

- a) **DOV/21/01459 - Reserved Matters application pursuant to outline permission DOV/19/00216 for the erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping) – Land North-West of Pegasus, London Road, Sholden**

Reason for report – Requested by Planning Committee

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

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

Core Strategy Policies (2010)

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

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of his 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.

National Planning Policy Framework (NPPF) (2021)

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

**d) Relevant Planning History**

DOV/19/00216 - Outline application for the erection of up to 42no. dwellings with associated parking and access (all matters reserved except for access) - Granted

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

DDC Environmental Health - no further observations

DDC Trees - no objections to the proposed landscaping proposals. All works to be in accordance with the Soft Landscape Specification document and Landscape plans

DDC Housing Manager - There is a section 106 agreement in place which requires 30% of the properties to be affordable housing, 13 units should be affordable.

DDC policy requires the following tenure split within these 13 properties:

3 x First Homes, 3 x Shared Ownership, 7 x Social or Affordable rent

Our preference is for Affordable Home Ownership properties - ie First Homes and Shared Ownership – to be predominantly 2 bedroom homes. This is on the grounds of affordability and suitability for first time buyers. There is the potential for one or two of the 3 bedroom properties to be provided for Shared Ownership, but First Homes should all be 2 bedroom. There is a need and a demand for social and affordable rented properties of all sizes in the district, and particularly in this location. The ideal mix would include 2, 3 and 4 bedroom houses.

KCC Highways and Transportation –

1. Further details regarding the level of parking and justification for the tandem parking. As noted, tandem spaces will require additional visitor parking.
2. Tracking for refuse freighters at the northern turning area.
3. Confirmation of the proposed highway features.

The site plan has been amended to indicate the number of visitor (19) and unallocated (4) spaces has been increased. There are 10 visitor spaces proposed along the frontage of the site. These spaces are abutting a verge or a hedge, where confirmation is required as to how passengers will be able to access the spaces. Should they not be sufficiently accessible, this could lead to vehicles parking elsewhere within the site. Tracking is also required for the northern turning area, or confirmation that freighters will be expected to reverse.

Vehicular access to the new development is taken from Sandwich Road to the North East of the site, which remains in line with the approved outline plans. Pedestrian crossing facilities are required to ensure safe access. A Stage 1 Safety Audit will be required for any amendments to the public highway and will be subject to a S278 Agreement.

A total of nine visitor spaces are outlined, which is in line with the required 20% provision. The majority of parking is illustrated as tandem parking, which will require an additional .0.5 spaces per tandem arrangement. In a location such as Sholden 3 and 4 bed dwellings should have 2 independently accessible spaces, unless it can be justified that sufficient additional visitor spaces are provided to mitigate for the tandem spaces.

Refuse freighter tracking does not illustrate vehicles turning in the northern turning area. It is noted that this is a small turning area. Are refuse freighters proposed to reverse the length from the turning area to the access road?

Features are noted on the highway outside Plots 25 and 28, where confirmation is required as to their nature and materials proposed.

KCC Archaeology: No response in relation to RM

KCC Flooding and Waste Management - recommend approval of the drainage strategy drawing E21-001-1000 Rev P4

KCC Public Rights of Way Office – Public Right of Way EE389 passes adjacent to the proposed site. The existence of the right of way is a material consideration.

No objections to the application but as part of the wider network we look for rural connectivity into Deal centre and an important Active Travel opportunity. As this application will include an additional access over London Road, I would like to draw the applicant to the comments below in relation to the promoted Miners Trail Route.

The Miners Trail: The primary access to this development cuts across the Miners' Cycle Track that runs alongside the A258. This is a well-used promoted route and a significant part of the Districts leisure and tourism promotion for walking and cycling routes, and as such it is disappointing to see the access here. Cyclist and all user safety must be paramount at this access point and comply to the latest national Cycle Infrastructure Design. KCC PROW request approval of a detailed design to ensure this is upheld. We are aware of Deal Council aims to maintain the cycle routes of the area, providing Active Travel and leisure opportunities to residents and visitors, particularly connectivity from the surrounding villages. We would request that the applicant provides some funding towards improvements for the Trail as mitigation for the above and loss of countryside environment.

Kent Fire and Rescue: The Off-Site emergency access requirements have been met.

Southern Water - no objections to the reserved matters application for appearance, landscaping, layout scale submitted.

Affinity Water – No comments

Environment Agency - No comments.

Natural England – No comments

Kent Police Crime Prevention Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict. We submitted comments on the outline application. Whilst most of these recommendations have now been addressed we still have the following outstanding concerns;

Parking courts that serve plots 13 to 21 have limited natural surveillance from adjacent properties. This can attract crime and ASB as the area is not sufficiently lit. We recommend, where possible, for residents to have on-plot parking covered by natural surveillance from an active window i.e. living room or kitchen.

All windows and doors on the ground floor or above a flat roof meet both PAS 24:2016 or certified equivalent and any ground floor bedroom windows to have defensive treatment to protect them.

Sholden Parish Council – DOV/21/01459 should be refused on the grounds that the reserved matters application whilst only referring to Condition 17, in considering the whole application the applicant has not demonstrated that the proposed landscaping could be accommodated on the site in a manner that would result in a form of development that would deliver an appropriately high standard of urban design as sought by the NPPF and the National Design Guide. The applicant's proposal

concerning condition 17 would likely create a poor layout that will not provide a high-quality development, a beautiful or successful place in which to live nor a high standard of amenity for future users. This is contrary to paragraphs 8 and 130 of the National Planning Policy Framework and the National Design Guide and in line with paragraph 134 of the NPPF.

In addition to (i) and (ii) above, Council was further concerned that in the draft Local Plan Regulation 18 consultation there is reference to the developers of this proposed site and the developers of 21/0402 collaborating on access etc. Sholden PC is very concerned that we have not seen any evidence of such collaboration and in the absence of such, reserved matters may be further not compliant with parts of the NPPF.

Third Party Representations - 2 representations have been received objecting to the proposal. The following is a summary of the objections:

- School places limited, Deal doesn't have infrastructure and houses are not affordable
- Increased congestion, risk of accidents and danger to school children in the area
- Further countryside/greenfield sites being developed
- More houses are not needed

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

The Site

- 1.1 The site is located on the western side of London Road, Sholden and forms an area of 1.51 hectares. It is situated outside the settlement boundary of Deal but adjoins it on the southern and eastern boundaries. It is roughly rectangular in shape and extends along the London Road frontage. On the other side of London Road is a relatively recent housing development with dwellings extending along the London Road frontage. To the southeast and outside the application site is Pegasus, a chalet style bungalow. To the front of this property, two detached two storey dwellings have recently been constructed. To the north and west of the site are open agricultural fields laid to crops.
- 1.2 The site is situated to the south of a number of national and international designations – Thanet Coast and Sandwich Bay RAMSAR and SPA on the coast and Sandwich Bay to Hawkinge Marshes to the north/west. These also form part of the SSSI. Betteshanger Park and Cottington Lakes are to the north of the site. There is also a Public Right of Way along the southern boundary EE389 that links up to a number of other PROW and a Bridleway to the north ED37.
- 1.3 The site itself is largely grassed and fairly flat and has been used for grazing. Tree hedges form the rear/western and northern boundaries with some landscaping to the front /eastern and southern boundaries. To the rear of Pegasus there are a number of low key outbuildings and hardstanding areas. It is with Flood Zone 1 and Groundwater Source Protection Zone 3.

The Proposal

- 1.4 This application is a reserved matters (RM) application pursuant to the outline planning permission DOV/19/00216 for up to 42 dwellings. The RM application is for 42 dwellings of 3 and 4 bedroom open market dwellings and 2, 3 and 4 bedroom affordable units. The affordable units are sited to the southeastern corner of the site. The dwellings are to be 2- 2.5 storeys in height. The proposed plans show the

layout of the proposed development. Off-street carparking is available for all the dwellings in the form of drives and dedicated car parking spaces, this also includes some additional visitor spaces. Existing and new tree and hedge planting and associated landscaping is proposed throughout the development and along the boundaries. The landscaping across the site and along London Road has been further enhanced.

- 1.5 The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of trees on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 1.6 Since the original application a number of amendments have been submitted, these have all been minor in nature and the layout has not changed significantly. Recent amendments enhance further the level of landscaping and tree planting along London Road and the access road into the site, along with strengthening with additional tree planting to the boundaries of the site. Clarification was also sought on the provision of affordable units on the application site.

## **2. Main Issues**

2.1 The main issues to consider are:

- Background
- Principle of Development & Landscape Impact
- Site Layout and Design
- Affordable Housing and Residential Amenity
- Highways Issues
- Archaeology
- Ecology & Appropriate Assessment
- Drainage and Flooding
- Planning Contributions summary

### **Assessment**

#### **Background**

- 2.2 Outline planning permission was approved subject to conditions and a S106 agreement to secure the required contributions as set out below. Unfortunately, a one-off error occurred when the decision notice was issued, and the wrong set of conditions were attached to the decision notice. This included planning conditions that were required but not included in the issued decision notice. These were conditions relating to affordable housing, archaeology and EVC charging points. However, the full wording and set of the conditions had been agreed by all parties in advance. It should be noted this error has been fully investigated for audit purposes.
- 2.3 In agreement with the Head of Planning, Regeneration and Development and

Legal Services, repeated attempts were made to resolve this through a Unilateral Undertaking (UU) with the original applicant as soon as the error was identified by the case officer, nevertheless the site was sold to Abbey Homes during this period and the UU was not signed. Further negotiations with the new owners of the site were also undertaken to sign the UU and secure the agreements to the conditions identified above. It was identified that any other minor errors with wording in the issued decision notice were not determinative and could be addressed through the RM submission or the discharge of the relevant planning conditions.

- 2.4 Conditions relating to affordable housing, archaeology and EVC charging points were considered to be determinative, and informal negotiations had not secured a suitable outcome it was felt necessary to judicially review the DDC decision. Appropriate measures were therefore put in place to address the matter in full agreement with the Leader, Members, Directors and Heads of Service. The outcome of the Judicial Review and Consent Order is set out below.
- 2.5 The judicial review of application (reference DOV/19/00216) was successful in quashing the first, erroneous, decision notice (dated 17 February 2021). The Consent Order (dated 11 January 2022) confirms the quashing of the decision. The reasons that the order was made are recorded in the schedule. The situation now is that the second decision notice (dated 15 April 2021) is accepted to be of legal effect and is the basis for the permission.
- 2.6 The schedule sets out that a second planning obligation under section 106 of the TCPA 1990 (which took the form of a unilateral undertaking dated 9 December 2021) was the mechanism used to rectify the omissions in the second decision (ie. the inclusion of the conditions set out above) notice and, in conjunction with the existing section 106 agreement (dated 17 February 2021), secures the necessary planning contributions and restrictions.
- 2.7 The RM application was submitted before the Consent Order was received but could not be progressed until this process had been concluded. As set out above any further minor alterations to wording can be addressed either through this RM application or through the discharge of the conditions that now have legal effect. In relation to the reference to the wrong road in the Construction Management Plan condition, this can be addressed when details are submitted pursuant to the condition.

#### Principle of Development and Landscape Impact

- 2.8 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. The tilted balance under paragraph 11 of the NPPF was engaged and duly applied and outline planning permission was granted. The principle of housing development on this site was established under the outline planning permission DOV/19/00216. This application is submitted pursuant to the outline permission. The terms of the outline permission, its conditions and the s106 legal agreement are all therefore applicable and are not matters to be addressed under a RM application, key issues are, however, set out briefly and summarised.
- 2.9 It was determined that there were no policies that indicated development should be restricted as the site has no landscape or other designations. Permission was therefore granted as no clear harm was identified that would significantly and demonstrably outweigh the benefits of additional housing development in the district.
- 2.10 It is also relevant that the Regulation 19 Local Plan Review included this site for development accordingly. Although the Local Plan review has limited weight at this stage, its assessment is material to this application.

- 2.11 The assessment of the outline application found no visual harm to the landscape or local highways and was found to be acceptable in all other material considerations. It is therefore determined an acceptable form of development for this site and was recommended for approval as it met the overarching objectives of the Core Strategy and the framework in the NPPF as whole. This RM application does not alter this position and seeks to determine the appearance, landscaping, layout and scale of the development only which includes the discharge of condition 17 that relates to landscaping details.
- 2.12 In terms of the impact on the wider landscape policies DM15 and DM16 are most relevant. The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 174 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.13 A Landscape and Visual Impact Assessment was submitted in support of the outline application which identified that the impact on the character of the landscape will be low or negligible as all of the existing landscape features are to be retained and enhanced in the context of the site and the existing group of trees. The report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The site is considered to have a long-term capacity to accommodate the proposed development.
- 2.14 In respect of the proposed landscaping details submitted with this application, including the discharge of condition 17 of DOV/19/002,16 the proposal incorporates the retention of existing boundary landscaping to all boundaries except along London Road. Additional landscaping to all the boundaries of the site is proposed including additional tree planting across the site and to boundaries. The proposed landscaping details are extensive and incorporate both native planting and biodiversity gains appropriate to the landscape character and the site. DDC Tree Officer has found the details acceptable and recommends approval. The landscape proposals adequately address screening and mitigation on site from the wider landscape and any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of the proposed landscaping is also controlled through appropriate conditions on the online application to ensure such measures are implemented.
- 2.15 The massing of the development, as shown on the site layout, confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the wider character of the area. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to 2 to 2 and a half storeys, on which is a reasonable for a housing site. In addition, only 2 units are to be 2.5 storeys with the majority being 2 storey only. Nevertheless, it was considered that the height of the resultant dwellings should be controlled by a condition on the outline permission that requires details to be submitted of the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this site are appropriate and acceptable in respect of the visual amenities of the landscape. Such a condition does not need to be included on the RM decision.
- 2.16 It is therefore considered that the scheme does not give rise to any unacceptable impacts on the visual amenity of the site and immediate surrounding landscape. As such, the proposal is in accordance with Policies DM15 and DM16 and

paragraph 174 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

### Site Layout and Design

- 2.17 The siting of the access road into the site was submitted at outline stage and has therefore informed the final location and layout of the dwellings. The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of new trees to be planted on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 2.18 The simple design, palette of materials and features reflects the character of the area and in particular Sholden Fields opposite the application site. Although this isn't raising the design standard or particularly innovative, it is in keeping with the character of the surrounding area and is acceptable in principle. The limited mix of unit styles and materials is also reflective of Sholden Fields and being a fairly limited site is appropriate. The design standard has been raised by the use of an increased level of landscaping and tree planting throughout the site, but particularly along the London Road frontage and along the main access road into the site. Control through conditions on landscaping are addressed in the outline permission. However, it is necessary to require samples of materials to be submitted for approval and also remove PD rights for roof dormers and extension due to the sensitivities in relation to the height of the proposed units and ensure control of such additions is controlled in the future. Overall the scheme is considered to accord with the NPPF in relation to design consideration and comply with paragraph 130 of the NPPF.

### Affordable Housing and Residential Amenity

- 2.19 The applicant is proposing to provide the required 30% affordable housing, which amount to 13 dwellings. The affordable units are provided in a small cluster to the southeastern corner of the site and are tenure blind. The Council seeks 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to further details of the affordable housing being submitted by condition, which includes details of the provision and tenure, the development is in accordance with Policy DM5 of the Core Strategy and the Affordable Housing SPD. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.20 This proposed site layout demonstrates that the development can be accommodated and ensures a significant separation distance between new and existing properties and a good standard of accommodation is proposed for the future residents. Given the location of the site and the significant separation distances to existing properties, being 3 adjacent dwellings including Pegasus, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development. The siting therefore mitigates any detrimental impact on their residential amenities.

- 2.21 The development has the potential to cause limited harm to the amenities of neighbouring properties during the construction phase and a construction management plan was conditioned under the outline permission to mitigate this potential harm.
- 2.22 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potentially exceeding the recommended indoor noise levels with windows open adjacent to the A258 which has the potential to cause noise and disturbance to future occupiers. The proposed dwellings towards the front of the site will therefore need additional acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. This can be addressed through further details submitted pursuant to a condition, which was recommended to be imposed on the outline permission, however, was not included for the reasons set out at the beginning of the report. It is therefore recommended that this condition is therefore included under this application.

#### Highway Impacts

- 2.23 The relevant Core Strategy policies are DM11, DM12 and DM13. Policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.24 Details of the proposed access were approved at outline stage. This included details of off-site highway works and a details of right turn lane on London Road. Footpaths are proposed on the site that provide easy links to the wider area and with London Road providing links to the town. The proposals therefore provide connections to the existing townscape and adjoining built form that encourages walking. KCC Highways and Transportation raised no objection at outline stage and have not raised an in principle objection to the RM application. The proposed works and the erection of up to 42 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 111 of the NPPF.
- 2.25 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for the Core Strategy. The layout of the development demonstrates that car parking can be provided in association with the proposed dwellings with the required car parking standards met for each dwelling and additional visitor spaces provided on site. KCC Highways have raised some concerns as some of the units propose tandem parking rather than independently accessible spaces, therefore they have requested additional visitor spaces to be provided. Some additional spaces have been provided but at a slightly lower number than is considered appropriate by KCC. However, providing increased on site parking needs to be off-set against layout and the level of landscaping to be provided. On this occasion the need to provide a strong landscaped character along the London Road frontage is considered more appropriate than large areas dedicated for visitor parking spaces. A balance has therefore been achieved that increases the number of visitor parking spaces but ensures that landscaping and tree planting are a key element of the layout. On a practical level there is limited scope to park outside the application site due to existing restrictions, and on-site tree planting and landscape are the main focus reducing the opportunities for on-street parking. Residents will therefore need to use the limited number of tandem carparking spaces more effectively. It is considered this balance is appropriate for this proposal.
- 2.26 For the reasons previously stated it is necessary to include a condition that was recommended at outline stage, to ensure the access is implemented before development commences and completed before first occupation and is therefore

included in the recommendation. It is also necessary to require these details to be submitted and approved due to the discrepancies with the outline decision notice. This therefore can also include details to address the concerns stated in relation to the Miners Way and ensure a timetable and appropriate works minimise any impact on this cycle route.

### Archaeology

- 2.27 The outline application was supported by a Desk-based Archaeological Appraisal as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The assessment notes the potential for the site to contain archaeological remains of Bronze Age and Anglo-Saxon date of regional or national importance and a high likelihood of archaeological remains from other periods. If nationally important remains are present, as the DBA suggests could be the case, then careful consideration needs to be given to these. KCC Archaeological Unit provided their statutory views on the archaeological potential of the site under the outline permission but have not provided a response in relation to this application. For the reasons set out at the beginning of the report the Archaeological Evaluation condition was addressed under the UU.
- 2.28 As such, and in view of KCC's comments in relation to the outline permission an up-to-date position was sought from the applicants. The response was the submission of the Archaeological Evaluation report undertaken by Canterbury Archaeological Trust. This has been added to the public file for information. It confirms that no significant finds were identified following the evaluation of the site. On this basis the potential for archaeology remains on the site has been fully addressed and the development is acceptable in this regard and accords with the NPPF in this regard.

### Ecology

- 2.29 In furtherance to the impacts on the off-site Ramsar/SPA discussed below, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with the NPPF. The outline application was supported by a Phase 1 Ecological Appraisal which considered both the flora and fauna of the site. Safeguards were recommended and these were controlled by condition on the outline permission. In respect of the outline permission, the DDC Natural Environment Officer confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures were addressed through planning conditions at the outline stage. As no ecological constraints to development were identified at outline stage, it was not considered necessary for further consideration in relation to the RM submission.
- 2.30 The proposed layout allows additional planting to provide landscaped areas and new trees planting throughout the site. Overall, the proposals are acceptable in respect of the protection of ecology and the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF. In respect of existing trees there are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. The impact on those to be retained and the necessary protection measures including root protection zones were controlled by conditions on the outline permission.

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

- 2.31 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. 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.
- 2.32 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. For proposed housing developments 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. Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.33 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 will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £2,322.43 was agreed and included in the S106 in relation to the outline planning permission.

Drainage and Flooding

- 2.34 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible. A Drainage report and FRA were at the outline stage. The method of surface water disposal is acceptable for this site with the LLFA, raising no objection. The proposed drainage measures are therefore considered acceptable and were addressed by conditions on the outline permission.
- 2.35 Southern Water supplies foul waste disposal at this location and they have raised no objection. They advise that they require a formal application for a connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard and complies with the NPPF. It is noted that the outline planning permission did not include the foul drainage capacity condition that has been attached to a number of recent major proposals, which seeks to ensure that any necessary upgrades to capacity in the SW drainage network within Deal is undertaken in advance of occupation on site. It is therefore suggested that this condition is now attached to the RM permission.

Planning Contributions

- 2.36 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind. These needs were all

addressed in a signed s106 legal agreement, attached to the outline permission. The Heads of Terms that were considered necessary to make the development acceptable in planning terms were:

- Primary education – towards Phase 2 expansion of Deal Parochial CE Primary School of £139,608
- Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £172,830
- Library - contribution towards a 'Digital Den' at Deal library of £2016.66
- £2,322.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site local equipped play space contribution towards Travers Park of £27,436.63
- An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £17,975.22
- Monitoring per trigger event of £236 per event

2.37 The full range of contributions required by the development have been met and it is not proposed to secure further contributions under the RM application.

### **3. Conclusion**

3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be acceptable in principle and is in accordance with the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal. Further as a reserved matters application the principle of residential development has already been established under the outline permission.

3.2 There are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the benefits of the development identified in the report, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposal in this RM application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle being pursuant to the outline planning permission. All other matters raised can be adequately addressed by planning conditions, that includes conditions that were recommended at outline stage, yet need to be included in this RM submission. Consequently, the application is recommended for approval, subject to conditions.

### **g) Recommendation**

I. PLANNING PERMISSION BE GRANTED subject to the following conditions:

- 1) Approved plans
- 2) Samples of materials
- 3) Removal PD roof extensions/dormers
- 4) Foul drainage capacity SW
- 5) Noise mitigation, internal noise levels
- 6) Works to access undertaken prior to commencement and completed in accordance with an agreed schedule prior to occupation
- 7) Broadband provision
- 8) Secured by design details

- II. Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach