

a) **DOV/19/01260 – Outline application for the erection of up to fourteen dwellings (appearance, landscaping and scale to be reserved) - Land off Church Lane, Deal**

Reason for report: Report back following deferral at Planning Committee meeting on 3rd September 2020. The application was also on the published agenda for the Planning Committee meeting on 17th November, but was withdrawn from that agenda pending the receipt of further information from Southern Water.

b) **Summary of Recommendation**

Planning Permission be Granted subject to conditions and S106 agreement.

c) **Planning Policy and Guidance**

Please refer to the report attached as an annex.

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

In addition, the following are relevant:

Kent Minerals and Waste Local Plan 2012 -2030 Policies

DM7 – Safeguarding Mineral Resources:

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

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

DM8 – Safeguarding Minerals Management, Transportation Production & Waste Management Facilities:

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, in certain, specified circumstances.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

National Planning Policy Framework (NPPF)

In addition to the paragraphs listed in the previous report:

- Paragraph 206 says that LPAs should not normally permit other development proposals in Minerals Safeguarding Areas if it might constrain potential future use for mineral working.

d) Relevant Planning History

Please refer to the report attached as an annex.

e) Consultee and Third-Party Responses

Please refer to the report attached as an annex.

Additional comments received since publication of the previous Agenda:

Sholden PC – Objects.

Summary

1. The application should be refused on the grounds of policy and material considerations.

2. The applicant, after the deferral for further information at the planning committee on 03 September, has submitted various documents/correspondence providing the further information requested by Members of the Planning Committee.

3. Sholden Parish Council makes the following summary observations on the new submissions by the applicant (in particular on the Sustainability Note):

(i) the Objectives in the Sustainability Note seem to have been “cut and pasted” from a document created by Ashford Borough Council in 2018. Some of the wording bears a remarkable resemblance to the housing policies in the Ashford Local Plan – <https://www.ashford.gov.uk/media/jw3nbvq1/adopted-ashford-local-plan-2030.pdf> . Please see page 209. At the risk of stating the obvious, Sholden is not in the Borough of Ashford

(ii) the Sustainable Objectives submitted by the applicant are not based on the three overarching interdependent objectives/definitions detailed in paragraph 8 of the NPPF. Attached at Annex A are the Sholden Parish Council sustainability concerns based on the correct NPPF sustainable policies.

3. Even after this “new” information, the proposed development still breaches policies DM1, 12,15 and 16 and, as already proven, the “tilted balance” is not engaged (for more detail on these breaches please see our letter of 27 November).

Detail

Sustainability

4. Notwithstanding that it seems as though the applicant has copied either partly or in full Housing Policies HOU5 (a), (c), (d) and (e) from the Borough of Ashford Local Plan (see above), Sholden Parish Council has the following comments:

Sustainable Objective 1 (Ashford Housing Policy 5 (a))

5. We note the applicant’s statement that this proposed development represents an “infill” opportunity. It is the understanding of Sholden Parish Council that an infill is “the development of a relatively small gap between existing buildings”. This is not the case here. The proposed development is not being built between existing buildings.

6. The applicant also states that the current available services will be able to accommodate the proposed development in conjunction with other planned and committed development. No evidence for this statement has been presented. Please also see paragraphs 8 and 9 below.

7. Section 106 contributions towards education and health do not necessarily go to health or educational establishments in the area.

Sustainable Objective 2 (Ashford Housing Policy 5 (c))

8. As above, unfortunately, the applicant has not dealt with the wider developments happening adjacent, nearby or proposed which will considerably impact on vehicle movements and road safety. Currently, there are two extant developments totalling nearly 100 more dwellings not including a 64bed care home. There is another outstanding planning application for over two hundred houses on the boundary of sholden parish.

9. Sholden Parish Council was informed on 14 October that a planning application for 250 dwellings would probably be submitted “before Christmas”. Such a development will, as with this application, further exacerbate vehicle, road safety and sustainability issues.

Sustainable Objective 3 (Ashford Housing Policy 5 (d))

10. We note that it took the applicant three different attempts to get correct the three nearby primary schools. In their efforts to get that right, they have neglected to say that there is no capacity at these schools for any more children. Parents will have to drive to schools much further away for their children’s education.

11. In today’s modern age, people shop on the Internet and goods are delivered by vehicle – adding more traffic to roads. In addition, whilst the nearest two large

supermarkets are 1.6km away, not many people are going to carry their weekly shopping that far back home. They will use their cars.

12. The applicant indicates that it is committed to a “sustainable travel plan”. That has not been submitted. Readers of this objection will know what happened to the planned electrical charging points at Aldi’s supermarket.

Sustainable Objective 4 (Ashford Housing Policy 5 (e))

13. Sholden Parish Council rejects the assertion that there will be biodiversity gains. The ecological appraisal submitted on 14 October does not appear to have been reviewed and agreed by Dover District Council. Our view is that the development, far from conserving the natural environment, is going to lead to the potential destruction of local biodiversity. Sholden Parish will lose more of its biodiversity in a time when nature is in a state of crisis. No amount of compensation can make up for its destruction.

14. In addition, the Deal/Sholden/Sandwich area will become more suburbanised with fewer ‘wild’ or ‘natural’ spaces. The issue of suburbanisation is important since the result will be an increase in car journeys, an increase in greenhouse gas emissions and decrease in air quality.

