

- a) **DOV/19/00895 – Erection of 88 dwellings, equipped play area, sports field with 8 no 15-metre high lighting columns, erection of club house, associated car parking and hard and soft landscaping - Land to the Rear of Freemans Way, Deal**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,600 (around 10%) is identified for Deal.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Development which would result in the loss of open space will not be permitted unless it meets one of five exceptions and where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision

within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. 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.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible, and supports the use of under-utilised land, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; 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.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at 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.
- Chapter sixteen requires that development which has the potential to impact upon heritage assets should be supported information to describe the significance of the assets which may be affected. Where this relates to potential archaeological features, a appropriate desk-based assessed and, where necessary, field evaluation should be submitted. Any harm caused to assets should be weighed against the benefits of the scheme and the more important the asset, the greater the weight should be.

The Kent Design Guide (KDG)

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

The National Design Guide (NDG)

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

d) **Relevant Planning History**

It is not considered that there is any planning history for the site which is relevant to the determination of the current application.

e) **Consultee and Third-Party Responses (Summarised)**

Sport England – Sport England is not a statutory consultee on this application, as the playing field has not been used for at least five years.

Within this context, Sport England's policy is to "oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The proposal would result in the loss of approximately 2.1 hectares of playing field and would provide an artificial grass pitch.

Whilst Dover has a Playing Pitch Strategy it is not considered to be robust. The application presents itself as a qualitative improvement, but Sport England do not recognise qualitative improvements as an exception unless they are indicated in an up to date robust Playing Pitch Strategy.

The applicants should engage with the FA. The Football Foundation/Football Association are, in principle, supportive but do have some concerns (it is not in a PPS; there needs to be a clear usage plan and pricing policy; this may be a solution to the need in the rural area but would prevent a bid for a 3G pitch on another site; the changing facilities look good, but there needs to be a changing facility for female officials; need for more parking; the pitch should be lined for mini-soccer, 9v9 and 11v11 to maximise usage).

The pitch would be close to dwellings, so noise may impact upon use. An acoustic survey should be carried out. Large and unsightly acoustic barriers should be avoided.

For these reasons, Sport England objects.

Crime Prevention Officer – Attention is drawn to a series of recommendations which should be addressed, including: permeability; the security of perimeters; lockable gates; the heights of boundary treatments; buffer zones; defensible space; natural surveillance; lighting; CCTV; protection of the LEAP; standard of windows and doors; security of the clubhouse; provision of a drop-off point/emergency vehicle/mini-bus space for the pitch; and details for allotments. A condition should be attached to any grant of permission to secure crime prevention measures.

Natural England – A Habitats Regulations Assessment should be undertaken by the LPA. General advice is provided in respect of impact on SSSI's and the consideration of protected species and other natural environment issues.

KCC Highways and Transportation – *Initial response received 10th September 2019*

A holding objection is placed on the application. A Transport Statement is required for these proposals, whilst 7 further comments are made regarding detailed information and other issues.

Subsequent response received 29th January 2020

A Transport Statement and additional/amended plans have been submitted. The trip generation and distribution submitted are acceptable and the proposals are unlikely

to have a severe impact that would warrant a recommendation for refusal in highway terms. The proposed access from Freemens Way is acceptable and whilst the measured speeds indicate that slightly longer visibility splays are required at the access than are annotated on the plans, these are effectively available due to the proposed alterations to existing parking restrictions. Seven further points are made were further information or clarifications are required (dimensions of the internal carriageways, footways and verges; speed restraint measures; provision of footways on both sides of adoptable roads; pedestrian crossing points with dropped curbs; ensure that visibility splays are not obstructed by vegetation; additional swept path plan; and parking to accord with DM13 and Kent Design IGN3).

Subsequent response received 4th May 2020

Following amended plans and confirmation that whilst the layout of most of the internal roads would make them suitable for adoption, all the internal roads are to remain private and be maintained by a management company, KCC confirm the proposals are now acceptable in highway terms.

The residential trip generation during daily network peak hours is likely to be around 37-43 two-way trips which is unlikely to have a severe impact, particularly when distributed in both directions in Freemens Way and then across multiple directions on the highway network. The use of the football pitch may generate some limited additional vehicle movements during a limited number of evening peak hours but again this is unlikely to have a severe impact.

The access proposals are acceptable and provide suitable visibility and manoeuvring room. The proposals include widening of the existing access and extension of the existing double yellow lines in Freemens Way to provide the necessary visibility. This will remove five existing on-street parking spaces currently in use, however replacement spaces are provided in the initial section of new access road into the site. Unrestricted access to these spaces will need to be secured by condition bearing in mind the road is to remain private.

The amount of car parking proposed is acceptable and in accordance with Local Plan policy DM13. A total of 50 spaces are provided for the football pitch, to allow for overlap of training sessions and avoid overspill parking onto the residential roads. An acceptable amount of secure, covered cycle parking is also provided for the dwellings and can be secured by condition for the football pitch.

No objections are therefore raised in respect of highway matters subject to conditions being attached to any grant of permission to secure: a construction management plan; measure to prevent the discharge of water onto the highway; electric vehicle charging points provided to Mode 3 standard; use of a bound surface for the first 5m of the carriageway; provision and retention of car parking (residential and for the pitch); cycle parking; completion of the access; completion of the access road; and visibility splays.

KCC Economic Development – *Initial response received 6th September 2019*

Request that the following contributions are provided to meet the needs which will be generated by the development:

- £292,512 towards the expansion at Deal Primary School
- £362,120 towards the expansion at Dover Grammar School for Girls
- £2,256.23 towards IT equipment for the new learners at Deal Adult Education Centre
- £4,225.39 towards additional bookstock at Deal Library

- £12,925.44 towards extra care accommodation within Dover District
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)
- It is recommended that gigabit capable fibre broadband is proposed to each premises

There is current no requirement for youth services

Subsequent response received 29th January 2020

It is requested that the identified project for secondary schools be amended from Dover Grammar School for Girls to Goodwin Academy expansion and /or Sir Roger Manwood expansion.

KCC Lead Local Flood Authority – *Initial response received 9th September 2019*

Infiltration testing indicates that infiltration is not feasible, however these results have not been submitted. Should infiltration not be possible, we would accept the proposal for controlled discharge into the existing surface water sewer at Mill Road. The proposed controls restricting outflows into the surface water sewer at 0.9 l/s is considered small in diameter and could potentially be liable to blockage. A slightly increased discharge rate of 2 l/s would be permissible if the risk of blockage cannot be mitigated and a larger orifice is required. Should permission be granted, it is recommended that conditions be attached requiring details of a sustainable surface water drainage scheme to be submitted for approval and to ensure that there is no occupation until a report verifying that the surface water infrastructure has been carried out.

Subsequent response received 18th October 2019

The infiltration test results have been submitted and show that a reliable infiltration rate could not be achieved. Surface water disposal into the surface water sewer at Mill Hill is therefore acceptable, subject to the conditions previously suggested.

NHS – Request a contribution of £66,300 towards the provision of capacity in the locality in the Deal and Sandwich Primary Care Network to meet the need of the development.

DDC Environmental Health – *Initial response received 5th September 2019*

There are no apparent Environmental health concerns regarding development at this location; however, some comments are made. The development is unlikely to have a significant impact on local air quality and an air-quality assessment is not required. However, a condition requiring a construction management plan should be attached to any grant of permission to safeguard residents. It is recommended that a suitable condition is included in any decision notice to secure electric vehicle recharging infrastructure.

