of which were 'slight' and five were 'severe'. These were split by years as follows: 2012, 0 accidents; 2013, 4 accidents; 2014, 4 accidents, 2015, 1 accident; 2016, 1 accident; and 2017, 2 accidents. Whilst there are records of accidents in the area, there are no patterns or clusters (for example, there is no particular junction or stretch of road which is particularly susceptible to accidents).
- 2.27 The application also includes a junction capacity model, known as a PICARDY model. This model is also a nationally recognised standard methodology for estimating, junction capacities, queues and delays, having regard for the vehicle movements to and from the site and the geometry of and visibility from junctions. The model has been set-up to have regard for the most likely routes to and from the site and has regard for the committed development (i.e. planning permissions which are yet to be built out). Given the predicted routes of future residents, the impacts on junctions can be assessed. All movements would access the new link road which was approved on the adjacent site, with around 22 movements (on average one every three minutes) turning right towards Albert Road and around 11 movement (on average one every six minutes) turning left towards Southwall Road. A junction is considered to be approaching capacity when the Ratio of Flow to Capacity (RFC) reaches 0.85 or higher (i.e. the number of vehicles travelling through the junction reaches 85% of its design capacity). At the link road/Albert Road junction the RFC would increase from 0.28 to 0.33 during the AM peak and from 0.16 to 0.18 during the PM peak. At the link road/Southwall Road junction the RFC would increase from 0.24 to 0.26 in the AM peak and from 0.18 to 0.19 in the PM peak.
- 2.28 Impacts on junction in the surrounding area have also been considered. A 5% increase in traffic at a junction is generally considered to represent a potentially material impact. The predicted increases on London Road/Middle

Deal Road is between 0.9% and 1.1%, whilst on London Road/Albert Road an increase of between 1.8% and 2% is predicted, well below the 5% increase which is typically considered to be material. Traffic flows beyond these junction quickly dissipates into the network and, consequently, no other junction would be significantly impacted.

- 2.29 The submitted plans show that the access roads around the site would be 6m in width, sufficient to allow for vehicles to pass each other and to allow for fire appliances, refuse vehicles etc. to navigate the site. Tracking plans have been included with the application to demonstrate how these vehicles could use the site. Additionally, the geometry of roads within the site have been designed such that they are suitable for larger vehicles including fire appliances and refuse vehicles, with turning heads being proposed to allow larger vehicles to both enter and exit the site in a forward gear. Plans have also been submitted which demonstrate that visibility splays of 22m by 2.4m by 22m could be achieved at the junctions within the site, although care will need to be taken to ensure that there are no obstructions within these splays. This could be secured by condition. Likewise, the details of the roads, including the approval of a timetable for the surfacing of the roads to ensure that the wearing surface is laid to serve the development, should be secured by condition.
- 2.30 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. The precise mix of dwellings is unknown at this outline stage, so it is assumed that the mix will conform to the proportions identified in the core strategy (i.e. 15% one-bedroom, 35% two-bedroom, 40% three-bedroom and 10% four-bedroom). Taking this mix, and having regard for the nature of the sites location (i.e. suburban), development would be likely to generate a need for between one (for one and two bedroom dwellings) and two (for three and four bedroom dwellings) parking spaces per dwelling, together with 0.2 spaces per dwelling for visitors. In total, the 63 dwellings proposed would produce a requirement for around 83 spaces for residents, plus 13 spaces for visitors, albeit these figures are described as minimums. The indicative layout provides 106 spaces for occupants and 16 spaces for visitors, significantly exceeding the minimum provision required by Table 1.1 of the Core Strategy. Whilst this layout, and the number of car parking spaces provided will not be secured until the reserved matters stage, the indicative details demonstrate that the site is capable of meeting the need generated.
- 2.31 The construction phase would be likely to require significant vehicle movements, whilst areas would need to be set aside for the parking of construction vehicles to ensure that they are not parked inappropriately. Consequently, it is considered that KCC Highways request for a construction management plan to be secured by condition is reasonable. Likewise, the other recommended conditions, relating to securing details, and ultimate provision, of car and cycle parking, roads, footways and other highway infrastructure, is necessary. Subject to these conditions and for the reasons set out above, it is concluded that the development would cause no unacceptable harm to highway safety or the functioning of the local highway network.