15. An important factor in any major development is its effect on greenhouse gas emissions and its contribution to meeting climate change targets. The destruction of natural habitat removes carbon sinks and building in an unsustainable location requires people living in the new development to travel to work, shops, schools, cultural activities, doctors’ surgeries etc. etc. The more car journeys, the more greenhouse gas emissions. This Church Lane proposed development has three effects (i) the destruction of biodiversity (ii) the destruction of a carbon sink and (iii) an increase in greenhouse gas emissions. The National Planning Policy Framework paragraphs 103 and 149 are clear on the need for policies to mitigate climate change by both reducing the need to travel and also by not destroying carbon sinks. Just taken by themselves these paragraphs of the NPPF are sufficient grounds for refusing the application.

Access

14. At the time of writing, there has been no reply from the Kent Fire Service concerning access to the proposed development by Fire pumps.

15. There still appears to be confusion about access from the junction of Hancock’s Field/Hyton Drive to the proposed development. It seems to be agreed that this will be a private road. KCC (Highways) are not adopting it. Private roads do not belong to the local authority and it is not their duty to maintain them, they are unadopted roads. Sholden Parish Council assumes that since KCC (Highways) will not maintain that part of Hyton Drive, that responsibility will fall to local residents. There appears to have been no consultation with those residents – the owners of properties which front that unadopted road will be responsible for paying for any repairs or maintenance required. If they do not want to do that, then there is a major problem with access to and from the proposed development.

Previous planning commitments

16. It has been brought to the attention of Sholden Parish Council that previous planning consents surrounding the major development of Timperley Place would

maintain a clear view of St Nicholas Church (A Grade II* Listed Building). This proposed development will breach those previous commitments.

Comment and Conclusion

17. Sholden Parish Council finds the fact that the applicant appears to have used Housing Policies (their claimed Sustainable Objectives) from the Borough of Ashford Local Plan 2030 without referencing Ashford Council rather odd. But odder still, is why use objectives from a district which bears no relation to Sholden Parish.

18. Sholden Parish Council fully understands that Local Government can (and at times should) help central government deliver government policy – especially on housing. But in the case of housing, dwellings must be built in the right numbers, in the right places, to correct standards and in compliance with Core Strategies/Local Plans and Policies and/or the NPPF. In this case, the proposed development fails on both breaches of the Core Strategy and on NPPF sustainability criteria and other policies.

Annex A

NPPF Section 2: Achieving Sustainable Development: Paragraphs 8 and 9

The proposed development does not meet the requirements of these two paragraphs, namely

Economic – the applicant has not provided any evidence to substantiate their claim that the proposed development will have “significant benefits for the local and national economy” (paragraph 6.24 of their Planning Statement). It is quite preposterous to claim that a 14-dwelling development on the edge of Deal is going to impact the national economy! In addition, the jobs created during the construction will, by definition, be very temporary. Whilst the occupants of the 14 dwellings may well pay Council Tax, they are paying for services and thus are consumers of services that the Council must supply. That is not an economic benefit. It is quite simply a transaction. In effect the additional Council Tax will not economically benefit Dover District Council.

Social – the applicant has not provided any evidence to substantiate their claim that the households will contribute to the social fabric of the area. Sholden Parish Council would argue that, to the contrary, slotting in a small, but major, development on the proposed site could actually alienate those residents – being stuck between Hyton Ward, the proposed Churchfield Farm development and Sholden Village could lead to isolationism and create the problems linked to isolated communities. This isolation is an adverse effect of the proposed development and further breaches NPPF paragraphs 91 a) and 92 e).

Environment - there is nothing in the Planning Statement that indicates that this proposed development will help mitigate the effects of climate change or assist DDC in its quest reduce carbon emissions. Indeed, the applicant themselves have stated that some recently planted tree saplings will have to be uprooted if the proposed development goes ahead.

Deal TC – No further response received to date.

Environment Agency – No further comments to make.

KCC Flood and Water Management – Having reviewed the latest information submitted we are satisfied that the principles proposed, namely infiltration to ground where possible and where not possible to discharge to neighbouring drainage network, do not increase the risk flooding from surface water. Should you as LPA be minded to grant permission we would recommend the following conditions are applied:

Condition: No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Charles & Associates Technical Note Ref: 19-015-03 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site where reasonably possible via infiltration techniques and were this is not proven to be possible discharge from site must not exceed 2l/s without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details. Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition: No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Condition: Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Condition: Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

Southern Water – (Response received 2nd December 2020):

Further to our letter of 27/10/2020 regarding above planning application, we would wish to withdraw the representation and substitute the comments below.

Please see the attached extract from Southern Water records showing the approximate position of water mains in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.

- The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.

- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.

- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.

- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

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

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

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

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

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from

the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here: gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Note: Following receipt of these comments, officers wrote to Southern Water requesting further detail on the scale and nature of the works that might be

necessary in order to reinforce the network to provide additional capacity, how this might relate to any further upgrading works that might be necessary in the locality generally, and how realistic the proposed 24-month delivery timescale was, given that the nature of the required works has not been set out. The following response has been received.

