

**a) DOV/19/00642 - Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal**

Reason for report - Number of contrary views (122).

**b) Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement.

Application was deferred for a Members Site Visit at the 16<sup>th</sup> January 2020 Planning Committee.

**c) Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy  
CP3 - Distribution of Housing Allocations  
CP4 - Housing Quality, Mix, Density and Design  
CP6 - Infrastructure  
DM1 - Settlement Boundaries  
DM5 - Provision of Affordable housing  
DM11 - Location of Development and Managing Travel Demand  
DM12 - Road Hierarchy and Development  
DM13 - Parking Provision  
DM15 - Protection of Countryside  
DM16 - Landscape Character  
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11-12 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 59 – To support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

Paragraph 109 - Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 117 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 124 – The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 – Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, for the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate

amount and mix of development and support local facilities and transport networks; and

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a

site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

**d) Relevant Planning History**

DOV/17/00505 - Outline application for the erection of up to 235 dwellings (with landscaping, appearance, layout and scale to be reserved) - Refused

DOV/17/00336 – Request for Screening Opinion for residential development – EIA Not required

DOV/16/01441- Change of use of land for the keeping of horses and the erection of field shelters, stables and fencing and laying of hardstandings – Refused

DO/80/1180 – Outline application for residential development at 12 dwellings per hectare – Refused – Appeal Dismissed

CH/1/68/8 – The erection of dwellings – Refused

CH/1/65/236 – The erection of dwellings – Refused

CH/1/64/64 – Outline application for dwellings and estate roads - Withdrawn

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

DDC Infrastructure and Delivery Officer – Policy CP 6 of the Core Strategy 2010 states that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Additional need arising from residential developments is calculated using average occupancy rates. Where the application is in outline and the final housing mix is not known, a policy compliant mix across all tenures is assumed. On this basis, the below table calculates that **274.49** new residents will be generated by the proposed development.

Applying the adopted DM27 requirement of 2.22 ha per 1,000 population against the anticipated number of new residents of **274.49** generates an overall accessible green space requirement of **0.6094 ha**. The indicative site layout shows 0.90 ha Accessible Green Space is to be provided on site.

An area of on-site accessible green space should be secured as part of the site layout at the reserved matters stage. The amount required will be dependent on the final

agreed mix of housing applying the 2.22 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.6094 ha**. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents of **274.49** generates an overall outdoor sports facility requirement of **0.3212 ha**. On site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant.

Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The **0.3212 ha** natural grass playing pitch need generated by the proposed development equates to **45.88%** of a natural turf senior pitch which equates to a proportionate offsite contribution of **£45,879.54**.

Improving pitch quality at the Deal & Betteshanger Rugby Club is an emerging priority from work currently being undertaken as part of the update to Dover's Playing Pitch strategy. Of the two pitches, the floodlit pitch is of poor quality as the floodlit area of the pitch has drainage issues. The non-floodlit pitch is of standard quality.

A proportionate contribution, which would be **£45,879.54** based upon the indicative housing mix for this scheme, towards an enhanced maintenance regime at Deal & Betteshanger Rugby Club, would be justified in this instance.

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of **274.49** generates an overall children's equipped play space requirement of **0.0165 Ha**. There is no existing play area within the applicable accessibility standard. The indicative site layout shows a Children's Equipped Play Space of **0.03 ha** is to be provided on site. Provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement. The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage. The anticipated number of new residents generates an Allotments / Community Gardens requirement of **0.0576**

The indicative site layout shows a Community Orchard of **0.05 ha** is to be provided on site. Provision and long-term maintenance/management of the Community Orchard should be provided onsite and secured within the legal agreement.

The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage.

The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £6,066.43 is therefore necessary for this site to be considered policy compliant.

The introduction of new CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements. The council employs a dedicated

monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established.

DDC Ecologist: I have reviewed the Ecological Appraisal and support the recommendations made to provide **biodiversity net gain**. This includes the creation of approximately 1 hectare of greenspace. (This represents about a quarter of the site area). The following habitats using native species are proposed:

- An attenuation pond as a SUDS feature,
- woodland planting in the south eastern corner,
- sown species rich grassland using an appropriate wildflower mix,
- Tall ruderal vegetation to provide foraging opportunities for seed specialists such as linnet and yellowhammer
- an orchard.
- the planting of tree belts, hedgerows and scrub, to enhance habitat connectivity
- a bat sensitive lighting scheme (this should follow the bat Conservation Trust Guidance Note 8 'Bats and artificial lighting' 12 September 2018)
- installation of bat boxes on retained trees or incorporated on to selected new buildings.
- Breeding opportunities for birds by inclusion of nest boxes or nest bricks.

Habitat Regulations Assessment: The report has also included information to enable DDC to complete a HRA. The only predicted likely significant effect is the disturbance of bird species as notified features of the Thanet Coast & Sandwich Bay SPA and Ramsar due to increased recreational pressure. I agree with this conclusion. The applicant will be required to pay the tariff levied on the number of units proposed as per the DDC Thanet Coast Mitigation Strategy.

DDC Housing Manager: There is a need and demand for affordable rented homes of all sizes within the Dover district. In addition to 70 homes for sale, the application proposes 30 homes with 1, 2 and 3 bedrooms for affordable rent, which would provide a valuable contribution towards meeting the affordable housing needs of the district.

DDC Environmental Health - No objection subject to conditions relating to a Construction Environmental Management Plan and Contaminated Land conditions.

I note the Air Quality Screening Report (Wardell Armstrong ref# LE13820/PT/MW/002 6<sup>th</sup> March 2019) considers the impact of the development in terms of the construction and operational phases and I can confirm that a detailed air quality assessment is not required for this application. In terms of the construction phase it is noted there is clearly the potential for fugitive dust levels to cause disturbance to existing residents in the area. It is therefore recommended that a site specific dust management plan is submitted and secured by condition that includes suitable mitigation to control dust levels in accordance with the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction 2014.

It is noted that in terms of good design principles and best planning practice Electric Vehicle re-charging provision is to be provided. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles is noted as one means of achieving this. I would therefore recommend a suitable condition is included in respect of securing this provision.

Noise Screening refers to noise assessment report (Wardell-Armstrong LE13820 May 2017). EH concur with the findings of the report and would recommend a sound insulation condition.

DDC Waste Team: All individual properties will have a launch pack consisting of 180 litre refuse bin, 240litre recycling bin for tins, glass & plastics, 55litre black box for paper/card recycling, 23litre outside food caddy & 7litrenkitchen caddy. Flats depending on the amount of properties in each block will vary approx. 180litres of refuse per flat, 55litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling & outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

KCC Highways and Transportation – I refer to the amended plans and additional information submitted for the above on 21November. The Transport Assessment shows there is unlikely to be a severe impact on the wider highway network in capacity terms from the vehicle trips generated by the proposals, with the junctions assessed still working within capacity. The vehicle trip generation figures used (58 two-way trips in the am peak hour and 62 two-way trips in the pm peak hour) are very robust for this location within walking distance of schools, bus stops, the railway station and other services/amenities, such that the number of trips generated is in any case likely to be less than that considered in the assessment. The distribution of trips to/from the site is likely to be split evenly in Cross Road north and south of the site access, with most trips to/from the south then being along Station Road.