Flood Risk

- 2.32 The site lies within Flood Risk Zone 3. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Continuing to say that, where development is necessary in such areas, the development should be made safe for its lifetime without increasing the flood risk elsewhere. Where development within areas at risk of flooding is proposed, paragraphs 157 to 161 of the NPPF require that the Sequential Test is applied and, if necessary, that the Exception Test is applied.

- 2.33 The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. However, development may be permitted where there are no reasonably available sites which are appropriate for the development in areas with a lower probability of flooding. The Exception Test comprises two components. The first is that the development should only be permitted where it would provide wider sustainability benefits that outweigh the flood risk. The second component is that the development must be safe for its planned lifetime, without increasing the risks of flooding elsewhere.
- 2.34 The application has been supported by a site specific flood risk assessment and a sequential test report. These confirm that the site is in Flood Risk Zone 3, where there is a 1 in 200 or greater probability of flooding from the sea in any one year. Floods (from the sea) have been recorded in 1897, 1927, 1953, 1956, 1978, 1990 and 1996. The site is not located in an area identified by the Environment Agency as being at risk of flooding from rivers. The site does benefit from a degree of protection from The Deal Coastal Defence Scheme, which was completed in April 2013 (although it should be noted that these flood defences were designed to protect existing settlements and not to open up land for new development).
- 2.35 There is an established need for housing within the Deal area (incorporating the contiguous built up areas of Walmer, Sholden and Great Mongeham). The Core Strategy allocates a need for 1,600 dwellings, which is geared around meeting local rather than strategic needs. The Land Allocations Local Plan acknowledges that there are limited opportunities for further development within the town. The six allocated sites within Deal provide approximately 800 dwellings. Whilst extant planning permissions (including the approved development on the adjacent site at Albert Road) coming forward will reduce this deficit, there remains an unmet housing need in Deal.
- 2.36 Given that the need for housing in Deal is based on local rather than strategic need, it is considered that it is appropriate that the sequential assessment should focus upon the Deal area. The application has been supported by a sequential assessment, which references the sequential assessment undertaken in relation to the approved application for the neighbouring site at Albert Road and utilises the same three pronged approach to establishing whether any reasonably available and appropriate sites with a lower risk of flooding. Firstly, a sifting process was undertaken to establish where sites of comparable size are located. Secondly, enquiries were made to agents (Tersons, Pearson Gore and BTF) to ascertain whether comparable sites are being offered on the market. Finally, the applicant engaged with the Council's Planning Policy Team to ascertain whether there were any comparable sites coming forward. The process considered sites 20% larger or smaller than that which is currently being applied for to broaden the scope of the results and the potential alternative sites. However, in accordance with National Planning Practice Guidance, sites were only considered if they were 'developable' and 'deliverable'. The applicant's agent has built upon the work carried out in relation to the Albert Road application, confirming that it remains the case that there are no sequentially preferable sites. It is considered that this conclusion is reasonable and therefore the sequential test is considered to have been

passed. This conclusion corresponds with the conclusions made by the Deal Transport & Flood Alleviation Model Study, which identifies the application site (and additional land further to the north) as the preferred focus for residential development.

- 2.37 As the site is located in Flood Risk Zone 3a and is classed as 'more vulnerable' development, it is necessary to apply the Exception Test. The Exception Test is formed of two parts, both of which must be passed. The first part of the test relates to sustainability benefits to the community. The development would provide an additional 63 dwellings in a location which is well related to the facilities and services of Deal and well linked to the public transport network. These dwellings would provide a significant and valuable contribution towards the lack of housing land supply and, in particular the specific lack of housing provision to meet the local needs of Deal. It is considered that this benefit is significant and would outweigh the risks from flooding, albeit this is a very balanced assessment, and, as such, the first part of the Exception Test would be met.
- 2.38 The second part of the test requires that a site-specific flood risk assessment be prepared which demonstrates that the development will be safe over its planned lifetime without increasing flood risk elsewhere. Reductions in flood risk should be sought where possible. The planned lifetime of residential developments is typically considered to be 100 years.
- 2.39 The submitted Flood Risk Assessment establishes the level of risk from various sources of flooding, having regard for climate change. The site is within Flood Risk Zone 3a, where there is an identified risk from flooding from the sea. The site is not, however, identified on the Environment Agency maps as being at risk from flooding from rivers or surface water (although some areas off-site are considered to be at risk), whilst there is a low risk of flooding from rising groundwater. No other risks of flooding have been identified for the application site.
- 2.40 The submitted report also concludes that the site would not be vulnerable to coastal flooding, particularly given the presence of coastal flood defences which provide 1 in 300 year protection. The assessment has also tested the impacts of flooding using a 'design flood event'. The water level, adapted for climate change to 2115, during a 1 in 200 year extreme would be 5.68m AOND. The flood defences in Deal rise to between 6.5m and 7m AOND. Should wave overtopping of the defences occur, flood waters would not reach the site. The report also assesses the flood risks in the event that the flood defences are breached, concluding that there would be a residual risk of flooding if there were a 200m breach in the defences at Sandown Castle. Whilst the risk of flooding is therefore very low, there is a requirement to take a precautionary approach. In such extreme events, flooding of the site could reach 0.4m in depth, with a maximum flow velocity of up to 0.7m/s. The design flood event concludes that it would take 3 hours and 30 minutes for flood waters to reach the site and a further 11 hours and 15 minutes for the flood water on site to reach its maximum depth. It is necessary to consider whether the development can be designed in a manner which ensures that the residual risk of flooding does not harm the safety of the users and does not increase the risk of flooding elsewhere.
- 2.41 In order to ensure the safety of occupants of the dwellings, the applicant has proposed a series of mitigation measures. The Environment Agency have advised that they raise no objections to the application, subject to mitigation

measures being secured. These would require that, inter alia, the development is carried out in accordance with the submitted Flood Risk Assessment and, in particular, finished floor levels are set above the design flood level. It is considered that it would be reasonable to secure this mitigation by condition and, subject to this, the development would be safe over its planned lifetime, thus passing the second part of the exceptions test.

Drainage

- 2.42 The National Planning Policy Statement, at paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere, going on to say that development should only be allowed in areas of flood risk, such as this, if it can be demonstrated, inter alia, that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
- 2.43 The Lead Local Flood Authority (LLFA's, in this case KCC) is a statutory consultee, providing professional advice on the provision of surface water drainage. KCC have issued a Drainage and Planning Policy Statement, which sets out how applications will be assessed. In particular, SUDS Policy 1 within this plan sets out the hierarchy for dealing with surface water. The full hierarchy is as follows:
- to ground;
 - to a surface water body;
 - a surface water sewer, highway drain, or another drainage system; or
 - to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.
- 2.44 KCC, in association with eight other Lead Local Flood Authorities across south east England have also prepared a document called 'Water, People, Places' which provides advice on the incorporation of SUDS into development. This guidance advises that, where a site lies over a water table which is relatively close to the surface, SUDS should be selected and designed to be on the surface or shallow in depth.
- 2.45 The previous applications for the adjacent site acknowledged that there have been serious and repeated issues within the locality, with numerous flooding events within the Albert Road area. The LLFA has investigated one of these flooding events, which occurred on 21st May 2014, concluding that this flood was caused by an electrical fault at the Golf Road pumping station, resulting in the foul sewers backing up with rainwater. Flooding events have typically occurred during periods of heavy rainfall.
- 2.46 The Council has prepared the Deal Flood and Transport Alleviation Model, which formed part of the evidence base for the Land Allocations Local Plan. The report sought to establish the broad extent and general location of future growth in the North and Middle Deal areas, by investigating transport, flood, environment and heritage constraints and opportunities. The study concluded that the application site, the neighbouring site which has now received planning permission and additional land to the north of the site, represents the preferred location.

- 2.47 The application has been supported by a Surface Water Management Strategy (SWMS) which is contained within the Flood Risk Assessment. The existing site, which is undeveloped, discharges surface water in an unmanaged manner, with a mixture of run-off to the on-site drainage ditch and off-site watercourses together with infiltration. The development on the adjacent site will deliver enhancements (widening and clearing drainage ditches and watercourses and unculverting sections of watercourses).
- 2.48 The preference is for surface water to be dealt with on-site by infiltration. If this is not possible, surface water should be discharged to a surface water body. The third approach, if the first two preferred methods are not practicable, is to drain via a combined sewer and, only if none of the preferred approaches are viable, and in exceptional circumstances, surface water can be discharged via a combined sewer.
- 2.49 The SWMS provides a feasibility study which, whilst not a detailed drainage scheme, explores the options which are available to provide a suitable solution. The chosen solution, which has been designed to mimic the existing flows from the site, is to provide permeable hardstandings within the site which will allow water to slowly flow into the existing watercourse, at a maximum rate to 2.0l/s. A shallow basin, lowered by around 300mm, would provide 140sqm of storage capacity which would be sufficient to store water for short periods in extreme weather such that the outflow is maintained at pre-development rates of 2.0l/s. During normal weather conditions the shallow basin could be used for informal recreation. The LLFA have advised that whilst further work needs to be undertaken, they are satisfied that, subject to conditions, surface water management measures can be appropriately provided within the application site. Given that it has been demonstrated that the site could, subject to detailed design, accommodate surface water run-off which would replicate existing run-off, it is considered that the development would cause no increased risk of localised flooding from surface water. Should permission be granted, it will be necessary to include a condition requiring full details of the drainage strategy, including an implementation timetable, verification report to confirm that the approved system has been implemented and details of future maintenance.
- 2.50 Turning to foul drainage it is again acknowledged that there are understandable concerns locally regarding the capacity of the foul sewerage system following flooding events which have caused substantial distress.
- 2.51 This application follows an application for the development of the adjacent site at Albert Road, which was approved in outline subject to a condition requiring details of the proposed sewerage system, including off-site works, and subsequently, an approved application to vary the drainage condition to remove specific reference to the need to carry out off-site pipework improvements. The latter approval followed additional information which was provided by Southern Water to confirm that the capacity of the sewerage network was sufficient to meet the needs of the development at Albert Road.
- 2.52 Foul water from the proposed scheme would drain into the existing foul sewer network. Southern Water have advised that a desk study has been undertaken which indicates that there is currently inadequate capacity in the local network to provide foul sewerage disposal to the proposed development and, as a consequence, off-site works will be required to ensure that there isn't an increased risk of flooding. Whilst off-site works would be funded through the New Infrastructure Charge and Southern Water's Capital Works programme,

Southern Water and the developer would need to work together to ensure that the provision of sewerage infrastructure aligns with occupation (i.e. it is necessary to ensure that there is no occupation until adequate capacity is available). A condition, requiring the applicant to submit a timetable for the delivery of a drainage scheme to meet the needs of the development, has accordingly been recommended.

- 2.53 As previously commented upon, there have been localised flooding events in and around Albert Road, whilst significant and understandable concerns have been raised in this respect by third parties. There has also been inconsistent advice from Southern Water regarding the adjacent site at Albert Road, having first recommended that off-site works were necessary before later advising that no such works were required (nor was it possible for these works to be provided). Given this situation, the Council have sought independent professional advice from a consultant engineer who specialises in providing advice on foul drainage infrastructure.
- 2.54 The consultant's report confirms that flows from the development will be routed through the adjacent Albert Road site and connect into the existing 450mm sewer in Albert Road. This sewer was only recently discovered by Southern Water, who have confirmed that the sewer has "few properties" connected to it.
- 2.55 The peak foul flow from the development has been calculated by the consultant, who has adopted the calculation methodology used by Southern Water which was updated in January 2018 and which has regard for Building Regulation requirements for water usage, concluding that foul flows would be up to 0.33l/s. An additional 4l/s has been allowed for misconnections (i.e. surface water drains which incorrectly discharge into the foul sewer), albeit the consultant considers that it is very unlikely that misconnections would amount to 4l/s, as the development will have new foul and surface water drainage systems designed to current standards. The 450mm pipe could provide a maximum flow capacity of 161l/s. The foul flow from the development would therefore equate to just 0.2% of the capacity of this pipe whilst the precautionary figure of 4.33l/s, accounting for potential misconnections, would equate to 2.6% of the pipes capacity.
- 2.56 Using the same criteria, the Albert Road development would produce a maximum of 9l/s (including surface water misconnections). This combined with the flows from the development proposed by this application (i.e.13.33l/s) would equate to around 8% of the total capacity of the 450mm sewer in Albert Road. Given that Southern Water have confirmed that "few properties" currently connect to this sewer, it must be concluded that this sewer has more than 8% capacity remaining. Consequently, the consultant has advised that the foul sewerage network can accommodate the development without requiring infrastructure improvements. As can be seen, there is a difference of opinion between Southern Water and the Councils consultant. Southern Water have been asked to provide a further comment, who have confirmed that, on the basis that this development drains through the adjacent Albert Road development site, there are no issues in capacity as has been previously demonstrated by Southern Water have previously demonstrated. Consequently, Southern Water agrees with the council's consultant that adequate capacity exists.
- 2.57 It is recommended that a detailed on-site drainage design should be prepared in compliance with the current Sewers for Adoption requirements, prior to the

commencement of the development, which should demonstrate that foul and surface water flows will be separated to minimise risks of surface water entering the public foul sewerage system. Officers are of the opinion that such a condition should also include a timetable for the provision of the on-site infrastructure.

Ecology

- 2.58 It is necessary to consider whether the development would cause harm to protected or notable species or their habit, or harm other ecological designations. In making these assessments, particular regard has been had for the Standing Advice published by Natural England.
- 2.59 The site largely comprises an arable field which, although does not appear to have been actively farmed recently, is generally maintained with little vegetation growth. This area therefore has no features likely to provide habitat for protected or notable species. The boundaries of the site include rows of trees and hedges. Whilst lacking many mature trees and having no veteran trees, being species poor and typically lacking an extensive understory, the network of trees and hedges is of moderate ecological value.
- 2.60 The habitat on site has a potential to support bats, in particular one tree having a moderate potential and two trees having low potential. Survey work has recorded no evidence of roosting activity in these trees. Consequently, whilst there is a negligible risk to bats, the submitted report recommends re-surveying before any trees are removed. The hedgerows provide opportunities for foraging; however, these are to be retained. Whilst the proposals would not directly impact foraging bats, the report recommends that details of external lighting be carefully considered to avoid disturbance.
- 2.61 Reptiles were identified on the adjacent site during previous survey work. The field and treeline are of limited value to reptiles, although some vegetation to the boundaries of the site has some (low) potential to support reptiles. Consequently, the report recommends that safeguards are put in place during the construction period.
- 2.62 The site is unlikely to be of value to amphibians, whilst the nearest pond to the site is a significant distance away. This pond was the subject of a presence/likely absence survey which produces no evidence for amphibians. Consequently, amphibians are not a constraint to development.
- 2.63 The report confirms that the site survey identified no evidence for badger, water vole, rare or notable invertebrates, dormice or any other mammal.
- 2.64 Having regard for the habitat on the application site and the likelihood of various species being affected by the development, a series of mitigation measures are recommended. These include: timing of the works to minimise disturbance; undertaking further surveys to ensure that absent species have not populated the site after the previous surveys were undertaken; providing refugia for species; designing boundaries to allow for the movement of animals; inspecting trees for signs of bats before felling; and producing a detailed lighting scheme to avoid disturbance of bats. These measures can be secured by condition and, subject to these, it is considered that the development would cause no harm to protected species or habitats.

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

- 2.65 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.
- 2.66 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.
- 2.67 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.
- 2.68 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.
- 3.69 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation.
- 2.70 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.

Contamination

- 2.71 The site has had little historic use and, as such, has a low risk of contamination. However, given the sensitivity of the end use, Environmental Health have advised that conditions be attached to any grant of permission to require a ground gas assessment and a scheme of investigation and remediation of any previously unidentified contamination, should it be discovered during development. Given the scale of the development and given the distance to the nearest Air Quality Management Area, it is not considered that material harm would be caused in terms of pollution.

Contributions

2.72 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. However, 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.

2.73 Policy CP6 requires that development which generates demand for additional infrastructure will only be permitted if the necessary infrastructure is either in place or where it can be provided. KCC have advised that the development would place additional pressure on local infrastructure, including primary and secondary education, libraries, community learning, and Social Care. KCC have also advised that there is currently insufficient capacity to meet this need. In order to meet this additional demand, KCC have requested that the development provides the following contributions for the specified projects:

- Primary Education - £164,538 towards Phase 2 of the expansion of Deal Parochial Primary School.
- Secondary Education - £203,695 towards Phase 1 Dover Grammar School for Girls
- Community Learning - £1615.25 towards IT equipment for the new learners at Deal Adult Education Centre
- Libraries - £3025.26 towards "Digital Den" technology cart for 5-11 year olds at Deal Library
- Social Care - £4804.38 towards Meadowside Social Car Hub in Deal and the provision of 1 wheelchair adaptable home.
- It is also recommended that high speed broadband be provided to the dwellings.

KCC have provided details regarding how these costs have been calculated and it is considered that these are necessary and reasonably related to the development and should therefore be sought. Special comment should be made of the request for a contribution towards Dover Grammar School for Girls, which is located some distance from the application site. However, whilst there is some geographic distance from the site, it is one of the closest secondary schools to the site and is likely to draw significant numbers of pupils from the proposed development. Consequently, it is considered that the request meets the relevant tests for developer contributions.

2.74 The NHS have also advised that there is currently insufficient capacity in its doctors surgeries to meet the needs arising from the development. The only option available to increase capacity to meet this demand is the internal redesign of the Balmoral Surgery to provide additional clinical space to cater for the occupants of the new development. A plan has been drawn up for this project which would cost £308,625. The NHS had originally advised that a proportionate contribution for the development would be £51,840, based on a fixed contribution of £360 per patient generated. However, the figure of £360 per patient was generic and not specific to the identified project. Contributions must be proportionate to the additional infrastructure which would be generated by the development. The total cost of the project is identified as £308,625, which would provide space for an increase in patient numbers of 3,113 (equating to £99.14 per additional patient). The development would produce 144 patients (around 4.63% of the total number of patients the project would support). It is therefore considered that a proportionate contribution would be £14,276.26. The NHS have advised that they accept that this

reduced contribution is reasonable and have amended their request accordingly.

- 2.75 Policy DM27 requires that developments contribute towards the provision of open space to meet the needs which will be generated by the development. The Principal Infrastructure and Delivery Officer has advised that the development would create a need for: 0.32ha of accessible green space; 0.17ha of outdoor sports facilities; 0.008ha of children's equipped play space; and 0.03ha of allotments or community gardens. However, due to practical difficulties in providing contributions for all of these uses, the advice has been to concentrate the contributions on the provision of children's play space and outdoor sports facilities. Projects have been identified, comprising 80% of the total cost of a new play area (including 15 years maintenance) at North Deal Playing Field and the cost of providing 2.6 tarmac tennis courts at Victoria Park, both of which are well located to the site and capable of providing increased capacity. The contributions for these projects equate to £25,864 and £70,000 respectively. The applicant has advised that they would prefer to provide an equipped children's play area on site, negating the need for an off-site contribution, the details for which should be secured by condition.
- 2.76 The applicant has advised that the development is unable to provide all of the policy compliant contributions whilst maintaining a viable development. Consequently, the applicant has submitted a Viability Assessment to support their application.
- 2.77 The submission valued the market dwellings at between £195,000 and 295,000, with a Gross Development Value (GDV) for the scheme (including 6 affordable flats) of £15,485,000. Acquisition costs for the site, based on paying a fixed price of £200,000 per acre, were estimated to be £1,106,665. Construction costs for the dwellings were estimated to be £7,004,645, together with a further £2,966,419 to provide utilities, land raising and site preparation, to construct roads, drainage and with £315,000 set aside for developer contributions. Other costs, for example those related to financing, marketing and sales, come to £1,474,493. Consequently, the estimated total costs amount to £12,552,222, leaving a profit of £2,932,778 or 18.94% profit on GDV. This would allow for the provision of six affordable dwellings on site and a pot of £315,000 for developer contributions.
- 2.78 The Councils Viability Consultant questioned a number of the assumptions made within the submitted statement and sensitivity tested the applicants viability appraisal. The consultants considered that the land value of £200,000 per acre could not be justified, initially suggested that a value closer to £60,000 per acre would be more reasonable. Following negotiations, a position of £100,000 per acre was agreed. The applicant's viability statement confirms that there are two ransom payments required to access the site. Planning Guidance does not confirm whether ransom or access payments should be taken into account when considering viability. However, RICS guidance (albeit dating from August 2012) advises that:

“Often, in the case of development and site assembly, various interests need to be acquired or negotiated in order to be able to implement a project. These may include: buying in leases of existing occupiers or paying compensation; negotiating rights of light claims and payments; party wall agreements, oversailing rights, ransom strips/rights, agreeing arrangements with utility companies; temporary/facilitating works, etc. These are all relevant development costs that should be taken into

account in viability assessments. For example, it is appropriate to include rights of light payments as it is a real cost to the developer in terms of compensation for loss of rights of light to neighbouring properties. This is often not reflected in Site Value given the different views on how a site can be developed”.

Given the ambiguity as to whether such payments should or should not be included, the council have sought counsel opinion. This has confirmed that ransom payments can lawfully be taken into account in a viability appraisal. However, counsel also advised that the onus is on the developer to justify why this payment was agreed at that level and the reasonableness for the level of the payment.

- 2.79 The applicants have submitted a letter from their RICS Registered Valuer, which seeks to justify the reasonableness of ransom/access payments. This advises that payments have both been based upon a proportion of the uplift in land value (i.e. the additional land value achieved by the site as a result of becoming accessible). The larger of the two access payments of also accounts for the provision of services up to the edge of the application site. The letter was used in negotiations between the developer and the Council to establish a reasonable access payment across Council land, and has been accepted by the Council's officers within the Property Services team (although this matter is scheduled to be reported separately to the Council's Cabinet meeting later in the year). At the time of writing, this information has not been presented to the Council's Viability Consultant to confirm whether this information is sufficiently robust and justified. However, an update regarding this matter can be provided at the committee meeting.
- 2.80 Concern was initially raised that the purported abnormal costs (ground raising, unusually expensive drainage solutions etc.) had not been evidenced. The applicants subsequently provided specific evidence and costing's for these costs, which has been accepted by the Council's consultant. Finance costs were also questioned, with the applicant adopting the Council's consultant's position. The profit level, initially 20%, was also called into question, with the parties eventually agreeing that a reduced level of 18.5% would be reasonable.
- 2.81 Having regard for the above changes, the Council's consultant re-ran the viability appraisal. The conclusion of the viability exercise is that the development can support the provision of ten on-site affordable dwellings (around 15.9% of the total number of dwellings), contributions totalling £377,678 towards KCC infrastructure (100% of the contributions requested) and £14,276.26 towards increasing NHS capacity (100% of the contribution requested). As such, the development would comply with policy CP6, but would provide just over half of the 30% affordable housing provision sought by Policy DM5. However, it must be noted that DM5 acknowledges that “the exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions”. The flexibility in this policy replicates the approach advocated in the Planning Practice Guidance which allows consideration to be had for viability.
- 2.82 The request for Open Space contributions was received after the viability testing had been run and the requested contributions were not therefore taken into account. However, given that the viability exercise showed a small surplus (and given that the NHS reduced their request due to a miscalculation), the

applicant has agreed that the additional contributions are agreed, as they would not unacceptably prejudice the viability of the scheme. It is considered that the viability of the development has been rigorously examined and tested by independent specialist consultants. These negotiations have increased the number of affordable dwellings to be provided on-site from six to ten and increased the total financial contributions from £315,000 to £461,954.15. It is considered that, even with these increased contributions, the development would remain viable and the applicant has confirmed that they have accepted this position.

2.83 For clarity, the development would fund the following contributions:

- Ten affordable dwellings to be provided on site (around 15.9% of the total number of dwellings proposed)
- KCC contributions comprising:
 - Primary Education - £164,538
 - Secondary Education - £203,695
 - Community Learning - £1615.25
 - Libraries - £3025.26
 - Social Care - £4804.38
- Children's play space – to be provided on site
- Outdoor sports facilities - £70,000
- NHS - £14,276.26

The total contributions amount to ten affordable dwellings and £461,954.15.

Other Matters

2.84 The applicant has submitted a brief Economic Benefits Statement which advises that the construction phase would generate 63 jobs, together with a further 38 indirect jobs, over the two year construction period. The combined direct and indirect construction output (Gross Value Added) of £10.7m. Whilst this is material, it is considered to carry limited weight. The applicant has also advised that the development would deliver a New Homes Bonus which would total £338,000 over a four year period whilst the development, once built, would provide £101,000 of additional council tax payments. The Council are also due to receive an access/ransom payment outside of the planning application. The LPA must have regard for local financial considerations, as far as they are material to the application. In this case, the New Homes Bonus, council tax receipts and access/ransom payment would not make the development acceptable in planning terms and, as such, are not material considerations in the determination of this application. In reaching this conclusion, it is noted that the Planning Practice Guidance states that "it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body". Therefore this is not a material consideration and cannot be attributed weight. Finally, the applicant has advised that the development would produce economic output and expenditure, a proportion of which would likely be spent in the locality. Whilst the occupants of the development would spend in the local area, it is not considered that this perceived benefit is particular to this development and, instead, is a benefit of increasing the local population more generally.

Conclusions

- 2.85 The principle of the development would be contrary to policy DM1, being outside of the defined settlement confines, but is in an area which has been identified as having potential for meeting the local housing needs of Deal. Having regard for the significant weight which must be given to the need to provide housing and the sustainability of the sites location it is considered that material considerations indicate that a departure is justified in this instance.
- 2.86 The development has been the subject of a viability assessment to consider what level of contributions can be supported by the development. This has been reviewed and challenged and, consequently, the level of affordable housing and contributions has been significantly increased. It is considered that this final provision can now robustly be shown to be the optimum level of contributions which can be provided by the development, without prejudicing its viability (albeit an update will be provided to members regarding the justification for the access/ransom payments).
- 2.87 Special attention has been paid to flood risk and surface and foul drainage, concluding that there are no sequentially preferable sites available, that the development would be safe over its planned lifetime and that the development would not increase the risks of flooding on-site or elsewhere.
- 2.88 Regard has been had for all other material considerations and, subject to conditions, found to be acceptable (or capable of being acceptable, given that appearance, landscaping, layout and scale are reserved). An Appropriate Assessment has been undertaken, which once mitigation is considered, demonstrates that the development would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. For these reasons, it is recommended that outline planning permission be granted.

g)

Recommendation

- I Subject to confirmation regarding the reasonableness of the reported access/ransom payments and the submission and agreement of a s106 agreement to secure affordable housing and contributions, OUTLINE PERMISSION BE GRANTED subject to conditions to include:-
- (1) Standard outline conditions, (2) provision and retention of car parking and turning areas, (3) provision and retention of cycle parking, (4) full details 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, and a timetable for their provision to be submitted with the reserved matters application, (5) details of measures to prevent surface water run-off onto the highway, (6) Archaeology, (7) full details of surface water drainage strategy, including a timetable for the provision of infrastructure, a verification report and a maintenance programme, (8) full details of foul water drainage strategy, including a timetable for the provision of infrastructure, a verification report and a maintenance programme, (9) development in accordance with Flood Risk Assessment, (10) no piled foundations unless agreed, (11) radon gas protection measures, (12) previously unidentified contamination, (13) construction management plan, (14) full details of all external lighting (with no other lighting other than that which is approved), (15) details of permeable boundary treatments to be submitted with the reserved matters application and removal of permitted development rights for boundary treatments, (16) ecological mitigation

measures, (17) noise mitigation, (18) details of the provision of visibility splays to be demonstrated by reserved matters, (19) scheme for the provision of on-site Local Equipped Area of Play.

- 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