(Response received 15 December 2020): I am unable to provide you with the information you require. I can only advise that once planning permission has been granted we will look to investigate the extent of reinforcement required to ensure the existing risk of flooding is not increased by a development, any works required as a result of this development will not address existing flooding issues in the catchment. Unfortunately this means we will not be able to provide information to you by 21st January 2020. As you will appreciate we have a number of developments to design infrastructure for and we do not commence this process until planning permission has been granted, so we avoid expending resources unnecessarily as many developments do not gain planning permission and to expend resource in such circumstances is not a justifiable use of customer money.

We aim to provide infrastructure within 24 months of planning being granted or provide an alternative method of drainage should any required infrastructure not be in place by then. The developer will be asked to contribute to the costs of reinforcement via the New Infrastructure charging system details of which are available at <https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>.

River Stour IDB – No further response received to date.

KCC Highways – I refer to the Technical Note submitted for the above and would comment as follows:

1. The details submitted show that access is available for a fire service vehicle, however you may wish to confirm the views of the Fire Service in this regard.
2. As previously advised the existing road leading to the site (Hyton Drive) is to remain private from its junction with Hancocks Field, and is not included in the road adoption agreement for the wider Hyton Drive site already completed. It will therefore not be possible to adopt the proposed road within the application site as it does not connect to the existing public highway.
3. Although not a highway matter it appears rights of access are available over the existing private road to reach the site.
4. The existing roads leading to the site are constructed to accommodate refuse vehicles and buses, so are suitable to accommodate temporary construction traffic associated with the application site. If necessary the Construction Management Plan for the site can include a requirement for pre and post conditions photos/surveys, and a requirement for repairs to be undertaken if it can be demonstrated that damage has been caused by construction vehicles.

I therefore confirm I have no objections in respect of highway matters as per my previous comments dated 25 October 2019.

KCC Minerals and Waste Planning –

(Comments received 27 October 2020): I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposit, that being Brickearth (Other Areas) – Ashford, Canterbury, Dover, Shepway.

Therefore, the application details should include a Minerals Assessment to determine if the safeguarded mineral deposit is an economic and viable deposit for prior extraction, and if not whether an exemption pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30. The submitted Planning Statement does not have any reference to safeguarded minerals in the form of a Minerals Assessment. Therefore, the application is deficient in information for its determination. The County Council object to the application in its present form. However, the County Council is interested in cooperating with the determining authority and wishes to extend any advice to address the above, so that the applicant can also address this matter enabling the application to be determined.

(Comments received 30 October 2020): I have looked at the applicant's submission in this regard (from icene of the 29th October 2020).

They cite an exemption on grounds that exemption criteria 1, 2, 3 and 5 can be invoked. The policy only requires one criterion to be successfully argued in order for the proposed development being exempt from the presumption to safeguard as set out in Policy CSM 5: Land-won Mineral Safeguarding of the adopted Kent Minerals and Waste Local Plan 2013-30 (as partially reviewed in 2020).

Of the arguments put forward, that for criterion 1 appears to be the most compelling, in evidential terms. It states:

Exception 1: Mineral is not of economic value

7. Exception 1 states that planning permission can be granted if the mineral is not of economic value or does not exist.

8. In May 2018, the applicant for Planning Permission DOV/17/01345 for Land at Churchfield Farm, The Street, Sholden, CT14 0AL1, adjacent to the subject site, concluded that "there are no brickworks close to the reserves around Deal and Sholden, so little likelihood that they will ever be worked". In response to this submission, KCC Minerals and Waste Planning Team confirmed that there have not been any recent historic mineral works to supply a brick making facility in the locality, such that it was "unlikely that the safeguarded deposit is of economic importance to the brick making industry currently" and that Exception 1 was met.

9. Since the granting of planning permission for application ref: DOV/17/01345, no plans have come forward for the creation of brick making facility within the local area. As such, the conclusions made for Planning Permission DOV/17/01345 remain relevant and up to date, and the mineral in this location is considered to remain of low economic value to the brickmaking industry. Therefore, Exception 1 of Policy DM7 is relevant to the current planning application.

The brickearth in this locality is considered as of probable limited viability, the following is an extract from the County Council's geological area note (soon to be part of an updated SPD on mineral and waste safeguarding):

In the Dover District Council area deposits of the material are found on Chalk dip slopes both as isolated deposits and as 'spreads' often closely associated with the Sub-Alluvial River Terrace deposits in this area. Many show down slope slumping by the process of solifluction that occurred when the Chalk was still frozen, as a permafrost at the end of the last glaciation (Pleistocene epoch), forming a the low friction plain for the windblown brickearth deposits to move under gravity down slope. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements. However, this does not mean that their use in historic restoration will not be needed at some juncture, or that the brickearth using brick manufacturing industry will not consider their use with the depletion of 'Stock Brick' brickearth supplies in other areas of Kent, and for that reason are considered important to be safeguarded at this time.

The area of mineral affected with potential sterilisation is 0.47ha. This is a relatively insignificant area and that, combined with the absence of any brickmaking industry in the area using this mineral at this time (or in recent times) demonstrates that the relevant affected mineral deposit can reasonably be considered as being of no economic value.