The northern section of Cross Road is subject to existing on-street parking; however, it is not a heavily trafficked road and there are regularly spaced passing places available. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Cross Road and at the junction with St Richards Road, and highway improvements are therefore proposed as follows:

- Widening of the road in the vicinity of the site access to allow two vehicles to pass each other and provide suitable manoeuvring room for refuse/delivery vehicles servicing the site;
- Provision of a footway between the site access and the existing footway network in Cross Road;
- Formalisation and improvement of the existing single-way working section of the road between the site access and the wider section of Cross Road to the north, improving visibility for drivers on the approaches to the single-way working section. This will require the removal of two existing on-street parking spaces currently in use on the west side of the road;
- Provision of an additional passing place in the section of Cross Road to the south of the site, providing regularly spaced passing places between the site access and the junction with Station Road;
- Extension of the existing 30 mph speed limit to the junction of Cross Road and Station Road,
- Provision of improved pedestrian crossing facilities at the junction of Cross Road with St Richards Road, including dropped kerbs, tactile paving and a pedestrian island. This will require the removal of four existing on-street parking places currently in use on the east side of Cross Road and the south side of St Richards Road.
- The majority of Station Road between the site and Dover Road has suitable width and passing places where necessary to accommodate the development. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Station Road between the site boundary and Station Drive, and highway improvements are therefore proposed as follows:
- Widening of the section of Station Road fronting the site;

- Formalisation and improvement of the existing single-way working section of the road between the site boundary and Sydney Road together with a new 1 metre-wide footway connecting the site to the existing footway network. Whilst it would be preferable to have a wider footway, both the road and footway are unlikely to be heavily trafficked and this will be a lower speed environment, so the footway width available is considered to be acceptable. These works will require the removal of three existing on-street parking spaces currently in use on the south side of Station Road,
- Extension of the existing 30 mph speed limit to the junction of Station Road and Cross Road
- Provision of improved pedestrian crossing facilities at the junction of Station Road with Station Drive, including a pedestrian build-out, dropped kerbs and tactile paving. This will require the removal of two existing on-street parking spaces currently in use on the south side of Station Road.

The proposed improvements acceptably mitigate the impact of the development such that it is not considered to be severe.

The detailed street layout and parking provision within the site would be dealt with through a reserved matters application. The routing and timing of HGV's related to construction of the development will need to be suitably managed and this can be resolved through a Construction Management Plan secured by condition.

Taking all of the above into account I would not recommend refusal on highway grounds subject to a significant number of highway conditions being secured.

KCC Archaeology: The application is accompanied by an Archaeological Appraisal report and a Built-Heritage Statement, the appraisal provides a reasonable account of the archaeology of the area and of the site's archaeological potential. The site lies on a south-west facing slope just off the crest of the Mill Hill ridge. The Mill Hill area has long been recognised for its archaeological importance with several significant archaeological discoveries having previously been made nearby.

During the nineteenth century several large chalk quarries were developed along the Mill Hill chalk ridge by local builders. No formal archaeological investigations were undertaken during this quarrying however numerous burials (both cremations and inhumations) of probable Iron Age, Roman and Anglo-Saxon date were recorded during the working of the pits.

Between 1984 and 1989 the Dover Archaeological Group undertook excavations on the site of the Walmer Way housing development which also lies to the north of the proposed development site. More than 500 individual archaeological features were identified which dated from the Neolithic (c. 3000 BC) to the post-Roman period (c. AD 1400). Some 132 burials were also excavated. The extents of this important multi-period site were not located in any direction. Discoveries at the Walmer Way site, some of which are of major importance, included a sixth century Anglo-Saxon cemetery, a rare Iron Age inhumation cemetery, a Bronze Age ring-ditch, Neolithic pits and a Romano-British field system. One of the Iron Age graves contained a particularly important burial, that of the 'Mill Hill Warrior', who was buried with a sword, shield and crown (now displayed in the British Museum).

The archaeological appraisal rightly identifies that the proposed development site lies within a rich and dense archaeological landscape and suggests that overall the site should be considered to have a moderate potential for previously unrecorded archaeological remains to be present on site. In broad terms I would support the WYG assessment of the site's archaeological potential. The document goes on to note that the construction of the proposed development would result in the removal of any archaeology which might be present at the site and that due to the nature of the development such construction impacts could occur across most of the application



site. On this basis the appraisal advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an approach and would suggest that such an archaeological programme could be secured by condition.

I would suggest that the proposed development has the potential to affect presently unknown archaeological remains from a range of periods. Paragraph 199 of the NPPF notes the requirement for developers “to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. It is therefore recommended that a condition is included in any forthcoming planning consent to secure the investigation and recording of the archaeology to be affected by the development and to ensure that the results of these investigation are made publicly accessible.

KCC Flooding and Waste Management – In principle, we are satisfied with drainage information submitted at this stage and therefore have no objections to the drainage design. Should your local authority be minded to grant permission from this development, we would recommend conditions relating details of surface water drainage to be provided at reserved matters stage, to a detailed sustainable surface water drainage scheme and a verification report.

KCC - Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Primary Education - £3,324.00 per dwelling towards Phase 2 expansion at Deal Primary School
- Secondary Education - £4115.00 per dwelling, towards Phase 2 expansion at Dover Grammar School for Girls
- Community Learning - £25.64 per dwelling towards IT equipment for the new learners at Deal Adult Education Centre
- Social Care - £76.26 per dwelling towards Meadowside Social Care Hub in Deal
- Libraries - £48.02 per dwelling towards large print books at Deal Library

These contributions to be secured through a Section 106 Legal Agreement as part of any submission. In addition, the provision of Fibre Optic Broadband across the site should be provided.

Additional comments - Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now **Goodwin Academy expansion**. We would be grateful if the Secondary request can therefore be amended from Dover Grammar School for Girls to Goodwin Academy expansion.

Southern Water – The exact position of the public foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works

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

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

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

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

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

Environment Agency: This site is in a very sensitive area for groundwater resources, being in an SPZ1 for a licensed abstraction. Therefore we would seek to ensure careful management of such a large development in such a sensitive setting and would be likely to object unless a condition relating to contamination safeguarding, is placed on any permission granted.

The design of infiltration SuDS needs careful consideration in this location. We therefore request that a planning condition restricting infiltration drainage to the approved scheme only is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Clean surface drainage is likely to be acceptable to go to shallow infiltration drainage with suitable pollution prevention measures incorporated in line with good guidance. Foul drainage is indicated to go to mains sewer, there must be confirmation from the local provider that all connections have been fully made before any occupation is permitted.

We would anticipate the requirement for a construction environmental management plan to be included in any permission in accordance with good construction practice.

Highways England: Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, the A2 in the vicinity of Dover particularly the Duke of York Roundabout.

Highways England previously responded to proposals on this site on the 12 August 2019 (attached). Having reviewed the additional information (revised access arrangements and RSA designers response) provided on the Planning Portal we are satisfied that the impacts of this proposal on the SRN will be unchanged. Accordingly, the proposal will still result in a minimal additional impact on the SRN that is unlikely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly para 109). Therefore, we do not offer any objections or requirements relating to the application.

Natural England: No objections, standing advice should be referred to. Designated sites [European] – no objection subject to mitigation - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Rural Planning Ltd: There would be a loss of some of “best and most versatile” agricultural land. A judgement and recent appeal decisions, in which relatively little significance has been placed on the loss of BMV land, it appears that to successfully argue loss of BMV land as a reason for refusal, the burden would fall on a Council in having to demonstrate that the development is unnecessary, as it could take place on sufficient other feasible sites, of lower quality land than the application site. I am not personally aware that there are sufficient other feasible sites of lower quality. In conclusion, it seems unlikely that loss of BMV land could be seen as a valid reason for refusal of the application in this instance.

South Kent Coast CCG: Requests a contribution of £89,700 to General Practice towards improvements at Balmoral Surgery.

Justification for infrastructure development contributions request:

This proposal will generate approximately 280 new patient registrations when using an average occupancy of 2.8 people per dwelling. The proposed development falls within the current practice boundary of a number of Deal town centre practice, including Balmoral Surgery, St Richards Road Surgery, The Cedars Surgery and Manor Road Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area; the need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the

GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

This development is expected to impact directly on the town centre practices, and in line with the Development Plan, the CCG would support the improvements to Balmoral Surgery as a priority project to absorb growth from planned housing developments. The practice will be required to develop a business case in order to mitigate the impact of the growth already experienced, as well as any future growth from additional development. The proposal would be to fit out the current vacant expansion space on the first floor of the building. The project was costed a number of years ago, and tenders will need to be revisited should the scheme go ahead.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future. It is likely that the restrictive occupancy nature of this development will have a higher impact than normal on the workforce as residents are more likely to have multiple or complex health needs.