Subsequent response received 27th January 2020

A lighting report has not been submitted. It is recommended that a suitable condition is included in any decision notice that secures electric vehicle recharging infrastructure.

DDC Head of Strategic Housing – The provision of 30% affordable housing aligns with the councils policy and supports the need in this location. 70% of these units should be for affordable rent and the remainder for shared ownership, although a higher

proportion of rent to shared ownership would be supported in this area if the developer's discussions with Registered Providers indicate they would prefer a higher ratio.

DDC Waste Services – All properties will be provided with a secure bin store and space for collection. The bin storage areas will incorporate space for recycling bins. It must be ensured that a 26 ton collection freighter can access the site and reach all properties. There are concerns that the freighter may not be able to access all parts of the development due to some narrow corners. These do need to be wide enough and clear of parked cars as this will stop collections being made. The road surface must be capable of taking the weight of the (up to) 26 ton collection freighter. If the Clubhouse is to have a licenced bar the building will need to have a separate trade waste collection as Dover District Council only has a licence to collect residential waste. If litter or dog waste bins are provided the developer should not assume that DDC will empty them.

Environment Agency – No objection, subject to conditions regarding: the reporting of previously unidentified contamination; no water infiltration other than that which is approved; submission and approval of a foul drainage strategy; and no foundations which require penetrative methods unless approved.

Southern Water – There is a public sewer within the site which must be located and protected during construction (and certain works located outside of buffer zones). Initial survey work indicates that the additional foul sewerage flows from the proposed development will cause an increased risk of flooding, unless the network is reinforced. A similar study has been undertaken in respect of surface water which, likewise, indicates that there would be an increased risk of flooding if the proposed surface water run off rates are discharged at the proposed connection points. As such, should the application be granted, it is requested that conditions be attached to require that details of foul and surface water drainage are submitted for approval. Southern Water can provide a water supply to the site. The site lies in very close proximity to a Source Protection Zone around one of Southern Water's public water supply sources.

KCC Archaeology – The site has a high potential for archaeological remains of Neolithic, Iron Age and Romano-British date and of greater than local importance, with archaeological sites in the vicinity of this site being of regional or national importance. The Palaeolithic potential of these brickearth deposits has not been well-considered in the desk-based assessment. When considering the Palaeolithic potential of sites it is essential that a "deposit-centred" approach is followed. In this instance the proposed development area lies on a level "shelf" of land at the immediate foot of the Mill Hill ridge, where Palaeolithic remains might be expected, either within the brickearth or in depressions in the natural chalk sealed beneath these brickearth spreads. In this respect I note the past discovery of a hand-axe in situ within the brickearth in a similar topographic position to the north on Manor Road.

It is possible that the groundworks for the development may impact remains of archaeological interest. I therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological evaluation to be followed by safeguarding measures and/or further archaeological investigation as appropriate. In addition to archaeological trial trenches, the evaluation works should include for the excavation of machine-dug test-pits under the supervision of a Palaeolithic specialist with suitable period expertise and good working knowledge of the Quaternary deposits of the area.

Deal Town Council – *Initial comments received 10th September 2019*

Raise no objection, but would like the following to be considered: the proposed entrance to Freemans Way very narrow; electric charging points for cars could be considered in application; fully support proposed affordable housing.

Subsequent response received 5th February 2020

Object due to overdevelopment. Fully support the comments of the Environmental Health Officer

Public Representations –

Six letters of objection have been received, raising the following concerns:

- It was understood that there would be 50 houses on the site
- Traffic and congestion
- An access via Mill Hill should be incorporated
- Lack of car parking
- One narrow access is insufficient
- There is a need for more infrastructure such as schools and doctors surgeries
- Will the affordable housing meet local needs
- Increased air pollution
- It would make more sense to have a 2G pitch as opposed to a 4G pitch as they are more versatile
- Speeding

Three letters of support have been received, making the following comments:

- Support the ambition of Cinque Ports FC
- With the correct support and guidance the club could develop into a well-run and sustainable venue for football for all
- The provision of a 4G pitch and the envisaged facilities would allow Cinque Ports FC to have a long awaited new home and allow them to develop, thrive and grow
- Multiple teams within the club could use the all-weather pitch
- Sympathetic housing development
- Cinque Ports have a short term lease at Marke Wood and want to find a permanent home. The club wish to negotiate a long lease for the 4G pitch and the Pavilion.

Three neutral letters have also been received which neither object to nor support the application, but makes the following comments:

- Overall, happy with the proposals, but have some comments
- The comments from consultees should be taken into account
- Before the entrance was blocked there had been vandalism and anti-social behaviour
- Could the access be claimed or purchased if it is not required for the development
- The trees and vegetation on site should be retained as they are a haven for wildlife
- The increase in traffic will impact on the roads
- Freemans Way already carries heavy traffic, which is used as a cut through
- There is a lack of parking on Freemans Way
- Could more than one access be provided

- Restrictive covenants on existing properties should be removed to allow private drives
- Any alarms on the clubhouse should be silent
- Footballs hitting fences would be noisy, so shrub/tree planting should be carried out around the pitch or it should be locked after hours
- Noise from construction should be limited to 9am to 5pm
- Existing trees adjacent to the site should be protected
- Property boundaries should be respected
- Light pollution should be avoided
- Will privacy be impacted
- Rubbish and dog bins should be provided

- f)
1. **The Site and the Proposal**
 - 1.1 The application site is located within the settlement confines of Deal. The site is allocated on the Proposals Map as Open Space and was formerly used as a remote playing field by Deal Primary School before the school was amalgamated with Mongeham Primary School in 2006. A small area of the site (part of the access and a slither of land along the south western boundary of the site) falls within Ground Water Protection Zone 2. The application site itself extends to approximately 3.4ha and is currently laid to grass, with some patches of thicker vegetation and some trees to the peripheries. The site is vacant of buildings or any significant hardstandings.
 - 1.2 To the north east of the site is the Hamilton Road Cemetery (this includes a parcel of land to the east of the site which forms a part of the cemetery but is currently vacant with the exception of an access road). To the east is the Telegraph Road Allotments. Freeman's Way defines the southern and south western boundaries of the site, with the gardens of dwellings backing onto the site. The existing access to the site, which would also (in an upgraded form) provide the proposed access to the site, joins Freeman's Way between No. 17 and No.19 and 21. The north western boundary of the site is delineated by Mill Hill where, as with Freeman's Way, the buildings present their rear elevations to the site. With the exception of the cemetery, the allotments and a loose group of commercial uses around the junction of Mill Hill with Freeman's Way, the area is residential in character. Freeman's Way itself has a strong planned character, with uniform short terraces or small blocks of flats (arranged with the appearance of semi-detached houses but with a flat at ground floor level and a flat at first floor level to each 'half' of the pair) constructed around the middle of the C20th in red brick and under red interlocking tiles. The site is located around 1.5km from the town centre, around 1.5km from Walmer Train Station, around 1.6km from Deal Train Station and around 150m from the closest bus stops which provide regular services. Deal also contains Primary and Secondary schools, medical and dentistry services, a library and other facilities and services.
 - 1.3 The application seeks permission to erect 88 dwellings within the application site and a 4G all-weather pitch, with a clubhouse and car parking, together with the provision of a vehicular and pedestrian access (utilising the existing access to the site). Occupying around 2.1ha of the site would be housing, which would be two storeys in height, and the associated access roads, landscaping, 'green' and children's play area. On the remaining 1.3ha would be the 4G pitch, two storey clubs house and car parking for 50 cars.

2. **Main Issues**

- 2.1 The main issues are:
- The principle of the development, including the loss of Open Space
 - The impact on the character and appearance of the area
 - The impact on neighbouring properties
 - The impact on the highway network
 - Ecology
 - Infrastructure and Contributions

Assessment

Principle

- 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 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with 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. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Deal and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 The site was formally used in association with Deal Primary School as a remote playing field; however, the site has not been used a playing field since 2006, when the school was amalgamated with Mongeham Primary School. The site was declared surplus by KCC and sold in 2007. As the site has not been used as playing fields for at least five years, Sport England are not a statutory consultee, albeit they have been consulted on a non-statutory basis. Notwithstanding that the site is no longer a 'playing field' in this context, the site is defined on the Core Strategy Proposals Map as being 'Open Space'. Policy DM25 states that proposals for development that would result in the loss of open space will not be permitted unless one of five exceptions is met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. The five exceptions are:
1. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
 2. where there is such a deficiency the site is incapable of contributing to making it good; or
 3. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and

- equivalent community benefit, including ease of access, can be made available; or
4. in the case of a school site the development is for educational purposes; or
 5. in the case of small-scale development it is ancillary to the enjoyment of the open space
- 2.6 The application site is approximately 3.4ha and proposes to develop around 2.1ha for residential development. The remaining 1.3ha would provide a new 4G all-weather pitch, a two storey clubhouse and parking for 50 cars. The application is presented on the basis that the quantitative decrease in Open Space is mitigated by a qualitative increase, seeking to address exception 3 (i.e. the site is capable of making good existing deficiencies and the development will provide an area with at least the same qualities and equivalent community benefit, including ease of access). It is not considered that any of the other four exceptions are relevant in this case. Paragraph 97 of the NPPF also seeks to protect open space, but allows for loss of open space where “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”.
- 2.7 The councils current Playing Pitch and Outdoor Sports Facility Strategy (February 2015) identifies that, at the date of publication, the need for football pitches in Deal was: no need for senior pitches; a need for 8 youth pitches; and a surplus of 2 mini pitches. By 2025-30 there would be: a need for 1 senior pitch; a need for 8 youth pitches; and a surplus of 2 mini pitches. The existing pitches are of average to good quality and, therefore, the capacity of the existing pitches could not be increased through enhancements. The application site has the potential to contribute towards making good the existing and predicted shortfall and has been designated in order to protect it from alternative uses.
- 2.8 The council, as part of updating its evidence base, has recently completed an assessment of all open spaces within the District to inform the emerging Open Space Standards and Playing Pitch Strategy. Whilst only limited weight may be given to what is an emerging strategy at this time, the underlining methodology is nonetheless considered robust and constitutes the most up-to-date quantitative and quality analysis of the districts open space. The assessment considered quantity, accessibility and quality.
- 2.9 The assessment identifies that the Deal/Walmer Analysis Area has a quantity shortfall against the recommended amenity greenspace standard and the loss of this site would erode this quantity shortfall further.
- 2.10 With respect to accessibility, the emerging strategy recommends a 10-minute walk time catchment, noting there is no current gap in provision within the Deal/Walmer Analysis Area. In this respect, a further area of accessible greenspace at Freeman's Way means the loss of this open space is likely to have a negligible impact on current accessibility.
- 2.11 With respect to quality, within the emerging assessment the application site has been identified as a site of lower quality and/or value which should be investigated further for their alternative uses or potential as surplus. It is the applicant's case that the facilities to be provided represent a qualitative improvement to the provision of open space and are therefore in accordance with Policy DM25. In particular, a full-size senior football pitch (capable of also serving as a junior 9 vs 9 pitch or two mini-soccer 7 vs 7 pitches) and two storey club house building, with car parking is proposed. The pitch would have a 4G

surface providing all-weather use, with goal posts/nets and flood lighting. The club house, which has been amended during the course of the application to meet specific needs (such as FA standards) would provide changing facilities for two teams, two changing rooms for match officials, a unisex disabled toilet and changing facility, storage and plant rooms, and, at first floor level, a club room, kitchen, bar, toilets and spectator terrace. 50 dedicated car parking spaces are also proposed. The maintenance of the pitch will be covered in the general management plan for the site, which can be secured by way of a planning obligation. In addition, an area of amenity space and equipped children's play space (LEAP) is to be provided. It is understood that a local FA affiliated football club, who currently play at Marke Wood Recreation Ground, are proposing to relocate to the site such that the club would have a permanent 'home'.

- 2.12 The emerging Playing Pitch Strategy identifies 3G pitches within the Deal analysis area are currently at capacity and unless new provision is created, future shortfalls are envisaged. The strategy therefore recommends that DDC should look to identify opportunities to add to the overall stock to accommodate both current and future demand. In the case of 3G, this should be as a priority owing to the discrete need. Clearly the proposed scheme would provide such an opportunity. It is also recognised that this currently secured and privately-owned site will become publicly accessible were this scheme to be approved. This would allow access to the amenity open space, LEAP and sports pitch, all of which is considered an enhancement.
- 2.13 It should be noted that, Sport England have commented upon the application, raising objections on several specific detailed matters. Sport England advise that it is their policy to "oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field, unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions. Sport England does not recognise qualitative improvements as an exception unless they are indicated in an up to date robust Playing Pitch Strategy. As the councils current Strategy is not considered to be up to date (and the emerging Strategy is not at a stage where it carries significant weight), Sport England take the view that their criterion for qualitative enhancement cannot be demonstrated. Sport England advise that the applicant should engage with the FA who, whilst in principle support the development, have concerns that: the site is not identified in a Playing Pitch Strategy; there is no identified usage and pricing policy for the proposed pitch; would inhibit grant funding of other sites; there is no separate changing facility for female officials; more parking is required; and the pitches should be lined for mini-soccer (9 vs 9) and 11 vs 11 to maximise usage.
- 2.14 Since Sport England's response, the applicant has engaged with the FA, leagues and at least one club. A club has been identified who are interested in entering into a long lease for the pitch and clubhouse. It is intended that details of usage and pricing be made subject to a legal obligation, as this would provide a reasonable degree of protection to future occupiers and assist in maximising the use of facilities as a valuable local amenity. It is acknowledged that the presence of a new facility may reduce the likelihood of another site being awarded funding; however, it is not considered reasonable to prevent one facility being delivered in order to improve the chances of another site receiving funding in the future. The plans have been amended to provide separate changing facilities for male and female officials, whilst the amount of car parking

to be provided has increased from 21 spaces to 50 spaces. Finally, the pitches are shown to be capable of accommodating full size adult games (11 vs 11) and mini-soccer (9 vs 9) games, as well as two mini-soccer (7 vs 7) pitches. Concerns were also raised regarding potential noise impacts from the sport use (and associated clubhouse) impacting on neighbouring properties, which may in turn result in limits being placed on the operation of the pitch. Similar comments have been received from third parties. Noise will be addressed later in this report within the relevant section. Sport England have been reconsulted following the receipt of amendments, but have not provided further comments.

- 2.15 Returning to the assessment of the development against Policy DM25 (and paragraph 97 of the NPPF), the Playing Pitch and Outdoor Sports Facility Strategy, which identifies a need for senior and youth pitches, whilst the emerging Playing Pitch Strategy identifies that the existing site, which is not open to the public, is of lower quality and/or value. Whilst allowing the development of this site would result in a loss of amenity greenspace, for which there is already a shortfall, it does not at present provide any meaningful contribution and has not been used for a considerable length of time. The key question to be answered in respect of Policy DM25 is whether the replacement area (or in this case the provision of the pitch, clubhouse and parking area on site) has at least the same qualities and equivalent community benefit. I attach significant weight to the fact that the facility, which will be opened to the public, will provide for year round, all-weather use by virtue of the artificial surface. I also attach significant weight to the provision of changing facilities and amenities on site, allowing for the use by an organised club. Moreover, a potential club has been identified. Attracting a club will, in my opinion, substantially increase the use of the site by, for example, facilitating training, competitive matches, and youth and children's events. As such, the value to the community would likely be greatly enhanced. Whilst the forfeiture of 2.1ha of this site for housing is, for the purposes of assessing open space, regrettable, I take the view that the benefits associated with the infrastructure being provided outweigh this loss and that the exception within Policy DM25 is met. It is not considered that the site has an overriding visual amenity interest, environmental role, cultural importance or nature conservation value. Consequently, it is considered that the development accords with Policy DM25 and, for similar reasons, accords with paragraph 97 of the NPPF.
- 2.16 For the above reasons, it is considered that the development accords with Policies DM1 and DM11 and meets one of the exceptional circumstances cited in Policy DM25 where development will be permitted on designated Open Space. It is therefore concluded that the development accords with the development plan.
- 2.17 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.18 Having regard for the most recent Annual Monitoring Report, the Council are currently able to demonstrate a five-year supply. The council has not met the

Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.

- 2.19 Policy DM1 and the settlement confines referred to within the policy 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. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supported development in this location) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.20 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.21 Policy DM25 seeks to prevent the loss of open space unless one of five exceptions are met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. In this instance, it is concluded that the development does meet one of the cited exceptions as the development would provide a "replacement area" with at least the same qualities and equivalent community benefit, including ease of access. This approach is closely reflected by paragraph 97 of the NPPF, which also seeks to avoid the loss of open space unless one of three criteria are met, one of which is where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. Given the degree of consistency between Policy DM25 and paragraph 97 of the NPPF, it is considered that DM25 is not out-of-date and continues to carry significant weight.
- 2.22 It is considered that policies DM1, DM11 and DM25, which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be approved in accordance with the development plan unless material considerations indicate otherwise.

Housing Mix

- 2.23 The proposal would provide eighty-eight dwellings comprising: forty two-bed; forty-two three-bed; and six four-bed dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market,

particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

- 2.24 Policy CP4 recommends the following housing mix: one-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017, updated December 2019, (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

	Owner Occupied	Shared Ownership	Affordable/Social Rent
One-bed	5.3%	25.7%	32.7%
Two-bed	22.9%	34%	11.3%
Three-bed	38.7%	26.4%	23.5%
Four-bed	33.2%	13.8%	32.6%

The housing mix proposed by the current application has been amended, as follows:

Number of Bedrooms	Owner Occupied	Affordable (specific tenure to be agreed)	Totals
One	0 (0%)	0 (0%)	0 (0%)
Two	28 (45%)	12 (46%)	40 (45%)
Three	28 (45%)	14 (54%)	42 (48%)
Four	6 (10%)	0 (0%)	6 (7%)
Totals (56)	62 (100%)	26 (100%)	88 (100%)

As can be seen from the tables above, the development does not provide any one bedroom dwellings which, whilst few such units are required for owner occupiers, are required across the district for affordable tenures. Another noticeable variance is the over provision of two (in particular) and three bedroom dwellings against the more recent identified need within the 2019 update of the SHMA.

- 2.25 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, whilst reasonably well aligned to the housing mix advocated by the 2010 Core Strategy, is more divergent from the more up-to-date SHMA mix. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, whilst the development would not deliver the optimum mix of housing which is required to meet the needs of the district, it is considered that the housing mix proposed is not unreasonable, particularly given the family housing which is prevalent in the locality. Whilst it doesn't necessary follow that no one-bedroom dwellings should be provided, the lack of which weighs to a degree against the scheme, overall it is considered that the housing mix is acceptable.

Character and Appearance

- 2.26 The development in the area is largely regular, linear and street fronting. Typically, dwellings are set back from their front boundaries behind gardens which are around 5m or 6m in depth. The housing in the area is also typically

uniform, comprising recognisable estates (for example the houses in Freeman's Way have a consistent design 'theme' including splayed roofs, brick soldier headers above windows, chimneys and pitched canopies over doors). The properties on Mill Hill deviate from this character of differentiable uniform estates, with each property or small cluster of properties being individually designed in a different style. Buildings are two storeys in height, although there are some exceptions on Mill Hill, which includes some single storey and two and half storey buildings. Another important element to the character of the area are the areas of land which are not built up, the cemetery and allotments, which although contain some buildings and structures have a more verdant character (in particular the cemetery).

- 2.27 The site itself, which is currently vacant of buildings, is largely screened from views from Freeman's Way, being set behind the continuous development to the north eastern side of the road. From Freeman's Way views of the site would be limited to views along the access to the site and in occasional glimpse views between existing houses. Likewise, the site would not be readily visible from Mill Hill, other than glimpse views between buildings. The site would, however, be plainly visible in views from the allotments and from the cemetery, albeit views from the later would in part be filtered by boundary vegetation.
- 2.28 The application proposes the erection of 88 two-storey dwellings, a two storey clubhouse and a 4G pitch which would include fencing and lighting, together with associated access roads, parking areas, infrastructure and landscaping.
- 2.29 Policy CP4 seeks development maximise density where possible, having regard for the design process (i.e. whilst achieving good design). In this respect the policy seeks development to achieve at least 30dph and, wherever possible exceed 40dph. This approach of is advocated by the NPPF which requires development to make efficient use of land, whilst taking account of the desirability of maintaining an area's prevailing character. Excluding the area for the proposed pitch, the proposed scheme would be built at a density of around 40 dwellings per hectare (dph). This is slightly higher than the density of Freeman's Way which has a density of around 32dph. Whilst the density of Freeman's Way is slightly lower, this is principally due to the length of the rear gardens of the existing properties. Having regard for the need to maximise densities where possible and the need to maintain the areas prevailing character, it is considered that the proposed density strikes the right balance and is acceptable.
- 2.30 The layout of the development departs, to a degree, from the long relatively straight roads of street fronting development which characterise the area. Instead, the layout is more organic, albeit the houses retain a strong relationship with the access roads and are set behind frontages, emulating the character of Freeman's Way. The introduction of open amenity space close to the entrance to the site also responds to the open area found opposite the site entrance, with housing facing towards the space. Beyond the main routes through the site, the layout breaks down into series of small dead-end roads. Whilst it is not considered that these respond well to the prevalent character beyond the site, amendments to the scheme have reduced the number of these dead-ends and re-orientated the dead-ends and the buildings around them so that they are less visually prominent and do not cause important views to be truncated by the boundary of the site.
- 2.31 Across most of the site, the layout ensures that the front elevations of dwellings front towards the roads, with instances of blank side or rear walls or fences

being visible from the street being limited. An exception to this is the rear boundaries of Plots 23-26 which would form a near continuous run visible from the road in front of Plots 33 to 43. Whilst this is not ideal, the applicant has sought to mitigate this by providing an area of landscaping to conceal the rear boundaries.

- 2.32 Overall, whilst some elements of the layout are less successful, generally the layout responds to the prevalent layout in the area, is legible and provides attractive viewpoints throughout the development.
- 2.33 The dwellings within the development are two storeys in height, with the exception of the six four bedroom dwellings which are two and a half storeys. The clubhouse would also be two storeys in height. The height of the buildings on site therefore reflects the scale of buildings in the area. The location of the two and half storey dwellings on site is also well considered, locating them around the amenity space where they will add interest to the roofscape which would be particularly prominent in views.
- 2.34 The design of the dwellings proposed seeks to produce a crisp contemporary character, albeit within a typical residential form. Given that the architectural style of the housing around the site is reflective of when it was built, it is considered that adopting a similar approach on this site is an appropriate response. The Design and Access Statement includes design precedents from other housing developments across the country, demonstrating that (whilst perhaps not locally distinctive) a comparable architectural style has been successful. The design approach uses warm grey brickwork with low parapets extending above the eaves (designed to conceal the gutters). One of the themes across the design is generosity in the size of windows, which helps to animate the elevations. The prominent windows to front elevations would have light surrounds which would stand proud of the brickwork and would frame or highlight the dark grey windows which would themselves be set in reveals. Roofs would be finished in dark grey tiles to complement the contemporary palette of materials. To provide interest to the roofscape and break up the massing of the buildings at upper level, the orientation of the roof slopes has been varied, such that some roof slopes would face the road, whilst other houses would present the road with a gable elevation. Whilst the majority of the buildings have flat front elevations, others include a two storey square bay to provide further variation. Where two houses are joined, the brickwork is recessed to provide a shadow gap. The design of the houses within the development is reflected in the design of the clubhouse which, whilst being flat roofed and its form being derived from its function, utilises the same palette of materials to provide consistency. Overall, the designs of the buildings are considered to produce an interesting contemporary character which, whilst not clashing with the existing housing in the area, is innovative and well-designed. The development would, subsequently establish a strong sense of place and would, it is considered, be visually attractive.
- 2.35 Detailed landscaping plans have not been submitted at this stage, although the layout plan does indicate where trees will be planted. The deep front gardens offer opportunities for the planting of trees of a scale commensurate with their proximity to houses. However, the more strategic areas of open space, such as the amenity space, the area in front of plot 47 and the areas around the 4G pitch provide opportunities for more substantial specimens. The provision of a significant number of trees and, in strategic locations more substantial trees, is considered to be particularly important given the density of the scheme and the choice of a muted materials palette. The choice of materials and finishes to the

hard landscaping will equally be important. It is therefore considered that details of hard and soft landscaping must be secured by condition.

- 2.36 Having regard for the density of dwellings, the layout of the scheme, the innovative design of the buildings and the opportunities for meaningful planting within a high quality landscaping scheme, it is considered that the development would not harm the character of the area, whilst producing a scheme which would have a strong character of its own. The design is therefore considered to be acceptable, subject to conditions.

Archaeology

- 2.37 The site lies in an area of archaeological potential, due to the presence of an Iron Age and Roman cremation cemetery and numerous Iron Age finds to the east of the site. The application has been accompanied by a desk based archaeological assessment, which confirms that the site has a high potential for Neolithic, Iron Age and Roman activity. The development would require soil to be stripped and foundations and services laid to construct the development. The report has been assessed by KCC Archaeology who have commented upon the submitted report and the archaeological potential of the site more generally. Whilst KCC agree that the site has a high potential for remains of Neolithic, Iron Age and Romano-British dates, they consider that the importance of these remains is likely to be of greater than just local importance and have identified other sites in the vicinity of the application site which are of regional or national importance. Additionally, KCC have criticised the submitted reports assessment of the sites potential for Palaeolithic archaeology, given that the site lies on a "level 'shelf' of land at the immediate foot of the Mill Hill ridge, where Palaeolithic remains might be expected, either within the brickearth or in depressions in the natural chalk sealed beneath these brickearth spreads". Notwithstanding this, KCC conclude that, subject to a condition requiring a programme of archaeological evaluation, followed by either safeguarding or further investigation (which should include oversight by a Palaeolithic specialist with suitable expertise), no objection is raised. Having regard for KCC's advice, I am satisfied that the potential for assets of archaeological importance is understood and, subject to the suggested condition, would be properly recorded and safeguarded.

Impact on Residential Amenity

- 2.38 The proposed dwellings are generally well separated from neighbouring properties outside the site, with the majority of the proposed dwellings set away from the boundaries of the site by reasonably long gardens, whilst the majority of the neighbouring properties themselves have long gardens. As such, for the most part, the back to back distances between the existing and the proposed dwellings are 25m or more, ensuring no unacceptable loss of light, sense of enclosure or overlooking. However, there are some relationships where proposed dwellings would be sited closer to existing dwellings which requires further comment.
- 2.39 The elevation of Plot 11 would be located around 19m from the rear elevation of 19/21 Freeman's Way. This side elevation includes two windows at ground floor level (serving a kitchen and a lounge/diner) and one window at first floor level, serving a bathroom, which is shown to be obscure glazed. Given the separation distance and the obscure glazing to be used for the first floor window, it not considered that an unacceptable degree of overlooking, loss of light or sense of enclosure would be caused.

- 2.40 The corner of Plot 87 would be around 21m from the rear elevation of No.15 Freeman's Way. Having regard for the separation distance and the orientation of Plot 87, it is not considered that any unacceptable loss of light or sense of enclosure would be caused.
- 2.41 Plots 57 to 62 would back onto the rear boundaries of properties on Mill Hill. For the most part, these neighbouring properties have gardens of a reasonable length creating significant separation between existing and proposed properties; however, some properties (such as Castle Mews) includes dwellings towards the rear of their plots, whilst other properties extend further to the rear. Whilst in these instances separation distances are reduced, they remain at least 20m. Consequently, it is not considered that the living conditions of neighbouring properties would be unacceptably harmed.
- 2.42 Finally, the proposed clubhouse would be located around 36m from the nearest residential property and would not, therefore, cause any significant loss of light, sense of enclosure or overlooking.
- 2.43 The proposed pitch and club house also has the potential to create noise and disturbance, from sources such as footballs hitting fences, alarms, extraction equipment or patrons using the facilities. Due to the proximity of the pitch to houses, Sport England have advised that concerns regarding noise may impact upon the use of the pitch, albeit the councils Environmental Health officers have not objected to the pitch on noise grounds. Notwithstanding this, it is inevitable that some noise would be generated from this use, particularly if the facilities are used late at night. I would also be concerned if the clubhouse was used in the evening, for example for functions. The plans for the clubhouse include the provision of facilities, such as a small kitchen, which may necessitate flues, extraction units or air-conditioning systems which would have the potential to cause noise. No such plant is shown on the drawings. The submitted plans indicate that an acoustic fence would be constructed along the boundaries of plots 15-19 providing some mitigation. Such fences are often unattractive however, in this instance, they would be set behind a landscaped area which would provide screening of the fence. Details of this fence should be secured by condition. Whilst it is not considered that the noise impacts of the development would be severe, it is considered that it would be reasonable and proportionate to require that, should permission be granted, a management plan for the pitch and the clubhouse be submitted, confirming the hours of operation for the pitch, changing facilities and bar area and details of the when the bar area will be used (for example, being limited to use in association with the use of the pitch). Details of any flues, extraction equipment or plant to be installed should also be required.
- 2.44 The access road to the development would be located between No.'s 17 and 19/21 Freeman's Way. As a consequence, the development would cause vehicles to pass along the sides of these properties and their gardens. Whilst this would create some additional noise and disturbance, it is noted that the road would be separated from the boundaries of the neighbouring dwellings by at least 4m (although parking bays and footpaths would be provided within this space). By virtue of the separation distances, it is not, therefore considered that the development would cause an unacceptable degree of noise and disturbance which would be sufficient to warrant refusal.
- 2.45 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, its proximity to

neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled. Works would also be necessary to Freeman's Way and Mill Hill (alterations to the highway and infrastructure improvements); however, these works are limited, such that the works would not cause any significant impacts on residents.

2.46 The proposed dwellings themselves would all be of a reasonable size, providing their occupants with natural light and ventilation. Each would be provided with a private garden. The proposed dwellings would, in most instances, back onto the perimeters of the site or have back-to-back distances of around 22m. However, there are a number of instances where houses are orientated at 90 degrees to each other, where distances between windows in properties to the side elevations and gardens of their numbers is between 18m at the most and 11.5m at the least. The closest relationship, with a separation distance of 11.5m, is between No.'s 87 and 88, and No.76. No.28 is located 12.5m away from No.31, being the second closest relationship. The next closest relation is between No.'s 43 and 44 which are around 14m from No.32. Whilst, in some instances, the rear gardens of dwellings would be overlooked to a modest degree (particularly those of No.'s 76 and 31), it is not considered that this overlooking would be such that it would warrant the refusal of the application. The majority of dwellings within the development would enjoy a good standard of privacy and receive a good level of natural light.

2.47 Third parties have objected to the application on the grounds that the site and its neighbours have previously suffered from vandalism and anti-social behaviour. Designing out crime and creating places which are safe should be achieved through the planning process, albeit seeking to address these aims must be considered in combination with other planning aims, such as achieving permeable and legible layouts and high quality, visually attractive, design. Kent Police have drawn attention to a number of considerations which should be taken into account in order to enhance the safety of the development and reduce the likelihood of crime. It is considered that the proposed layout delivers a reasonable balance between delineating public and private spaces, providing natural surveillance (particularly of communal areas such as the equipped play area) and securing perimeters, and providing sustainable pedestrian permeability, limiting lighting (having regard for ecological impacts) and ensuring an attractive and inclusive development.

2.48 Third parties have also asked whether parts of the site can be purchased by neighbours if they are not developed and that existing covenants on neighbouring properties be removed. Neither of these matters are material planning considerations and, as such, cannot be addressed by the planning process or attributed weight in the planning balance.

Impact on the Local Highway Network

2.49 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.

- 2.50 The existing vehicle movements along Freeman's Way have been assessed using Automatic Traffic Counts, which has informed the assessment of the impacts of the development. The development would generate approximately 37-43 additional two-way movements in the peak hours. These movements would be to and from the single proposed access to the site, onto and from Freeman's Way. At this junction with Freeman's Way trips would be split between the two directions (i.e. some vehicles would travel from the site to the north west, some vehicles would come from the north west to enter the site, some vehicles would travel from the site and turn south and some vehicles would come from the south to enter the site). Beyond the junction into and out of the site, vehicles would quickly reach further junctions where the direction of vehicles would split again, quickly diluting the vehicle movements across the network. Due to the limited number of additional movements on Freeman's Way and passing through other junctions in the locality, it is concluded that the development would be unlikely to have a severe impact on the local highway network. In addition to the 37-43 peak hour movements generated by the residential development, the pitch would also be likely to generate vehicle movements; however, it is likely that the majority of these movements would take place outside of the peak hours (evenings and weekends) and, consequently, this use would not be likely to cause a severe impact.
- 2.51 The application proposes to widen the existing access to provide a bell-mouth junction. The access road itself would be 5.5m wide. Dropped kerbs would be provided to either side of the junction. In order to ensure the necessary visibility can be secured for vehicles leaving the site, double yellow lines would be provided to either side of the junction. Whilst this would ensure that the access meets safety standards, it would result in the loss of on-street parking (approximately 5 spaces). As will be outlined later in this section, the application seeks to mitigate this by providing six spaces within the site, close to the junction with Freeman's Way. KCC have advised that public access to these spaces must be secured by condition.
- 2.52 Tracking plans have been submitted which demonstrate that larger vehicles such as refuse freighters, removals lorries and fire appliances can access the site, manoeuvre around the internal roads and turn to allow them to leave the site in a forward gear around the site and parking. The proposed roads within the site are also of sufficient width and geometry to allow cars to pass each other and manoeuvre around the site. The plans also demonstrate that appropriate visibility around bends can be achieved.
- 2.53 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a 'suburban' location, where: 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 bedroom houses will be expected to provide 1.5 spaces per unit; and houses with 4 bedrooms or more will be expected to provide 2 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 88 dwellings proposed (40 x 2 bed, 42 x 3 bed and 6 x 4 bed) equates to 115 spaces for occupiers and around 18 visitor spaces. The application proposes 115 spaces for occupiers of the dwellings, which would be delivered in a manner which provides each dwelling with the recommended parking provision. The parking for twelve of the dwellings would be provided in a tandem arrangement, which are less convenient to use

and are likely to increase the demand for on-street parking. However, the application also proposes 24 visitor spaces, some of which have been located close to the properties with tandem parking, responding to the likely increased demand in these locations. The provision of six spaces over and above the minimum visitor parking allows for the provision of six spaces to be provided either side of the proposed access, adding additional potential parking for occupants of the development and off-setting the loss of parking on Freeman's Way. Overall, whilst the provision of tandem spaces is regrettable, it is not considered that the parking provision for residential properties would be unacceptable, broadly according with the councils recommendations, and certainly would not cause significant harm to the highway network. The football pitch and clubhouse would be provided with car parking for 50 vehicles, in accordance with guidance for such facilities. This would include two disabled spaces. The parking layout would also allow for informal mini-bus parking for visiting teams.

- 2.54 The application proposes the provision of cycle parking at a rate of one space per bedroom, which accords with the councils standards. Details of this cycle parking should be secured by condition.
- 2.55 The layout is considered to be pedestrian friendly, with the greatest permeability being for people on foot. Footpaths would be provided to the main routes through the site, together with paths linking cul-de-sacs. Additionally, a pedestrian link is to be provided to the boundary with the cemetery to allow a more direct route towards the facilities and services to the north east.
- 2.56 To conclude, whilst the development would increase the number of vehicles using Freeman's Way and the surrounding road network, it is not considered that this increase would cause a severe impact. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. Equally, tracking plans and details of sight lines have been provided for the internal roads to demonstrate that they would function safely and efficiently. Car and cycle parking would be provided in accordance with the councils recommended standards, whilst the parking lost either side of the access on Freeman's Way would be re-provided within the site entrance. The development has been subjected to a Stage 1 safety audit, whilst further audits would be required should permission be granted. As such, it is considered that the development is acceptable in highway terms.
- 2.57 KCC have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network.

Ecology

- 2.58 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development (based on up to 100 dwellings and a sports pitch being provided) and suggests possible ecological enhancements.
- 2.59 Regard has been had for Natural England's Standing Advice. It is considered that the methodology and findings of the ecological report are acceptable. The report identifies that, whilst there are trees to the perimeters of the site, these trees have a 'negligible' suitability for bats. Given the proximity of ponds to the site, the habitat is sub-optimal for Great Crested Newts and no further surveys are required. The majority of the site (managed grass) is also sub-optimal for

reptiles; however, the thicker vegetation to the boundaries of the site does provide suitable habitat for reptiles. Consequently, the ecological report recommends that a reptile survey be undertaken. The report continues, confirming that there is no evidence of badger on the site and that the site is not suitable for dormouse habitation. The site is suitable for breeding birds.

- 2.60 Following on from the conclusions in the submitted ecological report, a reptile survey was undertaken to establish the presence or likely absence of reptiles, the importance of any reptile population and what mitigation and compensation is necessary. No reptiles were recorded during the survey visits (and neither were amphibians or small mammals found during these visits). It is therefore concluded that reptiles are likely absent from the site.
- 2.61 Having regard for the habitat on site and assessment of the likelihood of animals being present on or using the site, the ecological report and reptile survey make a number of proposed recommendations to maintain and enhance biodiversity on the site. Given that bats may forage and commute in the local area, it is recommended that a bat sensitive lighting strategy should be adopted. To avoid harm to breeding birds, it is recommended that any removal of scrub or hedgerows is undertaken outside of the breeding bird season, unless they are first checked by an experienced ecologist in advance. In terms of enhancements, it is recommended that hedges are enhanced with native species and with grass to their bases. Any fencing should include gaps at their base to allow for the movement of hedgehogs. Native trees, including fruiting species, and nectar rich plants (with an appropriate maintenance regime), log piles for mammals and invertebrates, and roosting areas for birds should also be provided. It is considered that, subject to these measures being secured by condition, the development would deliver an overall enhancement to biodiversity, in accordance with the requirements of the NPPF.
- 2.62 Consequently, subject to the proposed mitigation, safeguards and enhancements being secured by condition, it is not considered that the development would cause any harm to habitats or species.

Habitat Regulations Appropriate Assessment

- 2.63 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment.
- 2.64 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.65 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.

- 2.66 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.67 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.
- 2.68 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.69 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Contamination, Drainage and Utilities

- 2.70 Given its former use, there is no known or suspected contamination on the site. However, as the end use is one which is sensitive to contamination (including residential gardens), the Environment Agency have requested that any planning permission includes a condition regarding the reporting of any previously unsuspected contamination and its subsequent removal. They have also recommended that foundations should not be constructed using penetrative methods which can mobilise any contaminants which have not been identified, potentially polluting groundwater.
- 2.71 The vast majority of the site lies outside of any ground water protection zone, with only a small section of the site (the access and a slither of land along the western boundary) lying within ground water protection zone 2. Having regard for this, together with lack of any evidence of contamination, it is not considered that groundwater is a constraint to development.
- 2.72 The site is within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. As such, the application does not need to be subjected to the sequential or exception tests. However, given the size of the site, it is necessary to consider how surface water will be drained and how foul sewerage will be disposed of. Areas to the south side of the site have been identified by the Environment Agency as having a 1 in 1000yr or greater risk of flooding from surface water.
- 2.73 The application has been supported by a Flood Risk and SUDS Assessment, which has considered the potential sources of flooding and has assessed the opportunities of draining surface water. At present there is no planned surface water drainage on the site, with surface water draining to ground or running off the site naturally. Given that the development would increase the amount of

impermeable surfacing on the site, the assessment has considered how best to discharge water. This assessment has considered the preferred hierarchy for discharging surface water (with infiltration being preferable, followed by discharging to a water course and finally discharging to a public sewer).

- 2.74 Infiltration testing has taken place to ascertain whether the ground conditions would allow surface water to be discharged to ground, concluding that the ground is not sufficiently permeable to drain the surface water from the site. KCC have confirmed that the information provided by the tests is adequate and is accepted. As there are no water courses in the area, the only remaining option is to discharge to a public sewer, although infiltration (in the form of permeable paving) will be used to reduce the volume of surface water which needs to be discharged to the public sewer. The application includes an indicative drainage plan, which shows that permeable paving will be used across the more minor access roads. The surface water from the rest of the site would flow into two cellular storage tanks which would store water and slowly discharge it to the public sewer in Mill Hill at a managed rate to minimise the peak discharge. Water butts will also be provided which, whilst not being relied upon, have the potential to provide additional storage capacity. KCC and the Environment Agency have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. Subject to such a condition, it is considered that the development would be provided with satisfactory surface water drainage and that the risk of flooding on site or elsewhere would not be increased.
- 2.75 The application proposes to discharge foul sewerage to the mains sewer. Southern Water have identified that, at present, the foul sewerage network does not have sufficient capacity to accommodate the flows from the development and that, without improvements to the system, the development would increase the risk of flooding. However, the Water Industries Act provides a mechanism to secure network reinforcement to increase the capacity of the network to meet this demand, albeit the Act does not address private works nor does it ensure that these works are carried out within a certain timeframe. As such, the planning system has a role to ensure that the on-site infrastructure is appropriately designed and installed, and the connection to public sewer does not happen until such time as the network reinforcement has taken place (with no occupation of the development until this has happened). Accordingly, Southern Water and the Environment Agency have raised no objection to this form of foul drainage, subject to a condition requiring full details of the proposed foul drainage strategy.
- 2.76 It is considered that, subject to conditions being attached to any grant of permission to require full details of foul and surface water drainage be submitted for approval, the development would not increase the risk of flooding on site or elsewhere.
- 2.77 Southern Water have advised that there is a public sewer within the site which must be located and protected during construction. Should permission be granted, a condition should be attached to ensure that, prior to any development taking place, the public sewer is located and details for its protection are submitted for approval.
- 2.78 Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

- 2.79 Environmental Health have advised that the development would not cause significant air pollution.

Contributions

- 2.80 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required, albeit the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.81 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the locations for 26 affordable dwellings (30%). These dwellings would be provided in one group to the north west of the site. The dwellings would comprise twelve two bed dwellings and fourteen three bed dwellings. The council's Housing Development Manager has advised that the provision of 30% affordable housing aligns with the council's policy and supports the need in this location. Details regarding the specific tenure of the affordable housing has not been finalised which will likely follow discussions with registered providers. Whilst it would be necessary to secure the provision of affordable housing, it would be appropriate to require, by legal obligation, the submission for approval of full details of how the affordable housing will be delivered and in what form, including justification for any variance from the council's identified preferred mix. Subject to the details of the affordable housing provision being secured by legal agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.
- 2.82 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. In this instance, the development would provide on-site provision of a 'green' and an equipped children's play area, as well as the proposed 4G pitch and club house, with no further requests for off-site contributions being received. It is noted that the open space opposite the access to the site had formally contained children's play equipment which was subsequently removed and this has led to understandable concerns regarding whether the proposed play area can be secured in perpetuity. In order to ensure that the facilities are retained, it is proposed that the provision of the facilities, details of their on-going maintenance and the continuation of their availability be secured by legal obligation.
- 2.83 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:
- £292,512 towards the expansion at Deal Primary School
 - £362,120 towards the expansion at Goodwin Academy expansion and /or Sir Roger Manwood expansion.
 - £2,256.23 towards IT equipment for the new learners at Deal Adult Education Centre
 - £4,225.39 towards additional bookstock at Deal Library
 - £12,925.44 towards extra care accommodation within Dover District

- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)

There is current no requirement for youth services. The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted.

2.84 Additionally, the NHS have also identified a lack of existing capacity to meet the needs generated by the development. Consequently, they have requested that a contribution of £66,300 be provided to increase the capacity in the locality in the Deal and Sandwich Primary Care Network to meet the need of the development.

2.85 It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably 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. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):

- Provision of 30% affordable housing
- Provision, retention and maintenance of the 'green', the equipped play area and the 4G pitch, clubhouse and parking areas
- £292,512 towards the expansion at Deal Primary School
- £362,120 towards the expansion at Goodwin Academy expansion and /or Sir Roger Manwood expansion.
- £2,256.23 towards IT equipment for the new learners at Deal Adult Education Centre
- £4,225.39 towards additional bookstock at Deal Library
- £12,925.44 towards extra care accommodation within Dover District
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)
- £66,300 towards increasing the capacity in the locality in the Deal and Sandwich Primary Care Network

Other Material Considerations

2.86 The drawings of the clubhouse elevations indicate areas for the provision of signage. A separate application for advertisement consent would be required for the provision of signage.

2.87 The principle of the development accords with the development plan. In such circumstances, permission must be granted unless material considerations indicate otherwise.

2.88 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. The relevant issues within the NPPF have been addressed within the corresponding sections of this report and so will not be repeated in detail here. These sections have concluded that the impacts of the development do not give rise to any harm or harms which would indicate that permission should be refused.

- 2.89 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. The site lies in a location which is wholly consistent with the NPPF's aim to steer development towards sustainable locations, where future occupants can reach (and provide support for) facilities and services, including public transport.
- 2.90 The site is located within the settlement confines of Deal, which is identified as a District Centre by policy CP1 (the only settlement which is higher in the hierarchy is Dover, a Secondary Regional Centre). District Centres are described as being the secondary focus for development in the district; suitable for urban scale development. The site itself is around 1.5km from the town centre, around 1.5km from Walmer Train Station, around 1.6km from Deal Train Station and around 150m from the closest bus stops which provide regular services. Deal also contains Primary and Secondary schools, medical and dentistry services, a library and other facilities and services. The site is well linked to the aforementioned facilities and services by footpaths. As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.91 The site is non-previously developed land, being vacant of buildings. Whilst the NPPF encourages the use of suitable brownfield (previously developed) land, advising that substantial weight should be given to its use, it does not seek to protect non-previously developed land, whilst it promotes the development of under-utilised land. Given that the site has not been in active use for around 14 years, it is concluded that the site is under-utilised. Notwithstanding that the site is non-previously developed, given that the site is under-utilised (and in the context of it being in a highly sustainable location), it is considered on this basis that some, limited weight be attributed in favour of the development.
- 2.92 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a modest increase in the local population, which would produce a corresponding increase in spending in the local economy. The provision of a football pitch and clubhouse would be likely to provide a small economic benefit to the local area; however, in the absence of specific evidence regarding likely job creation, if any, the weight to be attributed to this benefit is limited.
- 2.93 In terms of the social role, the proposal would contribute towards the supply of housing supply and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would be slightly skewed from the mix identified as being required by the district which, to a degree, counts against the scheme, whilst 30% of the total number of housing units would be affordable units - a benefit which is given significant weight. The benefit of additional housing must be considered in the context of the councils demonstrable 5.30 years of housing land supply. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Freeman's Way; however, it is

concluded that the impact of these additional movements would not warrant refusal. The development would result in the quantitative loss of Open Space. Whilst this space has not been actively used for around 14 years, it has the potential to make good deficiencies in the future, albeit there is no evidence that the site will become publicly accessible in the absence of this development. However, the application proposes to compensate for the quantitative loss of open space through qualitative benefits, providing an all-weather surface, clubhouse, car parking and lighting, whilst a club (who will increase the likelihood of the facilities being well-used) has been sought. As set out within the report, it is concluded that the qualitative benefits compensate the quantitative loss, although the benefit is not significantly greater than the disbenefit such that only limited weight should be attributed in favour of the development in this respect (particularly once regard is had for the wording of paragraph 97 of the NPPF).

- 2.94 In terms of the environmental role, the proposal would not cause significant impacts to the character of the area. The development would be visible along the access and in glimpse views between buildings, whilst the access itself would be plainly visible. However, within an urban context, this would not be harmful. Views from the allotments and cemetery would cause a greater impact, although it is not considered that this impact would be significantly harmful, particularly having regard for landscaping and the juxtaposition of buildings with these uses. The development would not cause significant harm to ecological interests and would include some enhancements, which will be secured by condition.
- 2.95 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme, such that the benefits of the scheme outweigh the disbenefits. Consequently, it is considered that the development is 'sustainable' and is therefore supported by the NPPF.

3. **Conclusion**

- 3.1 The principle of the development, being located within the settlement confines of Deal and having achieved one of the exceptions which allows for the loss of Open Space, accords with the development plan. The development is also considered to accord with the NPPF.
- 3.2 The development would provide 88 dwellings in a sustainable location, close to the facilities and services of Deal. 30% of the dwelling would be affordable dwellings. These benefits weigh significantly in favour of the development. The development would also secure the public use of part of the site for sport and recreation, with this space being upgraded to provide all-weather, year round capability and the facilities required to support an organised club. It has been concluded that the qualitative benefits provide at least the same quality and equivalent community benefit as the existing site. Whilst the development would increase the number of vehicles using Freeman's Way, the additional vehicle movements generated by the development would not justify the refusal of the application. The development is acceptable in all other material respects, subject to conditions and obligations.
- 3.3 The development accords with the development plan whilst the development would provide several substantive benefits. It is therefore recommended that this application be granted planning permission.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and provision, retention and maintenance of the pitch (including the 4G surface, pitch, markings, fencing and lighting), club house, and car park, which shall secure public access, include a timetable for construction and include a management plan to demonstrate the hours of operation, how and when the facilities will be used and pricing policies, and the amenity open space (including an equipped children's play area), and subject to conditions to include:

(1) Time limit, (2) approved plans, (3) details of the acoustic fencing, (4) construction management plan, (5) measures to prevent the discharge of water onto the highway, (6) details of any electric vehicle charging points, (7) use of bound surface treatment for first 5m of the carriageway, (8) provision and retention of car parking for residences, visitors, users of the pitch and clubhouse, and the public, (9) cycle parking, (10) completion of access, (11) completion of internal access roads and footways, (12) provision and retention of visibility splays, (13) details of surface water drainage infrastructure with no infiltration other than that which is approved, (14) details of foul water drainage infrastructure to be provided in accordance with a timetable to be agreed (15) full details of all lighting, including the lighting for the pitch, car parking and residential areas, (16) provision of refuse and recycling areas for residential areas and for the pitch and club house, (17) previously unidentified contamination, (18) no foundations which require penetrative construction methods, (19) identification of any public sewers which cross the site and details of the measures to protect or realign them, (20) programme of archaeological evaluation followed by safeguarding and/or further archaeological investigation, (21) samples of materials, to include bricks, roof tiles, parapet coping, window surrounds, windows, doors, door canopies and dormer cheeks, (22) details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts, (23) windows to be set in reveals, (24) removal of permitted development rights for porches and roof extensions, (25) first floor window to side elevation of plot 11 (serving a bathroom) to be obscure glazed and non-opening, (26) details of any air conditioning units, flues, ventilation or other plant to be installed, (27) ecological mitigation and enhancements.

- II Powers 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

Luke Blaskett