Therefore, on the information submitted at this time, it can be concluded that an exemption from the presumption to safeguard this mineral deposit, as detailed in criterion 1 of Policy DM 7 can be invoked. The County Council, therefore, has no objection to the proposal on mineral and waste safeguarding grounds.

Kent Fire and Rescue Service – I can confirm that on this occasion it is my opinion that the off-site access requirements for the Fire Service, shown in plan drawing 19-015-013 have been met.

On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

Public representations –

A further 10 objections have been received since preparation of the 3 September Planning Committee Agenda (including those reported orally at the meeting). This brings the total number of objections to 37, plus the seven representations in support reported previously.

The additional objections raise the following issues:

- Additional traffic;
- Damage to the roads;
- Loss of view;
- Too close to existing houses;
- Disruption during construction;

- Loss of an open area, including damage to wildlife;
- Strain on infrastructure;
- There is a long-standing and ongoing problem with adequacy of the wastewater drainage system in Deal. This, combined with unchecked new developments being permitted by the council without due consideration to the drainage system, has resulted in an ever-wider area of Deal being flooded whenever there is heavy rain;
- Although new developments have separate wastewater and surface water drains, these feed into older combined sewers that become inundated and discharge foul water onto roads and eventually into homes;
- The proposed new development is upstream of Albert Road and will feed into the already inundated Albert Road sewer as it is the main route for transport of wastewater towards the treatment plant. Albert Road has suffered from foul water flooding in 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016 and, finally, on 28th August 2020. As a resident of Albert Road, I strongly object to the application for reasons outlined here;
- This planning application for 14 additional properties would further burden an already inadequate wastewater drainage system and increase the occurrence of floods. The drainage requirements for this proposed major development is going to be substantial, and will be routed and feed into a network that continually fails to cope with even the current requirements that it serves;
- It is not only the risk of flooding to properties; it is also the obvious risk to health and safety of residents, and members of the public who are unfortunate enough to be in the immediate vicinity when capacity breaches occur. Manhole covers are displaced with force and roads and paths are quickly submerged by untreated sewage water;
- As this serious problem is currently under investigation by the relevant authorities, I strongly urge the planning department to refuse this application at this present time. I must remind the planning department that it has given an undertaking not to permit new developments until the cause of flooding is resolved for the long term.

(These last six bullet points are reiterated, more or less verbatim, in five of the most recently received representations.)

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

1.1 Please refer to the report attached as an annex.

2. **Main Issues**

2.1 The main issues are:

- The principle of developing this site for housing;
- The impact on the countryside and the landscape setting at the edge of the built-up area;
- Impact on residential amenity;
- Parking and highways considerations;
- Contamination and drainage;
- Archaeology and heritage issues;
- Habitats and ecology;
- Viability and developer contributions.

Assessment

Update

- 2.2 This application was reported to the meeting of the Planning Committee on 3 September 2020; a copy of that report is attached as an annex to this report, and Members are asked to refer to that report for a discussion of those issues where there has been no substantial change since its publication. The application was also on the published agenda for the meeting on 17th November, but was withdrawn from that agenda pending the receipt of further comments from Southern Water. Those comments have now been received (dated 2nd December, and set out in the Consultee Responses section above). In the light of the comments from Southern Water, Officers asked Southern Water for further details of the works that would be required in order to provide the necessary sewer network capacity to accommodate this development. The further response, received on 15th December, is also set out above.

This report is an updated version of the report prepared for the November Committee meeting.

- 2.3 At the meeting on 3rd September, Members resolved to defer consideration of the application to seek further information, as follows:
- i. From the relevant authorities and the applicant on surface water drainage proposals (including localised flooding problems);
 - ii. Access rights and future responsibility for the maintenance of roads;
 - iii. Details of roads and whether they will be adopted by Kent County Council;
 - iv. General sustainability issues.

- 2.4 Since then, the applicants have submitted further information, including:

- A Technical note on surface water drainage proposals, in response to the previous comments from KCC as LLFA; copies of further correspondence between the applicants and Southern Water has also been submitted;
- A Technical Note on highway matters, appended to which is a plan showing the access route for fire tenders;
- A Sustainability Note, appended to which is an Accessibility Plan.

- 2.5 Following that, targeted re-consultation was carried out with the technical consultees and the two Parish Councils. The submitted documents broadly mirror the reasons for deferral, and each is discussed as a separate topic below.

- 2.6 A further issue has arisen in relation to minerals safeguarding. Upon receipt of the initial comments from KCC Minerals and Waste Team, the applicants submitted a technical note to address this issue, which has now been followed up by a further response from KCC. This is discussed as a separate topic below.

Principle

- 2.7 This is discussed in detail in the appended report.
- 2.8 However, there was some discussion at the previous meeting regarding the weight to be given to some of the Core Strategy policies and further clarification on this point is required. In March 2017 DDC Cabinet agreed to commence the

review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single Local Plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1, DM1, DM11, and DM15) are, to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean, however, that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.

- 2.9 It is also relevant to note that, since the publication of the report for the 3 September Committee, the Council has published the Housing Supply Technical Paper (October 2020). This confirms that, using updated data and based upon the Government's standard methodology, as at 1 April 2020 the Objectively Assessed Housing Need for Dover district was 596 dwellings per year. Set against this, at that date the Council could demonstrate 6.16 years' worth of housing supply.
- 2.10 I return to these issues in the Conclusion to this report.

Drainage Issues – Surface Water

- 2.11 At the time of the previous meeting there was an outstanding objection to the application from KCC as Lead Local Flood Authority. In the absence of further information they were not satisfied that disposing of surface water by infiltration into the ground (which is at the top of the hierarchy of preferences) was not a practical option; with regard to the suggested alternative of discharging to a watercourse to the north of the site, via the drainage network of the adjacent site (Persimmon), KCC required more information regarding the capacity and condition of the receiving network; there was also a question as to whether surface water from the current application site already drains to this same watercourse.
- 2.12 In response to topographical details submitted by the applicants, KCC subsequently accepted that the fall of the land is in the direction of the neighbouring site to the east, but remained unconvinced that the site actually drained that way (as opposed to infiltrating directly into the ground) and, although they believed that a drainage outfall is possible, further information was still needed in relation to infiltration feasibility, and with respect to the capacity of the adjacent network, if it is utilised, the final discharge rate from that network. The Technical Report that has now been submitted is in response to these outstanding issues.
- 2.13 Using information from the planning application for the Persimmon development, the existing system was modelled and drainage flows from the current proposal were added. This concluded that the downstream pipe network has sufficient capacity to carry an additional flow of 2.0 litres per second without any surcharge for all rainfall events up to the 1 in 30 year return period and without incurring any flooding for more extreme events of 1 in 100 years +40% climate change allowance. It was also

concluded that the final SUDS pond located within the Persimmon development has sufficient capacity to cater for the volume discharged from the application site. With regard to infiltration, it was reiterated that the underlying geology has very low infiltration characteristics, but that further investigation could take place at the detailed design stage to see to what extent this might be feasible.

- 2.14 The further comments from KCC are set out above in the Consultee Responses section of this report. Having reviewed the latest information submitted, they are satisfied that the principles proposed, namely infiltration to ground where possible and where not possible, to discharge to the neighbouring drainage network, do not increase the risk of flooding from surface water. Detailed conditions are recommended regarding the design of the proposed drainage network and the level of detail that needs to be provided. These matters are capable of being dealt with by condition and the previous objection from the Flood Authority has been withdrawn. The detailed requirements from Southern Water regarding the use of SUDS can also be dealt with through conditions. However, the crucial point is that surface water drainage from this development can be accommodated without increasing the risk of flooding. This satisfies the relevant tests in NPPF paragraphs 163 and 165.

Drainage Issues – Foul Water

- 2.15 However, as Members will see from the latest consultation responses from members of the public, a further issue has now arisen to do with foul water drainage. In summary, this relates to the fact that the foul water (sewage) from this site is intended to be drained via the existing foul system that serves the neighbouring site (Persimmon). It was suggested, and has now been confirmed, that this system drains, in turn, into the combined (foul and surface water) sewer that serves a large part of north Deal, and passes through the Albert Road area; Members will be well aware that there have been a number of flooding events in this locality, particularly associated with times of heavy rainfall. Although further investigations are under way, on a multi-agency basis, to establish precisely what may be the cause of this (and to identify potential solutions), in the light of these concerns Southern Water was asked to review their assessment and specifically to respond to the concerns raised by local residents. As mentioned, Southern Water's full response is set out above.
- 2.16 SW has carried out a desk-top assessment and this has concluded that the additional flows from this development may lead to an increased risk of foul flooding from the sewer network. However, SW has a statutory duty to provide the necessary infrastructure to accommodate these additional flows, and there is an established procedure for developers to contribute financially to facilitate any necessary additional infrastructure works. SW has committed to carrying out the works necessary to mitigate the impact of the development, but points out that the timescale for provision of these works will need to be aligned with the timing of occupation of the dwellings, and it will require detailed analysis to establish the extent of any works required, which will then need to be designed and constructed and so on. Although their stated target for reaching this position is 24 months (from the start of modelling and assessment, which they will not embark upon unless and until planning permission has been granted), this is an estimate and, depending on how complex the issue is and how significant the works, may take longer. With a view to being able to provide Members with a clearer picture of what this might mean in practice, in terms of

the scale and nature of works that might be required, their deliverability, and how this might relate to wider issues of sewer capacity, Southern Water was asked to provide more detailed information. In response they have reiterated that this will require further investigation and that work cannot commence unless and until planning permission has been granted for the development that triggers the need for the review.

- 2.17 In order to ensure that the development is adequately catered for in terms of foul drainage, SW has requested a condition be imposed requiring that occupation of the houses be timed to align with the delivery of any sewer upgrading works. Such a condition (often referred to as a “Grampian style” condition) could be phrased such as to require that no new dwelling is occupied until adequate sewer capacity has been provided to serve it. The applicants have provided a technical, legal note advocating this approach, citing legal precedents, and stressing that this then places an obligation on the statutory body (Southern Water) to provide the appropriate level of capacity, having extracted an infrastructure charge from the developer (which they are willing to provide). A condition in this form would be sufficient to ensure that the development complies with the requirement in NPPF paragraph 163 that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 2.18 In summary therefore, while it would have been useful to have had more information at this stage from SW relating to the precise timing and nature of required infrastructure upgrades, including details about wider sewer capacity, the safeguards proposed by the condition sought by SW and agreed by the applicant, are more than sufficient in planning terms to ensure that foul water drainage from this development is adequately catered for. This will be achieved by ensuring that occupation of the development only occurs at the point where there is capacity in the network to accommodate the foul flows. Government planning guidance indicates that when used properly, conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating adverse effects. The use of a “Grampian style” condition of the type proposed, is considered to address a legitimate planning concern and avoids the need to refuse this development on the basis of concerns relating to flooding. Other issues relating to contamination and drainage are discussed in detail in the appended report.

Highways and Access Issues

- 2.19 Several issues to do with highways arose during Members’ previous discussion. These included concerns over the legal status of the existing access roads outside but leading to the site (including whether they will be adopted by KCC), the physical capacity of these roads, who would be responsible for making good any damage caused by construction traffic, rights of access, and suitability for access by fire engines. The Technical Note submitted by the applicants attempts to address these issues.
- 2.20 Dealing first with the issue of adoption, the applicants say that the access road has been designed in accordance with the KCC design standards and is anticipated to meet the requirements for adoption under a S38 agreement. Kent Highways has responded by clarifying that the existing road leading to the site (Hyton Drive) is to remain private from its junction with Hancocks Field, and is not included in the road adoption agreement for the wider Hyton Drive site already completed. It will therefore not be possible to

adopt the proposed road within the application site as it does not connect to the existing public highway.

- 2.21 Nevertheless, the applicants have asserted that they have access rights over the roads in the Timperley Place development and have provided a Solicitor's letter to confirm this. KCC comments that, although not a highway matter, it appears rights of access are available over the existing private road to reach the site. The applicants also say that the Land Registry transfer (as referred to in the Solicitor's letter) includes obligations to make good damage resulting from the works, and the right of way also includes as a matter of general law the necessary rights of maintenance. On this issue, Kent Highways has clarified that the existing roads leading to the site are constructed to accommodate refuse vehicles and buses, so are suitable to accommodate temporary construction traffic associated with the application site. KCC also advises that, if necessary, the Construction Management Plan for the site can include a requirement for pre and post conditions photos/surveys, and a requirement for repairs to be undertaken if it can be demonstrated that damage has been caused by construction vehicles. The applicants say that they do not expect the types of construction vehicles they will use to exceed 10m in length and they will likely be smaller than the refuse vehicles currently accessing the estate roads. They also confirm their intention to submit a construction management plan showing vehicle types and routes, to be secured by condition.
- 2.22 The impact of construction traffic on existing residents' amenity is a material planning consideration. In the light of the further information that has been provided, it remains the case that this is something that can be adequately addressed through a condition requiring submission of and adherence to a construction management plan.
- 2.23 The question of responsibility for maintenance and repair of roads (either within or outside the site) is not normally regarded as a material planning consideration; what matters is that the roads are of adequate width, construction and so on to satisfactorily serve the purposes they are intended for, in terms of safety and other considerations. KCC Highways has confirmed that this is the case here. The construction of the new roads within the site in accordance with the submitted plans can be secured by condition. Furthermore, given that part of the off-site access route is over roads that it appears are not proposed for adoption by the Highway Authority (at least for the time being), it would not be unreasonable (in terms of material planning considerations) to include a clause in the construction management plan along the lines suggested by KCC with regard to making good any damage caused during construction, as this engages both amenity and highway safety considerations.
- 2.24 The other issue that Members expressed concern about was fire access. The Technical Note includes a plan showing the route that a fire tender would take via Hunters Walk and Hyton Drive. Kent Highways has confirmed that this does show that access is available, and KFRS has also confirmed that the off-site access requirements for the Fire Service, shown in plan drawing 19-015-013 have been met. Access to individual properties within the site will be dealt with under the Building Regulations.
- 2.25 Other issues relating to parking and highways are discussed in detail in the appended report.

Sustainability Issues

- 2.26 Members questioned the extent to which the proposed development can be said to be sustainable development; the three strands of sustainable development as set out in NPPF paragraph 8 – an economic objective, a social objective and an environmental objective – were referred to.
- 2.27 The applicants have responded to this by providing a Sustainability Note, which attempts to address this issue by responding to a series of specific questions (described as “sustainable objectives”). The questions they have chosen to deal with, and their responses are summarised below:
- 2.28 *Sustainable Objective 1: The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available within easy distance. Available services should be capable of accommodating the development in combination with other planned and committed development.* Applicants’ response: The scale of the development is commensurate with Deal’s status as a District Centre and proportionate to the size of the settlement and service provision currently available within easy walking and cycling distance as well as benefitting from public transport connectivity. The edge-of-settlement location provides an infill opportunity to deliver vital housing supply. It has been the subject of a detailed viability process and contributions will be secured through S106 to ensure the ability of services to absorb the level of development proposed; this includes a contribution to off-site affordable housing provision.
- 2.29 *Sustainable Objective 2: The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.* Applicants’ response: Safe access arrangements have been demonstrated and Kent Highways concurs that the proposals are unlikely to have a severe impact on the highway network (which is the test applied under NPPF paragraph 109).
- 2.30 *Sustainable Objective 3: The development is located where it is possible to maximise the use of public transport, cycling and walking to access services.* Applicants’ response: An accessibility plan has been provided showing that the site is within 1 mile of the train station and has easy access to various bus stops; it also shows that Primary Schools, shops and key services are within walking and cycling distance.
- 2.31 *Sustainable Objective 4: The development conserves and enhances the natural environment and preserves or enhances any heritage assets in the locality.* Applicants’ response: The ecological appraisal confirms that there are no statutory or non-statutory nature conservation designations within or adjacent to the site and none of the designations further afield would be adversely affected. Habitats at the site are of low ecological value. Precautionary safeguards relating to nesting birds and other wildlife are recommended along with ecological enhancements which will provide a net biodiversity gain.