The population growth of 280 will require 23 m<sup>2</sup> based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £69,000. A further 30% allowance for development fees means our request totals £89,700. In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the planning regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with regulations the CCG confirms that there would not be more than four other obligations towards the final project(s).

Kent Fire and Rescue: The means of access is considered satisfactory.

Kent Police Crime Prevention – We have considered this application with regard to Crime Prevention Through Environmental Design and the National Planning Policy Framework (NPPF). Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.

Secured by Design (SBD) Homes 2019 is the current guidance document addressing community safety and security requirements for dwellings. To meet SBD requirements, doorsets and windows must be tested and certified by an SBD recognised third party certification authority. Approved Document Q building regulations for doorset and window specifications only require testing to PAS 24 2016 – [www.securedbydesign.com](http://www.securedbydesign.com)

The applicant/agent has not yet demonstrated that they have considered designing out crime or crime prevention. To date we have had no communication from the applicant/agent and there are issues to be discussed and addressed, these include:

1. Development layout
2. Perimeter, boundary and divisional treatments
3. Permeability
4. Parking inc. visitor
5. Lighting and CCTV
6. Access Control
7. Doorsets
8. Windows

Meeting SBD Homes 2019 – this application should achieve SBD Silver standard as a minimum.

We welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If these issues are not addressed, it may affect the development and have a knock on effect for the future services and duties of local policing. If this application is to be approved, we request that a Condition or Informative be included to show a clear audit trail for Design for Crime Prevention and Community Safety and meet both our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

A development that achieves SBD accreditation, demonstrates that security has been addressed. If the applicant/agent intends to apply for SBD accreditation they are strongly advised to contact us before completing the application form.

Walmer Parish Council: Although the site lies within Deal Town Council's area, it is very close to the boundary with Walmer Parish Council. The site is roughly rectangular in shape, being bound on the south by Ellen's Road and on the west by Cross Road. The northern boundary is formed by the rear gardens of Lydia Road, while the eastern boundary is the rear gardens of Sydney Road and an access lane to those properties.

The application is an outline proposal for some 100 houses, some of which will be "affordable". The application makes provision for play space, a community orchard, a balancing pond, landscaping including tree planting, and limited road improvements on Cross Road. The internal road layout is contained within the site with a single access point onto Cross Road. The proposal would extend the built area of Deal into countryside, and on to potentially productive farmland.

Cross Road is a two-way road with a mix of detached and terraced houses from the entrance from St Richards Road to the north-western corner of the application site. From that point Cross Road becomes a single-track, country lane with no pavement. The southern end of Cross Road forms a T-junction with Ellen's Road, which is a continuation of Station Road, and links through to the road to Ripple in Great Mongeham. Ellen's Road is a single-track country lane with no pavement. Its continuation as Station Road to the railway bridge is also a single-track lane with no pavement, though there are a few terraced and detached houses close to the junction with Sydney Road. Road is a two-way road with a mixture of housing on both sides. Walmer station is accessed on foot from Sydney Road, which has resulted in day-long parking on both sides of the road by rail passengers with consequent problems of obstruction, poor sightlines and constriction of the roadway for emergency vehicles.

Both Sydney Road and Cross Road give out on to St Richards Road. The Sydney Road junction is close to the railway bridge and opposite the off-set junction with Telegraph Road. The Cross Road junction is between the plumber's suppliers and a Londis store and is opposite the off-set junction with Mill Hill. Parked vehicles on both sides of the Cross Road junction radically reduce sightlines for drivers emerging from Cross Road, and vehicles on St Richards Road can travel at speed on a long straight road. St Richards Road is heavily used by vehicles and by children travelling to and

from St Mary's RC Primary School which is on the road. It is also used by primary school children travelling to and from Hornbeam Primary, on Mongeham Road, and the Downs Primary and the Walmer Science annex of the Goodwins Academy, both of which are off Salisbury Road in Walmer, a continuation of St Richards Road. Both Salisbury Road and Station Road join on to Dover Road, which carries some two-thirds of commuter traffic out of Deal every morning. Taken with the current development of Miller's Retreat on Station Road in Walmer, the Gladman proposal will only increase the pressure of vehicles on an already stressed junction.

The development will have a detrimental impact on the residents of Lydia Road and Sydney Road who will lose the rural outlook from the rear of their properties. The urban fringe of Deal and Walmer will be extended to the south and east and will intrude on views from Coldblow Hill and elsewhere on the down land to the south. The land subject to the application provides a habitat for various species of invertebrates, which provide a food supply for bats which are frequently observed in the rear gardens of Lydia Road.

The proposal envisages the widening of Cross Road from the site's north-east corner to the proposed entrance of the site. The bulk of the existing single-track will remain but vehicles travelling northwards will not have priority over vehicles moving southward into the site. The intention is to direct all vehicle traffic to the Cross Road/St Richards Road junction. This will result in a proliferation of road signs in the countryside and will introduce a discordantly urban aspect to an essentially open rural area.

The Transport Statement on which Gladman relies, makes a great deal of how close the site is to various alternative transport modes. All of these involve either walking or cycling to reach Walmer station or a bus stop on Sydney Road. To access Sydney Road from the site would necessitate travelling along Ellen's Road. This is potentially highly lethal. The Transport Statement in paragraph 5.3.3 makes reference to the closeness of the site to the national cycle route, which it claims is the North Sea Cycle Route from Colchester to Shetland. The Transport Statement also lists, among others, the Telegraph pub as a local facility. The Telegraph pub has now closed. The Transport Statement concludes, at paragraph 9.1.2, that the proposal is safe and efficient for vehicles; and that it is sustainable for cycling and walking and for access to bus and rail transport. The claims made in the Transport Statement's Conclusion are palpable nonsense. Access to bus and rail transport on foot or by bike would be via single-track lanes and highly dangerous. The additional pressure of vehicles using Cross Road will put excessive strain on an edge-of-settlement residential road and on the staggered junction with St Richards Road and Mill Hill.

Dover District Council currently has a 5-year housing land supply and the surviving policies from the Dover District Local Plan are all relevant. All three adopted plans agree that the site in question is outside the Deal Settlement Boundary and, unlike other sites in Deal, Walmer and Sholden, is not identified as suitable for residential development. As Figure 3.4 of the Core Strategy highlights, the general lie of the land on Deal's southern Settlement Boundary means that the site would be highly visible from the chalk down land ridge to the south and would introduce a totally unacceptable suburban element into what is currently a clear and distinctive boundary between town and countryside. Even the proposed provision of landscaping and planting on the southern and eastern boundaries of the site would not conceal the suburban appearance of the proposal as the land slopes down to a dry valley along the bottom of which runs Ellen's Road.

Grounds for refusal of the application are found in surviving Local Plan policies DM15 (protection of the countryside), DM1 (settlement boundaries), DM16 (landscape character), DM11 (location of development and managing travel demand) and CP1 (settlement hierarchy). The proposal does not provide an acceptable level of economic, social or environmental sustainability as required by the NPPF, as it relies

on the spurious contention that residents will have access to alternative transport modes. These alternative modes are only accessible by walking or cycling down narrow country lanes. If permitted, residents of the development would be dependent on car transport in order to access educational, employment, and leisure facilities. The proposal also fails to deliver sustainable development as it will introduce a discordant urbanised element into what will remain a rural area.

Although proposal offers a limited number of environmental improvements, such as the community orchard and aspects of landscaping, this is an outline application and such minor changes could be watered down or even abandoned if the proposal were allowed to progress. As outlined above, there are powerful planning policies which very powerfully outweigh the minor advantages offered as part of the scheme.

Great Mongeham Parish Council: strongly objects to this application on the ground outlined in the letter from Walmer PC. In addition the Council would like to raise an objection on highways grounds. This development would cause an increase in traffic in Great Mongeham, as people wishing to head in the Sandwich direction would use Ellens Road and Great Mongham as a rat run to the Deal - Sandwich Road. Traffic through the village has increased greatly in the past few years following other developments in the area. An additional 100 dwellings will only add to the traffic problems in Great Mongeham.

Sholden Parish Council - Sholden Parish Council would like to object to the application. It is noted that the proposed development site is part of a "dry valley". In essence that means that water - surface or otherwise - in that dry valley would normally dissipate via the porosity of the chalk below. Building on the dry valley site will force the water to go elsewhere. The maps that we have seen easily show that this water will eventually end up in Sholden Parish in general. Paragraphs 160 and 161 of the NPPF are quite clear on flood risk. The application for planning permission stands to be refused, quite simply, because there will be an increased flood risk elsewhere - namely Sholden.

Additional Comments - SPC has been looking at the Officer's Report and we are against the application and there are two outstanding major planning applications in Sholden Parish which may be affected by a key recommendation in the Report. SPC is concerned about the reference at paragraph 2.8 on page 20.

No matter what we think of the application, the premise that a "basket of policies" from the Core Strategy is out of date has much wider implications for all future major planning applications in Dover District. Whilst SPC accepts the professionalism of the Report, such a major change in policy (which is what it will be if accepted) should be the subject of wider discussion with all those Parishes and Councils who might be affected in future major planning applications. That discussion would need to be based on an evidence based paper and not the particular details of a single planning application. SPC respectfully requests that the planning committee rejects this assertion (that a basket of policies is out of date) and that it is discussed separately at a later date.

In addition, it would appear that the Report is arguing that the NPPF 2019 now has primacy over the current DDC Local Plan (although paragraph 2.6 seems to contradict paragraph 2.2). That is not correct, paragraph 2 of the NPPF states: "Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise". Implicit in that is the legal primacy of the Local Plan (which is not redundant simply because it is being revised). It then follows, because of the legal primacy argument, that one single recommendation in a Report before the Planning Committee cannot consider a basket of policies as out of date.

Deal Town Council: Deal Town Council object as proposed area is outside settlement boundary, not in DDC's current Local Plan, would cause major Highways issues, fails to deliver sustainable development, would have a negative impact on amenity and character of the area. The plans are contrary to the adopted policies of the Planning Authority and are contrary to the National Planning Framework.

Third Party Representations - A total of 123 representations have been received objecting to the proposal (122 Objections and 1 Support). The following is a summary of the objections received:

- Infrastructure in Deal needs to be provided before any more residential development should be allowed
- Noise of 200 vehicles accessing the site will impact upon those already living either side of Cross Road
- Given the location, the residents will be reliant upon private vehicle transport
- Cross Road and Station Road should be widened where possible and include double yellow lines
- Traffic lights should be erected at the junction of Station Road and Dover Road to help ease congestion
- Will lead to the infilling of the gap south of St Richards Road all the way to Mongeham
- Brexit may increase the need to grow more produce domestically and the loss of farmland should be stopped.
- Impact archaeological remains
- The proposed new footpath is too narrow to be safely used, with no lighting and adjacent to a road with a 60mph speed limit
- No passing space in Station Road and 'priority system' proposed does not address this
- Add to pressure of congested junctions at Station Road – Dover Road and Salisbury Road – Dover Road
- Power network cannot cope
- LPA should look at fully planned new town rather than further extensions to Deal/Walmer
- Development is outside the urban boundary
- Detrimental impact on the landscape
- The development is in the countryside
- New housing development should be considered through the development plan
- A 5-year housing supply has been demonstrated
- This is high quality agricultural land
- This has serious traffic implications
- Local roads can't cope and are not suitable for increases in traffic
- Not enough school places already
- Bats use the site
- Cross Road already floods
- Doctors are over capacity already
- The water supply and foul drainage system cannot cope with increases
- The drains flood nearby properties and roads, including sewerage
- Impacts the amenities of existing residential properties
- Deal doesn't need more housing
- The Transport Assessment is insufficient to assess the impact and contains inaccuracies
- The proposed pedestrian crossing doesn't consider parking and visibility
- Local roads are narrow, mostly single lane due to parking
- Existing schools have closed, only 1 secondary school in Deal
- Existing roads are heavily congested
- More of the countryside will disappear



- Increase in pollution
- Impact on a peaceful rural location
- Significant impact on existing neighbouring properties
- Dover Road is unsafe and can't cope with increased volumes
- Cross Road is very narrow and already busy
- Not enough car parking in town already
- Facilities in town are not good enough people will have to travel elsewhere
- Additional roads in Deal are needed
- Cross Road is effectively a single lane
- Traffic is already seriously affecting a small town
- Access to Dover Road is difficult and hazardous already
- The impacts of the development cannot be assessed at this stage due to other developments
- Dangerous impact on traffic and roads causing chaos
- No suitable access to the site
- How will construction traffic access the site under a low railway bridge
- Cars already use the fields to pass as the road isn't wide enough
- There are no public footpaths along adjacent roads
- The development will destroy the rural landscape and be detrimental
- Refuse lorries and emergency vehicles already struggle to get access
- Existing wildlife has not been considered
- Hospital facilities are limited
- Lack of local jobs and no employment opportunities
- This is a small seaside town, too much development in Deal
- This development is just greed and a money-making exercise
- Cars are parked along the length of Cross Road
- The town is sustainable, this development is not
- This will seriously harm the visual and landscape quality and character of the countryside contrary to Policy DM15
- Access to the A258 is already difficult with long delays
- More development will change the character of Deal which gives it its appeal
- Permission for stables on the site was refused
- Affordable housing is required
- Will only be bought as second homes
- Properties looking onto the site are bungalows, development will be overpowering
- The developers have no consideration of the impact on the town and local people
- Ponds are hazardous for children
- The noise and pollution from the construction traffic will be hideous
- Extension to the town should go through the proper planning process
- Deal is becoming a dormitory town
- Overhead power lines need to be put underground
- No consultation with local residents
- Increased hazards for pedestrians which is already difficult due to parking and poor quality footpaths
- Have all alternative and brown field sites been considered
- There are enough housing estates already for a small town
- The town heritage and history needs to be retained
- Effect on the quality of life for residents
- There are regular accidents at the junction onto Dover Road
- The financial benefit to Deal would be minimal and contributions are not sufficient
- Loss of enjoyment of countryside
- Increases in air pollution

- The landscape in the valley is very important
- Will affect public footpaths and increased use of footpaths
- Sewers overloaded every time it rains heavily
- Development would be an eyesore
- The immediate area is not on mains drainage
- Children have to travel to Sandwich and Dover for schools
- Public transport is poor and not good enough for increased use
- Roads unsuitable for HGV's
- Increased pressure and hazards on an unmanned level crossing at Coldblow
- Impact on Duke of York roundabout
- Impact on the local riding centre and horse riding in the area will be significant
- Impact on cyclists in the area
- Roads are already often blocked with cars refusing to reverse so two cars can pass
- HGV's often get stuck
- There are already a large number of houses for sale in Deal there is no local demand
- Land identified as highway land, is not within the highway and is privately owned land, land registry documents confirm this
- A larger development was previously refused and other developments in the area
- The local community needs to be put first
- A new link road is required
- There are rare lizards on the site
- There are already new housing developments in the area
- Fields for crops are needed and existing environment should be preserved
- Confusion on the planning policy position
- Neighbours not directly consulted
- Improvements to Station Road/Dover Road junction have not been delivered
- Vehicles use pavements to park and pass parked cars
- Increase in anti-social behaviour in Deal
- No provision for the needs of children
- Loss of on-street car parking
- Access to parking will be restricted
- Driving around Deal is becoming more difficult

The following is a summary of the comment received in support of the proposal:

- Fits as an extension to the existing properties in an existing road
- Effectively an infill development
- The site has a lower flood risk than other previously permitted sites

#### Landscape Consultants Advice

An independent Landscape Consultant was appointed by DDC to provide advice on the landscape impact of the proposed development and provide advice on the appropriateness of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicants. A full report has been provided and is available to view online. It concludes:

*“Taking into the account the findings of the LVA and the assessment of policy compliance as set out in the preceding section of this report, it is advised that overall, there appear to be no significant landscape and visual issues that would arise in granting consent of an outline planning permission.*

*In summary, the proposed development would have some landscape and visual relationship with existing settlement along the northern and eastern site boundaries and although development would extend across a sloping open field, the landscape impact of this is minimised to some degree by existing development to the east.*

*Although some adverse effects are predicted, these are relatively localised in extent and the proposed mitigation measures are considered an adequate response to minimise effects and help integrate the site into the surrounding landscape.”*

f) 1. **The Site**

1.1 The site is located on the southern boundary/edge of Deal and is currently used for agriculture and the growing of crops. The site comprises an agricultural field with Cross Road to the west and some hedgerow, small trees to the south western corner. The site is roughly rectangular in shape and is located on a slope which falls north and south, with a 14.5m fall across the site. The site bordered by Station Road which runs along the southern boundary where it meets a crossroads with Ellens Road, Cold Blow and Cross Road. The boundaries along Cross Road comprise sections of hedgerow or are open onto the adjacent fields. The eastern boundary is formed of garden boundaries with properties off Sydney Road backing onto the site with some tree planting. The northern boundary is largely formed of the residential garden boundaries of residential properties on Cross Road and Lydia Road and is mixed, consisting of various forms of wooden fencing and landscaping.

1.2 The northern and eastern boundaries abut the settlement confines and the rear gardens of adjacent properties with a mixture of property styles and ages; these comprise mostly two storey dwellings and some single storey properties. To the south on the opposite side of Ellens Road/Station Road is open farmland with no defined field boundaries. To the west (on the other side of Cross Road) is open agricultural land and a small group of buildings and tree screen. The site is in Flood Zone 1 and is situated within a Groundwater Source Protection Zone 1 and located upon a Principal Aquifer.

**The Proposal**

1.3 The proposed development is a resubmission of a previous, albeit significantly larger, proposal (235 dwellings over a larger site area) that was refused under delegated powers (Ref: DOV/17/00505). This application is an outline planning application for the erection of up to 100 new dwellings and associated works which includes access roads and the provision of open space, including a community orchard, proposed play area and attenuation pond. Only details of the access have been provided at this stage with landscaping, appearance, layout and scale of the units to be reserved for future consideration. Indicative site layout plans have been provided which show the main features of the site and a single junction onto Cross Road. The site is 3.94 hectares with a developed area of 2.74ha and a proposed density of 36 dwellings per hectare. 30% affordable housing is proposed.

1.4 Indicative images have been submitted which provide an indication of the expected form of the development. The proposed site layout identifies new tree planting along the principle access roads, the retention and enhancement of existing landscaping and some hedgerows with a footpath through and around this area to link with existing footpath connections. An attenuation or balancing pond to deal with SuDS is located to the southwestern corner of the site. Public open space and a proposed community park and play area are located towards the southern and western boundaries of the site.

1.5 The following documents have been submitted in support of the planning

application:

- Development Framework
- Design and Access Statement
- Planning Statement inc. Affordable Housing Statement
- Landscape and Visual Impact Assessment
- Transport Assessment and Framework Travel Plan
- Ecological Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Phase 1 Preliminary Risk Assessment
- Flood Risk Assessment and Foul Drainage Analysis Report
- Air Quality Screening Report
- Noise Assessment
- Built Heritage Statement
- Archaeological Desk Based Appraisal
- Utilities Appraisal
- Soils and Agricultural Land Quality Report
- Statement of Community Involvement
- Socio-Economic Report

1.6 Amendments have been submitted in respect of the Transport Statement which has been updated and expanded to include additional analysis and the associated off-site highway works have also been amended and additional works are now proposed to address highway safety considerations. The amended and additional information have been subject to re-consultation.

## **2. Main Issues**

2.1 The main issues to consider are:

- Principle of Development
- Impact on the landscape and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations
  - Archaeology and Heritage Assets
  - Air Quality
  - Land Contamination

## **Assessment**

### Update

This application was reported initially to Planning Committee on 16<sup>th</sup> January 2020 but following a lengthy discussion was deferred for a Members Site Visit on 11<sup>th</sup> February 2020. The issues to consider at the site visit were identified to be:

- Look at the surrounding road network in order to consider safety issues and the potential impact on junctions;

- View the riding school and understand the potential impact on it; and
- View Station Road and consider the potential impact on residents of the proposed road widening.

Due to the nature of the site visit, representatives from KCC Highways and Transportation and the applicant will also be attending the site visit. Any issues raised shall be reported verbally to Planning Committee. Prior to the site visit, additional plans were provided by the developer to more clearly show the proposed highway works and have been submitted to assist understanding at the site visit. The plans submitted have not proposed any amendments and all proposed off-site highway works are as originally proposed. These plans have been added to the application and are available to view online, to ensure all third parties have the opportunity to view these plans.

#### Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. Having regard to the wording of this policy, the erection of dwellings in this location is by definition contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Although the site is outside the settlement confines, it is adjoining and it is within walking distance of a number of local facilities. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside, as the site is outside the confines. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the proposed landscaping and form of the development, a detailed justification of this position is discussed in more detail below. It is considered therefore, that the proposal is contrary to the first part of Policy DM15 (loss of countryside), but is in line with the second part of Policy DM15 (whether harm is caused).
- 2.6 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

- 2.7 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is therefore considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.8 The current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight. Whilst it is considered that policies DM11 and DM15 are not out-of-date, although the parts of these policies which place 'blanket' restrictions on development outside of confines are in tension with the NPPF, policy DM1 is now out-of-date. Given how important this policy is, and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the 'basket of policies' which are most important for determining this application are out-of-date.
- 2.9 The 'tilted balance' identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be approved.
- 2.10 It should be noted that an earlier outline planning application on a much larger site for 235 dwellings ref: DOV/17/0505 was refused under delegated powers. This was refused on a number of grounds including being contrary to policy DM1 and outside the settlement confines. However, this was determined before the current NPPF where the national policy position changed in respect of new residential development. As policy DM1 is now out of date, paragraph 11 of the NPPF applies. The application therefore needs to be assessed against paragraph 11 of the NPPF and specifically - permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted.
- 2.11 There are no policies that indicate development should be restricted as the site has no landscape or other designations. Permission should therefore be granted unless there is any clear harm that would significantly and demonstrably outweigh the benefits of additional housing development in the district. This report identifies that there is no visual harm to the landscape or local highways and has been found to be acceptable in all other material considerations. It is therefore an acceptable form of development for this site and is recommended for approval as it meets the overarching objectives of the Core Strategy and the framework set out in the NPPF as whole.
- 2.12 In addition, the applicants have also identified their position in terms of the development being sustainable and that the assumptions made by the Council regarding the delivery of housing are inaccurate and over-estimate the level of housing that can be delivered in the five year period. As such, the applicant considers that the overall supply of housing as stated by the Council cannot be delivered. As referred to above, the Council has a 5 year supply of housing that can be delivered, however, there is a need to provide additional housing sites in the new local plan. As no significant harm has been identified it is therefore appropriate to approve acceptable proposals for housing. A more in depth discussion of the Council's housing land position and its deliverability is not therefore required at this stage in respect of this application.

- 2.13 In terms of sustainability, this is defined in the NPPF and the assessment of sustainability can be separated into three dimensions: economic, social and environmental. The applicant has presented a case that the provision of housing will provide additional benefits to the local economy and boost the local economy. The Core Strategy sets out 14 objectives which, broadly, align with the relevant priorities in the Councils Corporate Plan 2016-2020. These objectives include fostering population growth and delivering additional housing to broaden the range and improve the quality and market perception of the District. Whilst it is agreed that encouraging inward investment should carry some weight these need to be weighed against the benefits and disbenefits of the development as a whole.
- 2.14 The applicant has also advised that the development would create direct and indirect jobs during the construction phase of the development and have further identified that the development could provide local residents employed in its construction. The development would also increase annual spending following completion. The employment which could be generated by the development therefore adds further weight in favour of the development.
- 2.15 The applicant has also advised that the development would deliver a New Homes Bonus and provide additional council tax payments. The LPA must have regard for local financial considerations, as far as they are material to the application. However, the Planning Practice Guide identifies that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Therefore this is not a material consideration and cannot be attributed weight. The development would however provide a contribution towards affordable housing of 30% which is sought by Policy DM5 and is a material consideration. The development would increase the local population and, accordingly, spending power. The applicant has submitted that the residents of this proposal would increase total gross expenditure annually.
- 2.16 With regards to the social role, the development would provide additional dwellings, which would contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply. Turning to the environmental role, the proposed development mitigates the visual impact on the landscape, subject to conditions that also provide ecological and biodiversity enhancements, as required by the NPPF.
- 2.17 The applicant's points, although not determinative on their own, add further weight to the recommendation for approval and need to be assessed as material considerations in its favour, notwithstanding the policy position. The development is in tension with the parts of the development plan which provide 'blanket' restrictions on development outside of confines, however, these elements of policies are considered to conflict with the NPPF. The development would broadly accord with the overarching aims of the Core Strategy and accords with the NPPF and is therefore acceptable on this site.

#### Impact on Landscape and Visual and Rural Amenity

- 2.18 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location.

Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:

- it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
- it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.

2.19 The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.

2.20 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which identifies that the impact on the character of the landscape will be Minor to Moderate Adverse as all of the existing landscape features are to be retained and enhanced. Local views are considered to be limited due to existing landscape features and there are some long distance views but these are not considered to be significant with the proposed tree planting mitigating any long term effect. The impact on the visual amenity from residential receptors will however be significant and is identified as Major Adverse, due to the development on a previously undeveloped site. There is considered to be a limited impact on public footpath users overall due to the context of the site and the existing group of trees. Any impacts from lighting are considered to be localised and mitigated by existing and proposed tree planting, plus being set against the backdrop of the urban environment. To conclude the report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The development is therefore appropriate for its landscape context and would not give rise to any unacceptable long-term landscape impact or visual harm.

2.21 Due to the location of the site, being outside the defined settlement boundary and the potential for harm to the local landscape, it was considered necessary to seek independent advice from a landscape consultant. A landscape consultant was appointed by DDC to undertake a landscape assessment, advise on the submitted LVIA and assess whether there was an unacceptable level of harm on the landscape as a result of the proposed development. The consultant undertook a rigorous assessment of the local character of the area, (both immediately adjoining and long distance views) and his conclusions are set out in the consultation section above. This has confirmed that the impact on the landscape as a result of this development is acceptable and that no significant landscape or visual issues would arise should permission be granting, subject to the mitigation measures and green infrastructure put forward being fully implemented.

2.22 In terms of whether the proposal would be compliant with policies DM15 and DM16 the consultant's report states:

*“Does the proposed development result in the loss of, or adversely affect the character or appearance, of the landscape/countryside?”*

As detailed in applicant's LVA, no major adverse have been identified on the landscape as a result of the proposed development. The most noticeable landscape effects would be on the site and site and its immediate setting where a *Moderate Adverse* effect is predicted on completion, reducing to *Moderate to Minor Adverse* once new planting matures. These findings are considered to be a reasonable and balanced assessment and to this end, broadly comply with polices DM 15 and 16.”



- 2.23 In respect of the proposed mitigation measures the proposal incorporates a landscape buffer on the western and southern boundaries of the site, especially along the western boundary where further enhancement through tree and hedge planting and associated green space is proposed, (along with development set back along this boundary). Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape mitigation would incorporate both native planting and biodiversity gains appropriate to the landscape character and site. The proposed landscaping, at this stage, more adequately addresses the need for landscape screening and mitigation on site and accords with the requirements of policies DM15 and DM16. Any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage. It should be noted that without these mitigation measures the proposal may not have an acceptable impact on the landscape.
- 2.24 The massing of the development, as shown on the indicative site layout, has also been significantly set back from all boundaries and particularly along the western boundary which reduces further the visual impact on the adjacent landscape. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the landscape and countryside. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to two and a half stories, which is a reasonable expectation. Nevertheless, it is considered that the height of the resultant dwellings should be controlled by a condition to require the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this sloping site are appropriate and acceptable in respect of the visual amenities of the landscape.
- 2.25 It is therefore considered that the scheme does not give rise to unacceptable adverse impacts on the visual amenity of the site and immediate surrounding landscape. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy and paragraphs 170 and 172 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

#### Affordable Housing and Dwelling Mix

- 2.26 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 30 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to being secured through a condition or in a section 106 legal agreement, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.27 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district. Whilst these recommended proportions should inform the housing mix, they are however not rigid. At this outline stage very limited indicative details of the dwellings have

been provided and any reserved matters application would need to be considered in line with the needs identified in the SHMA.

2.28 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 36 dwellings per hectare which is at the mid-point of the density level required under CP4 and is considered appropriate in relation to the character of this part of Deal. At the local level the mix and indicative design of the units is considered appropriate for this edge of settlement location.

2.29 In considering appearance, design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide and Building for Life 12 that both support good design.

#### Residential Amenity

2.30 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed access roads have been submitted in full and will inform the final location and layout of these dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would be likely to closely align with the layout shown on the indicative plan. This plan demonstrates that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between new and existing properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the separation distances to other properties, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development but a detailed assessment would form part of any reserved matters application and would need to ensure that all measures to minimise the impact on existing properties backing onto the site, along the northern and eastern boundaries, are mitigated from any detrimental impact on their residential amenities.

2.31 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development. It is considered that the living conditions of occupants of the dwellings could be acceptable.

2.32 The development has the potential to cause unacceptable harm to the amenities of neighbouring properties during the construction phase and a construction management plan should be required by condition to mitigate this potential harm. The construction management plan would limit the construction hours, provide dust management and ensure that mud is not deposited on the public highway. No concerns have been raised in relation to noise and disturbance following occupation and given that the scale and nature of the proposed uses, it is not

considered that an unacceptable degree of noise and disturbance would be caused.

- 2.33 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potential exceedance of recommended indoor noise levels with windows open, which has the potential to cause noise and disturbance to future occupiers. The application has been supported by a Noise Assessment, which concludes that, without mitigation future occupiers of the development are likely to experience impacts from road noise with windows open for units in close proximity to adjoining roads. Therefore proposed dwellings in these areas would need acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. Consequently, this has been identified and can be addressed through a condition as suggested by Environmental Health and would need to be considered in more detail at any reserved matters application.

#### Highway Impacts

- 2.34 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- 2.35 Policy DM12 requires that developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.36 The application site is situated on the south western settlement boundary with Deal/Walmer. Details of the proposed access have not been reserved and consequently full details of the proposed vehicular access to the site have been provided. The proposed development is likely to generate approximately 58-62 two-way vehicle movements in the morning and evening peak hours, (with these figures above expected levels). A vehicular access junction has been proposed, located fairly centrally along the Cross Road frontage. The proposed junction would be 5.5m wide, widening to a bell-mouth junction of 6m, with a 2m wide footpath on either side. Off-site works include the widening of Cross Road to 6m and a new 2m wide footpath on the application side of the widened road linking up to the existing footpath on Cross Road. Station Road is also proposed to be widened too enable two way traffic along the southern boundary and a new footpath of 1 metre width to link up with the existing footpaths on Station Road. Further east Station Road is to be better controlled as a single way section. The upgrading of pedestrian crossing facilities at the junction with St Richards Road and Station Drive has also been proposed. The nearest train station is in Walmer which is sited 0.6km from the application site which could be reached by foot. The site is currently not served by public transport but is within easy walking distance of a number of facilities.
- 2.37 Whilst the proposed layout is indicative and only the means of access is being considered at this stage, footpaths are proposed on the side of Cross Road and Station Road along with a number of other footpaths on the site. There are

therefore footpath links proposed to the wider area including Station Road and residential development to the north. It should be noted there is currently no footpath or street lighting along Station Road and Cross Road with enhancement proposed. Station Road would provide the main footpath link with Walmer train station and wider bus routes. The proposals therefore provides connections to the existing townscape and adjoining built form and encourages walking.

- 2.38 KCC Highways initially raised concerns in respect of the proposal as various matters needed to be considered further and addressed, that included off-site highway works and further clarification of traffic safety measures. In response to these concerns, additional highway work details were submitted and are now considered to be acceptable. Both Highways England and KCC Highways have confirmed that the proposed works are acceptable on the highway network and do not raise capacity or highway safety concerns. The proposed works and the erection of up to 100 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 109 of the NPPF.
- 2.39 Significant concerns have also been raised by the Parish and Town Councils and third parties that the development would significantly and detrimentally increase and impact on traffic and the highways in the area which are identified as already struggling to cope with existing levels of traffic locally. There is also concern that the proposal would cause further access difficulties onto Dover Road and the junction with Station Road which would result in further capacity and highway safety issues. A strong level of concern is also raised over the narrowness of the more immediate local highway network, including sections of Cross Road and Station road which already cause significant local concern and car parking issues. In addition, a local resident has identified that highway land identified along Station Road is not highway land and is in private ownership. It has been advised that this is a matter to be addressed separately by the two parties.
- 2.40 It is however considered that with appropriate conditions and controls in place these concerns would, to a sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.
- 2.41 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1 of the Core Strategy. Whilst the layout of the development has not been submitted at this stage, the indicative details demonstrate that car parking can be provided in association with the proposed dwellings. At this stage, with matters reserved, details of car parking provision have not been provided, although the submitted Transport Assessment confirms that such provision will be made in accordance with KCC guidance. Having regard for the density of the development, it is considered that the site is capable of providing the necessary car parking, subject to acceptable details at the Reserved Matters stage.
- 2.42 In conclusion, the highway issues considered in relation to this proposed development are sound and acceptable from both highway safety and capacity perspectives. They fully accord with paragraph 109 of the NPPF and are therefore acceptable. There is therefore no highway grounds to refuse this planning application.

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

- 2.43 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

- 2.44 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.
- 2.45 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.46 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.47 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £6,066.43 is therefore sought to this effect.

#### Ecology

- 2.48 In furtherance to the impacts on the off-site Ramsar/ SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by an Ecological Appraisal which considers both the flora and fauna of the site and in addition reptile and bat species surveys.
- 2.49 The site consists of an arable field bounded with 2-5m wide margins of grassland or scrub. The semi-improved grassland and field margins have the potential to support reptile species due to their varied vegetation. The site therefore has habitats which could provide a potential for reptiles and high numbers of reptiles have been reported locally. A reptile survey has been submitted in support of this application and a low population of reptiles are recorded (2), as a result there is the potential for displacement to other parts of the site where suitable habitat is retained. It is noted that the application includes a significant amount of green infrastructure which may be sufficient to allow onsite displacement of reptiles.
- 2.50 In relation to bats, the report confirms that, the trees on the site do not contain features which would provide for roosting. However, the margins of the site and the hedgerows provide some potential for foraging and commuting. A Bat Survey has been submitted in support of the application that found the site was used for commuting and foraging.

- 2.51 There was no evidence of badgers using the site and the site is also considered to be unsuitable for other protected species. In respect of birds using the site, these may be nesting on site and safeguards can be put in place which could include additional surveys if construction work is undertaken during the bird breeding season. Such safeguards have been recommended and these could be conditioned.
- 2.52 There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and enhanced and such measures can be controlled by suitable conditions. DDC Natural Environment Officer has confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.53 There will be some loss of the hedgerow along the eastern boundary this is not significant to the wider area ecologically and the replacement hedge and tree planting will ensure the impact on the street scene is minimised. The proposed layout allows additional planting to provide a deeper landscaped area where new trees can be planted to the south western corner of the site. On the western site boundary the enhanced hedgerow and the new trees will provide a landscape 'buffer' between the site and the open landscape beyond. New planting will consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species, landscape and conservation and enhancement of biodiversity which are considered to comply with the aims and objectives identified through the NPPF.
- 2.54 In respect of existing trees on the site these have been surveyed and an Arboricultural Assessment submitted. There are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. A proportion of hedgerow is proposed to be removed to enable highway access and the widening of Cross Road. A small group of trees on the boundary to the north are proposed to be removed to enable development, however it is proposed to plant a significant level of tree planting across the site with a long term management plan. It is considered that although there will be a loss of some trees these are not significant to the wider area and would therefore be acceptable. The impact on those to be retained and the necessary protection measures including root protection zones could be controlled by condition.

#### Drainage and Flooding

- 2.55 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere, and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.56 The submitted Flood Risk Assessment, which includes an Outline Surface Water Drainage Strategy, confirms that due to ground conditions and soil composition (which has been established following ground investigations) infiltration drainage is suitable on this site subject to appropriate treatment of surface waters prior to discharge. Whilst the proposed drainage features, such as swales, would allow

- some infiltration, primarily water would be drained into a proposed attenuation pond which would then discharge into groundwater (Bedrock Aquifer) to replicate existing discharge features. The Lead Local Flood Authority (KCC) have commented that the submitted drainage strategy demonstrates that surface water can be adequately disposed of, however, in order to ensure that suitable discharge takes place and does not result in pollution to controlled waters, they have recommended conditions should be attached to any grant of permission requiring full details of the final drainage strategy, together with a timetable for its implementation and details of maintenance/verification, to be submitted to and approved by the LPA.
- 2.57 The EA supports these comments and agrees that conditions are necessary to ensure the protection of the Groundwater Source Protection Zone and Principle Aquifer. Nevertheless, they have identified that the site may not be suitable for other forms of infiltration drainage due to controlled waters and the principal aquifer. Notwithstanding, they have raised no objection to the proposed development subject to conditions including no infiltration of surface water drainage without consent and contamination safeguarding. They have advised that, subject to these conditions the scheme is acceptable, however without such conditions an objection would be raised. Therefore, it is considered that, subject to appropriate conditions, the surface water drainage from the site would not be likely to cause localised flooding and could be suitably controlled. The proposed drainage measures for this outline proposal are therefore considered acceptable in principle at this stage, subject to conditions, further testing and details that would also be considered further at Reserved Matters stage.
- 2.58 It is noted that a high proportion of representations have identified that there is an issue with existing flooding on the highway (Cross Road) and the capacity of the existing public surface water system. It is expected this would be partly addressed by the proposed development and form part of the necessary highway agreements in relation to the necessary highway works. Consequently, any detailed drainage layout should also address this matter.
- 2.59 Regard must also be had for the disposal of foul sewerage from the site. The application has been supported by a Foul Drainage Analysis which assesses the availability of foul sewerage provision in relation to development of this site. It identifies that there is an initial concern regarding the capacity of the existing foul sewerage system to accommodate this development and off-site works will be required. The report concludes that this is a matter to be dealt with through other legislation and should not form the basis of a planning condition.
- 2.60 Southern Water have undertaken capacity checks which have demonstrated that the existing foul sewer network does not have the capacity to meet the needs of the development without the development providing additional local infrastructure. It identifies the proposed development would increase flows into the wastewater system and as a result increase the risk of flooding in and around the existing area. In accordance with Planning Policy Guidance, Southern Water have therefore requested that a number of conditions could be attached to any grant of permission including a condition to require full details of the proposed foul drainage strategy, together with aligning the occupation of the units with the necessary network reinforcement works that would be undertaken by Southern Water. Such conditions are seen as necessary for this proposal and reasonable and would need to be addressed before works commence on site. The conditions would ensure that the development would cause no harm to the local sewerage network and would not increase the risks of flooding elsewhere, in accordance with paragraph 163 of the NPPF and Planning Policy Guidance. Consequently, and subject to appropriate conditions, the proposed surface and foul water drainage strategy is acceptable in principle for development on this site.

#### Planning Contributions

- 2.61 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.62 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.63 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demands which would be generated by the development. Given the scale of the development, it would give rise to a need for 0.6094ha of accessible green space. The developer is proposing to provide 0.90ha, including the provision of public open space in the form of a Local Play Area (LAP), community orchard and informal recreation areas. The overall size of this combined open space is 1.20ha that provides adequate on site provision for this element of the open space requirements under policy DM27.
- 2.64 However, this space would not provide outdoor sports facilities and an outdoor sports requirement for this proposal would generate a need for 0.3212ha. It is not practical for this to be provided on site and there is a need to improve the pitch quality at Deal and Betteshanger Rugby Club. It has therefore been calculated that a proportionate contribution of £45,879.54 is necessary towards this outdoor sports provision to be secured through a s106 agreement. With the payment of this contribution, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.65 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there are insufficient primary school and secondary school provision to meet the needs of the development.
- 2.66 The proposal would give rise to up to 27 additional school pupils and the need can only be met through the Phase 2 expansion of Deal Primary School. A contribution of £3,324 per dwelling has been requested from this development to meet the need identified. KCC have also requested a contribution of £4115 per dwelling towards the Phase 2 expansion of Dover Grammar School for Girls where there is an additional demand for 20 pupils.
- 2.67 In addition, contributions of £4,801.58 towards large print books at Deal Library, a contribution of £2,563.87 towards IT equipment for the New Learners at Deal Adult Education Centre and a contribution of £7,626.00 towards Meadowside Social Care Hub in Deal, all of which would ensure that the needs generated by the development would be met. It is considered that each of these requested contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 2.68 Further to the initial report, KCC Development Contributions have recently undertaken a review of secondary education projects and on this basis have revised their designated project from Dover School for Girls to Goodwin Academy. Any legal agreement will therefore need to be amended accordingly.



- 2.69 NHS CCG have also advised that the Balmoral GP surgery in Deal would need to be expanded for the additional increase in patient numbers with a project identified for the provision of a second floor of accommodation. The proposed development would be likely to generate a proportionate contribution from the development of £89,700.
- 2.70 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:
- Primary education – towards Phase 2 expansion of Deal Primary School of £3,324.00 per dwelling
  - Secondary Education- towards Phase 2 expansion of Dover Grammar School for Girls of £4115.00 per dwelling
  - Community Learning – towards IT equipment for the new learners at Deal Adult Education Centre of £2563.87
  - Social Care – towards Meadowside Social Care Hub in Deal of £4801.58
  - Library - contribution towards large print books at Deal library of £7,626.00
  - A total of £6,066.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
  - An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £45,879.54
  - NHS CCG contribution of £89,700 towards expansion at Balmoral GP Surgery, Deal
  - Monitoring per trigger event of £236 per event
  - Payment of all associated legal costs.
- 2.71 The full range of contributions required by the development are being met by this proposal.

#### Other Material Considerations

- 2.72 The NPPF identifies the importance and significance of heritage assets in the consideration of development proposals. There are no designated heritage assets on the site or in close proximity and a Built Heritage Statement has been submitted. This considers all known heritage assets in the immediate proximity of the application site including the Grade II Ripple Windmill and Church of St Martin and concludes that their setting and significance would not be affected. The conclusions of this report are accepted and no designated heritage assets will be affected by these proposals.
- 2.73 The application is also supported by a Desk-based Archaeological Appraisal and Geophysical Survey as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The submitted survey identifies the significance of some of the finds close to the application site and based on this evidence and geotechnical surveys concludes overall that there is a medium/moderate likelihood of archaeological remains on the site which could be

- dealt with through a further archaeological investigation that could be controlled by condition.
- 2.74 KCC Archaeology has provided their statutory views on the archaeological potential of the site and concurs with the conclusions of the Archaeological Appraisal on the basis that:
- “...The assessment advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an approach and would suggest that such an archaeological programme could be secured by condition. It is recommended that a condition is included to secure a record of the archaeology and to ensure that the results of the investigation are made publicly accessible.”
- 2.75 As such, it would be reasonable to attach a condition requiring a programme of archaeological work to be undertaken in advance of development in accordance with the NPPF.
- 2.76 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination. A Preliminary Risk Assessment has been undertaken and submitted. This identifies an elevated risk of pollution and a moderate likelihood of contaminants on site is limited due to the previous adjacent uses and a former landfill close to the boundary. There is also the potential for radon gas and links with hydrocarbons. It is identified that further intrusive ground investigations are required and Environmental Health concur with its findings. It is therefore recommended that the full range of contamination conditions would be necessary if permission were to be approved, to ensure any future development of the site is deemed suitable for the proposed residential use. This would include a full site investigation and remediation strategy, a verification report, certification and in addition a condition would also be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved. Such conditions would therefore appropriately address any potential contamination and any necessary remediation of the site.
- 2.77 An Air Quality Screening Report has been submitted with the application that has identified that due to the existing air quality levels and data for the area, the impact during the construction and operational phase is unlikely to be significant or exceed current standards. Environmental Health concurs with the findings to date and have not raised an objection subject to appropriate conditions. Given the location and characteristics of the site, having regard for the Kent and Medway Air Quality Guidance Documents and in line with best practice, it is expected the installation of electric vehicle charging points will be required for this application. Details for the provision of any charging points should be required by planning condition. Along with measures to prevent dust for residential receptors and appropriate dust mitigation measures that can be controlled through a construction environmental management plan condition. It is generally accepted that air quality levels once construction works are complete are unlikely to exceed any agreed objectives and are acceptable for the proposal with no further measures required.
- 2.78 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design. Any application for reserved matters would need to consider crime prevention, in accordance with the NPPF and, as such, it would be reasonable to require details of such measures at the reserved matters stage.

2.79 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

### **3. Conclusion**

3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be contrary to policy DM1 and in tension with the 'blanket' restrictions in policies DM11 and DM15. The development otherwise accords with these policies and is in accordance with policies DM16 and DM25 of the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal.

3.2 When weighing up the benefits of the development identified in the report, although there is a significant objection to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposed development of 100 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education, health and open space contributions.

3.4 Initial objections from KCC Highways have also been overcome following additional information submitted. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the local highways is consequently acceptable.

3.5 The proposal in this outline application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be adequately addressed by planning conditions. Consequently the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

### **g) Recommendation**

I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:

- 1) Reserved matters details
- 2) Outline time limits
- 3) Approved plans
- 4) Existing the proposed site levels and building heights
- 5) Ecological mitigation and recommendations implemented
- 6) Ecological/biodiversity mitigation, enhancement and management plan
- 7) Construction Management Plan
- 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 9) Affordable housing provision (numbers, type, tenure, location, timing of

- construction, housing provider and occupancy criteria scheme)
- 10) Landscaping Details and maintenance of green spaces
  - 11) Open space management plan
  - 12) Protection of Trees and Hedges
  - 13) Hard landscaping works and boundary details/enclosures
  - 14) Reporting of unexpected land contamination
  - 15) No works on site until final SuDS details are submitted
  - 16) Design details of surface Water drainage strategy
  - 17) Implementation and verification of SuDS scheme
  - 18) No other infiltration on site other than that approved
  - 19) Environmental Construction Management Plan
  - 20) Internal acoustic requirements for dwellings
  - 21) 4 Stage contamination, remediation and verification conditions
  - 22) Programme of archaeological works
  - 23) No piling on site
  - 24) Details on foul drainage
  - 25) No occupation of development until foul infrastructure reinforcement works are completed
  - 26) Details of a scheme for Secure by Design principle compliance

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

Case Officer

Lucinda Roach