2.32 As has been noted in some consultation responses, these objectives do not directly correspond to the three sustainability objectives set out in NPPF paragraph 8:

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

2.33 The NPPF says that these overarching objectives are interdependent and need to be pursued in mutually supportive ways; it also says that they are not criteria against which every decision can or should be judged. Seen on this light, the four objectives that the applicants have selected can be said to address a range of issues that stretch across the three NPPF objectives. Whilst it may be true (as suggested by Sholden PC) that they have been drawn from a policy document that applies to somewhere other than Dover district, they do nevertheless encompass a range of sustainability considerations that could be said to apply nationwide. Although they focus largely on locational characteristics which broadly come under the NPPF environmental objective – such as making effective use of land, minimising waste and pollution and moving to a low carbon economy – the provision of homes to meet identified need accessible to local services in a well-designed and safe built environment, and the contributions offsetting the impact of the development on public services (such as health and education) contribute to meeting the NPPF social objective. Whilst the contribution to NPPF economic objective is somewhat less tangible and easy to identify, this does not necessarily make it incompatible with the overall concept of sustainable development as envisaged in the NPPF.

2.34 Whilst any conclusion on this particular issue is necessarily a matter of judgement, seen in the context of NPPF policies overall, it would be reasonable to conclude that the sustainable characteristics of the proposed development outweigh those that might be seen as less sustainable.

Impact on the Countryside and the Landscape Setting

2.35 This is discussed in detail in the appended report. For clarification, though, and despite what is said in paragraphs 2.21 – 2.24 of that report, it would not be correct to describe this as “infill” development. It is more a question

of how the site is seen, and would be seen, in the broader landscape and in the context of existing and already consented development.

Impact on Residential Amenity

2.36 This is discussed in detail in the appended report.

Archaeology and Heritage Issues

2.37 This is discussed in detail in the appended report.

Ecology and Habitats

2.38 This is discussed in detail in the appended report.

Viability and Developer Contributions

2.39 This is discussed in detail in the appended report.

Minerals Safeguarding

2.40 A Partial Review of the Kent Minerals and Waste Local Plan (KMWLP) has recently been adopted by KCC; this highlighted the need to consult further with KCC, as the site lies within an area where underlying brickearth deposits are safeguarded pursuant to KMWLP policy DM7. This requires that, where non-minerals related development is proposed, an assessment be carried out to determine if the safeguarded mineral deposit is an economic and viable deposit for prior extraction and, if not, whether one of the exemptions set out in the policy can be applied.

2.41 The applicants have provided such an assessment, which concludes that several of the potential exemptions to the policy apply, namely that the mineral is of low economic value to the brickmaking industry, its extraction would not be viable or practical, it could not be extracted prior to carrying out the non-minerals development without affecting the viability or deliverability of that development, and that material considerations indicate that the need for the proposed development overrides the presumption of safeguarding the mineral deposits.

2.42 KCC notes that only one of the various exemptions needs to be met. They consider that the most compelling is that relating to the lack of economic value in the minerals. This they accept and KCC has no objection to the current application on the grounds of minerals safeguarding; the detailed rationale for this conclusion is set out in the "Consultee Responses" section of this report.

3. Conclusion and Sustainability

3.1 This is an application for the erection of 14 dwellings on a site that is in countryside, outside albeit adjoining the defined urban confines of Deal. The most important Development Plan policies are considered to be CP1, DM1, DM11 and DM15. Although, for various reasons, some or all of these policies may be considered to be out of date and/or in conflict with the NPPF to some degree, they are still the starting point for consideration of the application under Section 38. Although, depending on the context provided

by the particular development proposal and the location of the site, these policies may be afforded less than full weight, the degree of any reduction in weight will depend upon that context.

- 3.2 Both Development Plan policies and NPPF policies can (and should) be taken into account; it is for the decision-maker to decide what weight is to be given to the various policies, subject to this being within the bounds of reasonableness and not *ultra vires*. **The “tilted balance” as set out in NPPF paragraph 11 therefore does apply.** This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.3 Looking at the specific Development Plan policies, CP1 identifies Deal as a District Centre. CP1 is broadly consistent with the NPPF and development that is well-located relative to urban areas is broadly in accordance with the NPPF. This application site is immediately adjacent to the settlement boundary, and well-related to the facilities and services that Deal has to offer. To that extent it is a sustainable location and therefore in accordance with the relevant parts of the NPPF.
- 3.4 DM1 and DM11 both seek to place blanket restrictions on development outside settlement confines. This approach is not consistent with the NPPF, notably paragraphs 77, 78 and 103. It would therefore be appropriate to afford these policies limited weight; this applies especially on sites that are close to or adjacent to existing settlements, as here. DM11, in particular, might attract more weight in relation to development that is well beyond settlement boundaries than those close to. This is a separate issue from whether the boundaries themselves are out of date because they are based on an outdated housing needs requirement.
- 3.5 With regard to DM15, although development of this site would result in the loss of countryside, the detailed assessment that has been provided shows that, in terms of impact on the character and appearance of the local countryside, and the wider landscape, this would cause limited harm because of the specific location of the site, its visual relationship to neighbouring land and, in particular, the limited impact it would have on reducing the physical gap between the built-up areas of Deal and Sholden. Moreover, parts of DM15 can also be regarded as being inconsistent with the NPPF (for example, the universal opposition to “loss of countryside”) for similar reasons to those set out above. It’s also worth repeating that DM15 talks about the “character and appearance” of the countryside being important, whereas the NPPF seeks to protect “character and beauty”. Therefore, notwithstanding the site-specific appraisal that has been undertaken, DM15 should be afforded less than full weight.
- 3.6 The various issues that prompted deferral of this application at the previous Committee are discussed in detail in the body of this report. In relation to surface water drainage, KCC no longer objects on flooding grounds. With regard to foul drainage, the further response received from Southern Water identifies that, although there is currently insufficient capacity to serve the development, they will carry out the necessary sewer enhancement works to achieve adequate capacity; because this process will take some time, a condition is recommended (agreed with the applicant) that prevents occupation of any dwelling until sufficient capacity has been

provided to serve it, which in planning terms is considered to be an appropriately robust means of ensuring that foul drainage for this development is adequately dealt with. Further technical information has been provided with regard to the status and capacity of the access roads and the responsibility for making good any damage caused by construction traffic; so far as this is capable of being a material planning consideration, this can be addressed through a condition relating to the Construction Management Plan. The applicants have put forward a case relating to the sustainability of the development (in the broadest sense); this is essentially a matter of judgement. The proposal is acceptable in terms of its impact on the setting of heritage assets, ecology, the residential amenity of existing residents and in terms of other technical considerations. All other matters can be addressed through conditions.

- 3.7 The overarching aim behind the judgement in paragraph 11 is to foster sustainable development. This has three objectives – economic, social and environmental; despite being outside the confines, this is a sustainable location for residential development, being within close proximity to a range of services and access to public transport. The development would bring social and economic benefits by way of helping to meet the need for additional housing. All this analysis needs to be read in the context of the Government's stated objective of significantly boosting the supply of homes (NPPF paragraph 59). Overall, therefore it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

g) Recommendation

- I. **GRANT PLANNING PERMISSION** subject to completion of a Section 106 Agreement to secure the developer contributions as set out in the report of 3rd September, and conditions to cover the following matters:
1. Standard Outline condition – Reserved Matters (appearance, landscape and scale) to be submitted
 2. Standard Outline condition – submit Reserved Matters within three years
 3. Standard Outline condition - commencement
 4. List of approved plans
 5. Submission of details of external materials
 6. Submission of landscaping scheme
 7. Provision of car parking
 8. Provision of cycle parking
 9. Provision of refuse facilities
 10. Unforeseen contamination
 11. A condition substantially in the following form: None of the dwellings hereby approved shall be occupied until any necessary sewerage network reinforcement work has been carried out to ensure that adequate wastewater network capacity is available to adequately drain the development. In order to demonstrate that sufficient capacity has been provided, prior to the occupation of any dwelling, details of the drainage network that will serve the development shall be submitted to the local planning authority, accompanied by written confirmation from the responsible drainage body that the necessary works have been carried out and that the network does have the required capacity. Occupation shall then

not take place until the local planning authority has confirmed that it is satisfied that the submitted details fulfil the necessary requirements.

Reason: In order to ensure that the development is adequately served by drainage infrastructure, pursuant to the objectives of paragraphs 127, 163 and 180 of the NPPF, and in the interests of public health and the prevention of flooding generally.

12. Submission of details to confirm that the surface water drainage system can accommodate storm events (as required by KCC) (pre-commencement condition)
13. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
14. Verification of installation and effectiveness of drainage scheme
15. Limitation and control over extent and location of infiltration into the ground (as required by KCC)
16. Securing and protection of off-site drainage works (as required by KCC)
17. Submission of, and adherence to, Construction Management Plan, including a requirement for pre- and post-construction condition surveys/photographs of access roads (pre-commencement condition)
18. Provision of access to highway and construction of visibility splays, before occupation
19. Archaeological investigation (pre-commencement condition)
20. Submission of ecological management and monitoring plan
22. Broadband provision
23. Scheme of ecological mitigation (pre-commencement condition)
24. Scheme in relation to secured by design principles
25. Cabling to secure opportunity for future electric vehicle charging points

Informatives

1. Need for consent to connect to sewer (SW)
 2. Other sewers running through site (SW)
 3. Advice on biodiversity measures to be incorporated into the landscaping scheme and ecological management plan
 4. Incorporation of technical design measures regarding Secured by Design
 5. Provision of infrastructure to facilitate broadband
 6. Disposal of waste arising from excavation/construction (EA)
 7. Protection of existing water infrastructure (SW)
 8. Matters to be included in detailed SUDS scheme (SW)
- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett