

- a) **DOV/24/00170 – Outline planning application for the erection of 23 houses and associated parking and infrastructure (with all matters reserved except access) – Land South West Of St Edmunds Road, Deal**

Reason for report – Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP6, DM1, DM11, DM13, DM15, DM16, DM17

Land Allocations Local Plan (2015) & Local Plan (2002) Saved policies

Submission Draft Dover District Local Plan (2023) & Schedule of Main Modifications (2024): 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 the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Draft policies SP1, SP2, SP3, SP4, SP5, SP11, SP12, SP13, SP14, SP15, CC1, CC2, CC3, CC4, CC5, CC6, CC8, PM1, PM2, PM3, PM4, PM5, PM6, H1, TI1, TI2, TI3, TI5, NE1, NE2, NE3, NE4, NE5, HE1, HE2 and HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 2, 7, 8, 11, 38, 47- 50, 55-58, 60 – 66, 83, 96-97, 104, 108-109, 112, 114-117, 128, 131, 135-137, 139-140, 157, 159, 162, 165, 173-175, 180, 185-186, 188, 189, 191-194, 195, 200, 203, 205-213

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

- d) **Relevant Planning History**

No relevant planning history for the site.

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

Representations can be found in full in the online planning file. A summary has been provided below:

Great Mongeham Parish Council – strongly object. Completely unsuitable for this location, not in local plan, too many houses to be considered windfall, outside village confines, abuts conservation area, poor access via St Edmunds Road with narrow entrance, already congestion in the village with pinch point at Mongeham end of St Richard's Rd, will bring extra traffic to Sholden junction which KCC identified as being overburdened. Housing targets already met so no need for extra development, erosion of open space between Deal and Great Mongeham, environmental concerns about protected wildlife and habitats

at risk, Natural England require Habitats Regulation Assessment, ground water source protection zone 2.

KCC Highways and Transportation – Initially noted the internal site roads are intended for adoption. The transport statement uses the TRICS database to explain that for the 23 unit development, there would be 11 combined two way trips in the AM traffic peak hour and 7 combined two way trips in the PM traffic peak hour. With such low vehicle movements, the proposal does not cause concern in relation to its impact on the wider highway network. Provided comments and suggested amendments to the access road design and pedestrian access, amongst other matters related to the detailed design.

On receipt of amended plans and a technical note, advised the site access had been revised in line with their comments; the access road (where it meets St Edmunds Road) had been widened to allow 2 way traffic and a raised table crossing is shown where the PROW would cross the access road. The drawing within the technical note shows the proposed pedestrian dropped kerb layout across St Richard's Road at the St Edmunds Road junction; the highway revision involves minor kerb works, a short new section of double yellow lines and kerb build out to aid pedestrian visibility, which will also improve visibility for drivers exiting St Augustines Road. Pedestrian routing on site clearly shows as linking to the PROW to the north; this will need to be adequately surfaced and lit, however could be addressed at reserved matters stage. Recommend conditions relating to: parking facilities for site personnel and visitors; construction vehicle loading/unloading and turning facilities; wheel washing facilities and protocol should this be ineffective and spoil is dragged onto the highway; highway condition surveys before and after construction and commitment to fund the repair of any damage caused by vehicles related to the development; roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be constructed in accordance with details to be submitted; completion of footways and/or footpaths and carriageways (with the exception of the wearing course) between a dwelling and the adopted highway prior to first occupation of that dwelling; provision and retention of secure covered cycle parking facilities; parking provision in accordance with approved standards and provision and retention of vehicle parking spaces; EV charging standards; constriction of the small highway improvement scheme at St Richard's Road junction with St Edmunds Road and St Augustines Road to be implemented prior to first occupation.

KCC Public Rights of Way (PROW) and Access Service – no objection. Proposal directly affects PROW ED38, request a condition that both paths (ED42 and ED38) are enhanced and upgraded with a suitable type 1 surface, with ED38 providing a width of 2m. Access road runs across ED38 and a raised table crossing with signage is requested (informatives are suggested). Subsequently note the amended design and access statement, highways comments in support of the raised table crossing and other aspects to the design around rights of way.

Environment Agency (EA) – permission could be granted subject to conditions (without which they would object), relating to: remediation of any contamination which may be found; infiltration of surface water drainage into the ground only with the written consent

of the local planning authority (LPA); foul water drainage strategy; piling or foundation designs which use penetrative methods shall not be permitted other than with consent of the LPA. Further comments, information on waste and non-planning consents to be included as an informative if permission is granted.

KCC Flood and Water Management – raise no objection at this stage, request conditions are imposed for: detailed sustainable surface water drainage scheme; verification report pertaining to that scheme; the reserved matters details shall demonstrate 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 development; any infiltration used to manage the surface water from the development is only allowed within parts of the site where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability.

Note the proposals to attenuate surface water via attenuation basin and tank before discharging to two deep bore soakaways, with permeable paving to be used. Note the potential low-medium surface flow path running along east of site is to be managed by keeping green open space within all areas of medium risk and levels will be designed to allow the flow route to pass through the development without increasing flood risk on or off site. A surface water sewer is evident along St Edmunds Road to north east of site. As this would provide secondary option to discharge surface water from site, they raise no objection as they are confident there is a feasible option to drain the site should infiltration prove to be unfeasible following further investigations. Comment on design of proposed basin, drain times/further infiltration testing required, drainage systems modelling. Following the submission of amended plans, could see no reason to object to the amendments pertaining to drainage.

Southern Water (SW) – provide an extract of their mapping records (available in the online file) showing the approximate position of a public foul sewer adjacent to part of the northeast boundary. The exact position should be determined on site by the applicant in consultation with SW before the layout is finalised. Provide information on clearance distances for construction works, planting/development and surface water features and protection of existing infrastructure during construction. If a sewer is found during construction works, an investigation will be required to ascertain ownership before further works commence. SW require a formal application for connection to the public foul sewer by the applicant/developer and provide guidance on the design of sustainable drainage systems (SuDS) and when they will be adopted – the design of drainage should ensure no groundwater or land drainage is to enter public sewers. Investigations indicate SW can facilitate water supply to service the development and require a formal application for connection. Building control/technical staff should be asked to comment on adequacy of soakaways to dispose of surface water from the development. Request an informative for submission of details of foul sewerage and surface water disposal.

NHS – request a contribution of £19,872 towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

KCC Economic Development – requested contributions towards secondary education; special educational needs & disabilities (SEND); community learning and skills; integrated children’s services; library, registrations and archives service; adult social care and waste.

Kent Fire and Rescue Service – would require emergency access under Building Regulations to be established. Site layout drawings appear to show suitable fire access provision; will need further confirmation during building regulations submission. Request fire fighting water provisions onto and around the site are considered and confirmed as suitable. Comments on the detailed design are provided with regards to building regulations.

Planning Policy/Regeneration Delivery – request contributions towards accessible greenspace, children’s equipped play space, natural grass pitches, artificial grass pitches, swimming pools (in line with draft Policies PM3 and PM4) and strategic highways tariff (in line with draft Policy SP12), as well as SPA mitigation (in line with draft Policy NE2).

Housing Enabling Officer – application proposes policy compliant level of affordable housing (30%) which can be supported, there is need and demand for affordable housing across the district. Tenure split is not policy compliant due to nil provision of First Homes and Shared Ownership and provided advice on the tenure split identified in policy. Advise the developer contacts them to discuss this, property types and identification of a registered provider to acquire and manage these properties.

Heritage Team – proposed development will cause no harm to established character of the conservation area (CA). Comment on the important features of the adjacent Mongeham Road, Great Mongeham CA; largely linear form following the road which developed from farming and brewing industries, rural setting and footpaths throughout. Landform has a gentle rise towards the east, largely only noticeable when at the southern end of Mongeham Road where clear visibility to surrounding agricultural landscape is gained and rural origins of the CA are best appreciated. Site is tucked behind buildings fronting Mongeham Road, only experienced when traversing quiet but well used footpath along NW edge of field. Key trees along this footpath are mostly within rear gardens and boundary of CA so afforded a level of protection. Footpath acts as defined boundary to both CA and site. Site is not viewed from within core of CA so experience of it is intimate and contribution to character of CA, of which the rural setting is a key feature, is consequently considered to be limited. Heritage statement notes a charter for a fair was granted in 1251 and it is understood there is oral history demonstrating the field was used within living history as a fairground; area was much used as indicated by historic maps showing it as the confluence of several footpaths. Historic maps show much larger field (part already developed as St Edmunds Road) and existing boundary has no historic relevance. No physical features above ground connecting site to charter fair, however if development goes ahead, there is an opportunity for social history of the site to be explored and communicated, perhaps with an interpretation panel on the open space. Proposed outline is for 23 units set in fairly generous plots. Although layout is indicative only, units are centralised within site with mainly rear gardens adjacent to the footpath. Landscaping plan demonstrates intent to enhance existing vegetation around perimeter. Proposed footpaths across the site, whilst not following the historic layout, will connect with the existing and be a benefit to the scheme.

Whilst appreciating the site potentially has some historic communal/social interest, it is not considered to make a significant contribution to the character of the CA. Indicative landscaping approach and layout will limit potential for the development to infringe upon the adjacent footpath and also enhance the existing quiet character of that particular space. Note a design code has been submitted and have no comments due to the points noted above.

Senior Natural Environment Officer – Initially advised further surveys (bats, dormice, reptiles) and information in relation to biodiversity net gain (BNG) was required. The mitigation measures recommended in the ecological assessment (relating to badgers, nesting birds, hedgehogs, brown hares) are acceptable in principle and would need to be secured in the planning permission.

On receipt of further information, advised:

Bats – spring bat activity survey was undertaken; concluding there are low to moderate levels of bat activity on the site focussed around site boundaries. No further bat activity surveys are necessary. No details are provided of where the mature trees with bat roosting potential are located, only that they are around the periphery of the site. To accept the conclusions of the report are sufficient to avoid more detailed survey for bats, DDC needs to be certain all trees will be retained and lighting recommendations are achievable. Retention of trees appears to form a fundamental principle of the development and the indicative layout shows boundary trees will either be buffered with additional planting or adjacent to the proposed open space area. In respect of lighting, query whether the footpath along the NW boundary will require lighting subject to PROW/crime prevention requirements that could conflict with bat sensitive lighting recommendations but if this can be controlled by condition then no further details are required. Landscaping proposals will provide additional opportunities for invertebrates and bats that feed on them. Boundary planting will buffer the hedge lines from lighting impacts, though on the *Parameter Plan*, the buffer is not proposed for the southeastern boundary at the southern-most point, which provides some uncertainty regarding the continuity of the foraging corridor. The access road dissects one of the key areas of bat activity; inappropriate lighting of this road is likely to impact bat use of this part of the site. If this becomes an adopted road, the controls over lighting will be limited. Overall, notwithstanding a reconsideration following the submission of the layout and detailed proposals at reserved matters, and the inclusion of the southern end of the southeastern boundary in the semi-natural open space buffer, advise that significant harm to bats can be avoided.

Dormice – clarification that surveys are not necessary is provided in the letter; satisfied this presents appropriate justification and the implementation of the precautionary approach to vegetation removal will adequately avoid/minimise potential for impacts.

Reptiles – clarification regarding the previous conclusion that further information is not necessary is provided. Whilst there will be some loss of suitable habitat, most of the site is currently horse grazed so adherence to the recommendation that the grass is maintained at a height of less than 10cm is essential to ensuring reptiles do not colonise the whole site. Advise that this is revisited at reserved matters if permission is granted. Recommended precautionary approach to vegetation removal will adequately avoid/minimise the potential for impacts if no additional reptile habitat has developed.

BNG – report provides details of baseline habitats and potential for achieving BNG. Application was submitted prior to implementation of mandatory BNG; agree with the conclusion it will be possible for a net gain in biodiversity to be achieved in the

development. No further ecological information is necessary at this time. Suggest the above matters are secured by condition. Seeking the increase of the landscape buffer to incorporate the southern section of the southeastern boundary. If lighting will be required along the footpath along the northwestern boundary, further details of any trees with potential for bat roosting features will be required (and could be sought at reserved matters stage).

In relation to draft Policy SP13, advised “the site is not identified as priority habitat in the Kent Habitat Survey but as ‘other important grassland’. These habitats were identified as having potential to reach priority habitat quality and so are included in the data layer as they could offer opportunities for easy habitat enhancements, if appropriate management is implemented. The use of the site (e.g. horse grazing) since the surveys for the 2012 Kent Habitat Survey has prevented any improvement in the ecological value of the site and I am satisfied that the assessment in the ecological report is acceptable to evidence that the site is not of priority habitat quality”.

KCC County Archaeology – recommend archaeological works are required in advance of development, in the form of an archaeological field evaluation, followed by measures for the safeguarding (as appropriate) and/or investigation of any identified archaeology (to be secured by condition).

KCC Minerals and Waste – no land-won minerals/waste management capacity safeguarding objections or comments.

Natural England (NE) – no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites). Provided appropriate assessment (AA) concludes the measures can be secured as conditions or obligations and that there are no other likely significant effects identified on this or other protected sites which require consideration by way of AA, NE is likely to be satisfied that the LPA’s AA will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European site from recreational pressure in view of the site’s conservation objectives. A likely significant effect can be ruled out on other statutorily protected sites and NE has no objection in respect of European Sites or Sites of Special Scientific Interest (SSSI) and provides further general advice.

Third party Representations:

213 representations in objection to the proposals have been received and are summarised below. Matters such as loss of views and impacts on house/land prices are not material considerations and have not been included below.

- Highways - poor highway infrastructure, highway/pedestrian safety and poor visibility, public transport, poor pedestrian access, congestion/level of traffic, in combination effects, noise and air pollution, impact of proposed double yellow lines/loss of on-street parking/junction works, construction, emergency access/refuse vehicles, inappropriate transport data used, near non-existent cycle path, no planned road improvements from development in Walmer/Deal/Sholden/Betteshanger areas.

- Public rights of way (PROW) – impact on prow and access, loss of visual amenity to users, high overall sensitivity of views from surrounding PROW, footpath on far east corner omitted from plans
- Flooding/drainage – flood risk, rising sea levels (reference to Wantsum Channel), flash flooding and supersaturated land, damp/flooding to neighbouring properties, SuDS on footpath, Policy CC6, health/safety/odour/drowning risk from drainage next to play area, contamination from run-off, missing sewer records for St Francis Close, who is responsible for maintenance, cumulative impact of developments in groundwater source protection zone
- Infrastructure and utilities – capacity of drainage/sewage and connection, medical/social facilities, NHS oversubscribed, school places, water stressed area, cumulative impacts of developments and no improvement to infrastructure (little/no affordable/social housing), lack of amenities, overpopulation, more infrastructure and better roads needed
- Landscape/countryside – detrimental, urban encroachment into countryside, buffer cannot be maintained in private gardens, private amenity areas will not compensate for loss of area, brick wall should define where development ceases and countryside starts, few greenspaces left around Deal
- Residential amenity – disturbance, overlooking/privacy, noise, dust pollution/air quality, vibration of lorries, number of houses will not allow future/existing residents quality of life, impaired light/light pollution and loss of dark skies, physical and mental health impacts, residents have chosen to live in semi-rural area
- Greenfield site, greenbelt land, other brownfield sites/properties should be developed first. Loss of green outdoor space used by residents/visitors, detrimental to community. Community asset for walkers/children, asset of community value being applied for.
- Scale – not windfall due to number of houses, misleading/inaccurate terminology, concerns this could lead to blocks of flats/industrial units/greater number of houses or set precedent for adjacent green space/land rear of St Richard's Road
- Contrary to Public Health England 2020 report Better Access to Quality Green Space, contrary to Kent Local Transport Plan 4 (2016-2030), KCC local nature recovery strategy, Kents plan bee. Inconsistent with DDC objective of net zero carbon emissions by 2050, CIHT Planning for Walking guidance (2015)
- Ecology/biodiversity – loss of habitat, wildlife including protected/red list species, fauna, environmental impact outweighs gain, local priority habitat 2012 for other grasslands of importance, no mitigation/compensation considered SP13, disagree/inaccuracies in report and timing of surveys, disturbance from construction and wildlife unable to move to surrounding farmed land, 2008/2020 village design statement identifies wildlife corridors, species using site and seeks its protection for future generations, global warming/climate change/loss of carbon absorbing plants, biodiversity net gain (BNG) not applicable, will unsettle horses/ponies who must move.
- Not in local plan/allocated agreed with community, previous applications turned down due to limited access, GTM008 local plan and HELAA considered site unsuitable for development and not needed to meet housing needs. Contrary to national framework, NPPF paragraphs 2, 8, 10, 12, 102, 103, 116, 180, 185, 188, 224, sustainability criteria. Contrary to DM1, DM11, DM15. Concerns regarding

DM17. DM1 not out of date as housing supply target met. Unsuitable/poorly chosen location. Extent of adverse impacts outweigh benefits when addressed against policies as a whole, NPPF paragraph 11 tilted balance not passed. Contrary to SP4 as not minor development, outside settlement boundaries of Great Mongeham (contrary to criteria 2), exceptions in criteria 3 not met, plan should have considerable weight. SP4 seeks to prevent merging/coalescence of two or more settlements, concern village will be swallowed by Deal and Sholden. Contrary to overarching vision of draft plan regarding access to high quality countryside landscapes, extensive and attractive public spaces and enhanced network of dedicated walking routes.

- Heritage – historic field/landmark used historically as fair, village green/sport/recreation ground, archaeology value, abuts and is integral to conservation area, impact on views from eastern approaches and of listed buildings which will be lost with development. 2.5 storeys proposed. Contrary to SP15. DDC working on reappraisal of conservation area, decision should be postponed until completed.
- Need – do not need more houses in area or for housing need, not selling/unoccupied, overdevelopment, where do buyers come from. Not affordable/for first time buyers, more council housing needed. Concerns regarding self-build, lack of commitment/unlikely to sell, self build/social housing not suitable for village, not attractive location, already have sufficient sites to fulfil targets, luxury homes not valid economic reason for development other than short term construction jobs. No benefit to residents. Comments regarding greed/profit, discussion of access alterations at open discussion by developer, community oppose application and urge Members to visit site.
- Concerns assessments cannot reach conclusions as final design of outline scheme could significantly change/contravene assessments.

One representation was received neither supporting nor objecting to the application stating the following:

- As long as it has adequate drainage and access for local people housing

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

1.1 The application site relates to land to the southwest of St Edmunds Road, Deal. The land (approximately 2ha) is currently used for the keeping of horses and would be accessed via St Edmunds Road, which connects to St Richard's Road further northeast. The site, which is at a lower level than St Edmunds Road, is bounded by the properties of Mongeham Road to the northwest, separated by public footpath ED42/1. To the northeast is public footpath ED38 which runs parallel to the rear garden boundaries of dwellings on St Edmunds Road and crosses through the eastern corner of the site, connecting to public footpath ED60 which runs northeast towards St Richard's Road.

1.2 This is an outline application for the erection of 23 dwellings, with all matters reserved except for access. Indicative parameter plans detailing land use, building heights, density, landscaping and layout have been submitted to demonstrate how 23 dwellings and associated infrastructure could be accommodated within the site,

albeit as these matters are reserved, this does not necessarily represent the finalised scheme, with scale, appearance, landscaping and layout forming the reserved matters. Indicative street scenes, tree constraints and protection plan, air quality assessment, residential noise impact assessment, archaeology assessment, ecology assessment, flood risk assessment, heritage assessment, land contamination assessment, landscape visual assessment, transport statement, sustainability and energy statement, planning statement, design code and design and access statements have also been submitted and will be addressed throughout this report.

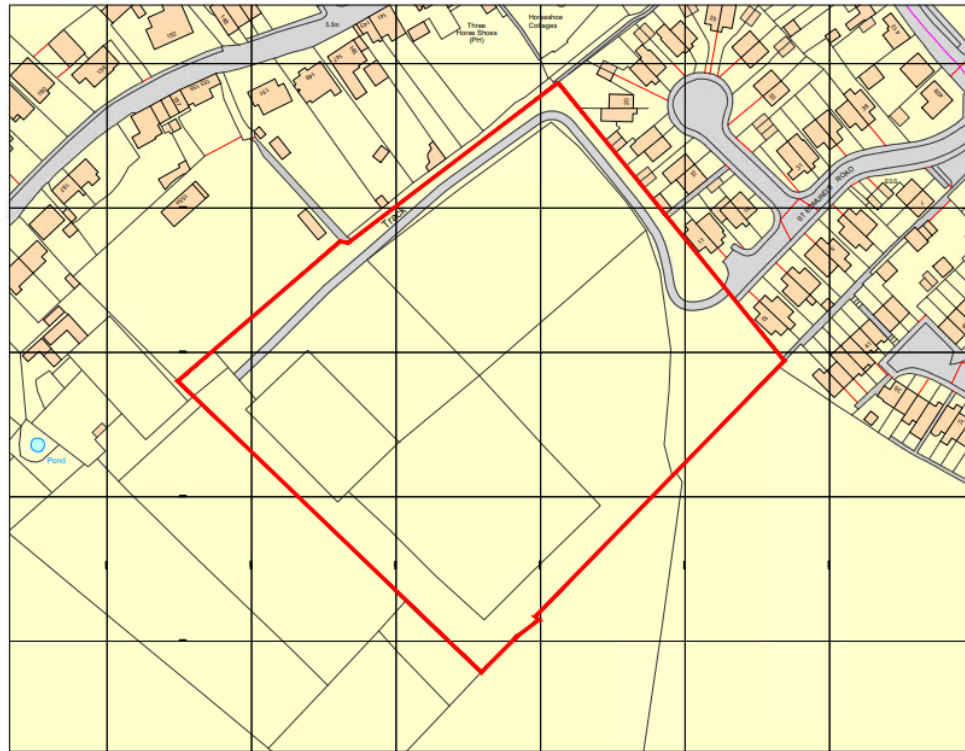


Figure 1. Site Location Plan



Figure 2. Site Layout Plan

2. **Main Issues**

2.1 The main issues for consideration are:

- The principle of the development
- Character and appearance of the area
- The impact on heritage assets
- The impact on residential amenity
- Other matters

Assessment

Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside the settlement confines and does not appear to accord with any of

the exceptions within the policy, such that the development would be contrary to DM1.

- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel unless it is justified by other development plan policies. As set out above, the site is outside the adopted settlement confines, such that the proposed residential development would generate additional travel, contrary to Policy DM11.
- 2.5 Policy DM15 seeks to resist the loss of countryside, which is more stringent than the NPPF, and development that would adversely affect the character or appearance of the countryside, which is broadly consistent with the NPPF. As the proposal results in the loss of countryside (undeveloped land beyond settlement boundaries), the development would be contrary to this policy.

Tilted Balance

- 2.6 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 8. This definition includes: where the council are unable to demonstrate a five-year housing land supply (or a four year supply if applicable); or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.7 Having regard for the most recent Housing Delivery Test, and in accordance with NPPF paragraphs 77 and 226, the Council can demonstrate a four-year housing land supply and has not failed the Housing Delivery Test. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date. Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.
- 2.8 Policy DM11 is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intension of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy is reduced. Notwithstanding this, it is noted that the site is

within walking distance of bus services on St Richard's Road and Mongeham Road, providing services to Deal Town and surrounding settlements. Both a surgery, pharmacy and school are located to the southeast of the site on St Richard's Road, with another primary school on Mongeham Road to the north, again within walking distance, which could reduce reliance on the private car for some day-to-day journeys. Policy DM15 resists the loss of countryside which is another example of the blanket restriction against development outside of the confines. However, the second strand of the policy which considers whether development adversely affects the character or appearance of the countryside and permits development subject to several criteria being met, is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than the more generic character and appearance. As such, whilst not considered to be out of date, Policy DM15 is considered to carry reduced (moderate) weight in the planning balance.

Draft Local Plan

- 2.9 The Draft Local Plan was submitted for examination in March 2023 and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with the NPPF. Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Furthermore, the proposals include 16 self/custom-build dwellings, supported by draft Policy H5.
- 2.10 Draft Local Plan Policy SP4 sets out appropriate locations for new windfall residential development. The draft Policy seeks to deliver a sustainable pattern of development, including within the rural areas where opportunities for growth at villages (in line with Paragraph 83 of the NPPF) are confirmed. The policy is underpinned by an up-to-date evidence base of services and amenities at existing settlements and takes account of the housing need across the district, such that it is considered to attract considerable weight in the planning balance. The site would immediately adjoin the draft settlement confines of Deal (as identified in the Dover District Local Plan – Policies Map), such that the principle of residential development would accord with draft Policy SP4.
- 2.11 It is noted that this site forms part of a larger site submitted during the earlier stages of the draft local plan (HELAA site reference GTM008). That larger site (10.75ha) also included land to the southwest, proposing 450 dwellings. This was considered unsuitable due to the heritage impact in relation to the setting of the listed buildings and character of the conservation area and landscape impact. Public representations comment that the scale of development proposed is too large to be considered windfall. However the NPPF defines windfall sites as 'Sites not specifically identified in the development plan' and places no restriction on the number of units that may be considered. Furthermore, the Schedule of Main Modifications (2024) states "For proposals to be considered acceptable adjoining

the confines of a settlement listed in Part 1 of this Policy the built form of the proposed development must be physically and visually related to the existing built form of the settlement it adjoins. In most cases, this will require development proposals to be immediately adjoining the settlement boundary line. However, schemes will also be considered acceptable where there is a very close connection between the proposed development and the built form of the existing settlement". The proposed development of 23 dwellings is considered to be of a scale that is commensurate with that of the existing settlement of Deal and neighbouring settlement of Great Mongeham, in accordance with paragraph 1 of draft Policy SP4. Some public representations state the proposal would be contrary to SP4 as minor residential development or infilling of a commensurate scale is only permitted within the settlement boundaries of Great Mongeham. However, as identified in Paragraph 2.10, the site is adjacent to the settlement confines of Deal, rather than Great Mongeham (as identified in the Policies Map) such that it is assessed against paragraph 1 of draft Policy SP4.

- 2.12 It is considered that policies DM1, DM11 and DM15 are, to varying extents, in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues these policies seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives in this context. Subject to the detailed design of the development, which would be considered further at reserved matters stage, the proposals are considered to accord with draft policy SP4, which is considered to attract considerable weight in the planning balance, being devised on the basis of current housing targets and the NPPF. Notwithstanding this, Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Character and Appearance of the Area

- 2.13 As set out above, the site is located outside of, but adjoins the settlement confines of Deal in Policy DM1 and draft Policy SP4. As such, the site is considered to be within the countryside and is subject to Policy DM15. As this is an outline application with all matters reserved except for access, full details of the design (appearance), layout and scale of the dwellings and landscaping would be submitted at reserved matters stage. Notwithstanding this, indicative plans, which include the indicative site layout (Figure 2) and a landscape strategy for the landscape and green infrastructure proposals, have been submitted to demonstrate how the 23 dwellings could be accommodated within the site, with a vehicular access connecting to St Edmunds Road to the northeast and connections to the public rights of way. A Landscape and Visual Appraisal (LVA) has been submitted to assess the likely landscape and visual effects of the proposed development.

- 2.14 The site is also identified within draft policy NE2 as a local landscape character area (Ripple). In respect of national landscape character areas, the site is within the northern edge of the North Downs, close to the southern edge of the North Kent Plain. The LVA identifies 10 viewpoints (9 of which are from public rights of way), of which 5 would experience negligible/minor impacts, 3 would experience moderate impacts and 2 would experience major impacts. However, the LVIA is based on 1 year post development and considers that for the two viewpoints where there would be major visual effects (these viewpoints are located close to the southeastern edge of the site where visibility and scale of change is likely to be higher), the effects would reduce to moderate and slightly adverse effects after the mitigation (landscaping) established. Furthermore, two of the viewpoints identified as having moderate adverse effects would reduce to minor after the mitigation has become established.
- 2.15 As the proposals include 16 self/custom-build dwellings, it is envisaged that the access road and communal areas of the site (open space and landscaping within these areas), would be built out at the start of the construction process, with the required infrastructure and services supplied and installed into the individual building plots. This is set out in the design code, which provides general building principles to inform the height, approach to materials, design (roofs, dormers) and appearance (character areas, surface and boundary treatments, as well as biodiversity enhancement measures) of the site and self/custom build dwellings, which could be submitted as reserved matters applications for each of the 16 plots. In order to ensure there is some cohesion to the design and appearance of these plots which will create a high quality development of the site, it is suggested a condition is imposed for the reserved matters to have regard to the design code. It is also considered appropriate to suggest a condition is imposed requiring samples to be submitted of the external materials to be used in the construction of the dwellings, in the interests of visual amenity. Subject to further details of the design (to be dealt with at reserved matters stage), based on the framework plan, design and access statement and design code submitted, it is considered that a reserved matters scheme could be submitted which would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area, as required by Paragraph 135 of the NPPF and draft Policy PM1, and could preserve the intrinsic character and beauty of the countryside and wider landscape area, in accordance with the objectives of Policies DM15 and DM16, draft Policies SP4 and NE2 and NPPF Paragraph 180.

Impact on Heritage Assets

- 2.16 To the northwest of the site is the Great Mongeham conservation area, which also contains several listed buildings further southwest. Chapter 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on listed buildings and conservation areas. In respect of Listed Buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In respect of conservation areas, special attention must be paid to the desirability of preserving

or enhancing the character or appearance of the conservation area. Paragraph 205 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 209 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, Submission draft Local Plan Policy HE1 seeks to conserve or enhance heritage assets and sets out criteria by which development that would cause total loss or substantial harm may be accepted. Furthermore, draft Policy HE2 supports development in conservation areas that preserves or enhances the special architectural or historic character of the area and subject to several criteria.

- 2.17 A heritage impact assessment has been submitted which considers the impact on the significance of nearby heritage assets, in accordance with NPPF Paragraph 200. Whilst the appearance, layout and scale of the development are reserved matters, the heritage assessment considers that the new houses will not be visible in views into the conservation area from Mongeham Road looking southwest and that for most of the designated area, there will be no change to views or to the character of the village because the site is enclosed by its topography and boundary treatments. It is envisaged that the new housing will only be glimpsed at certain points in the winter months between the houses in the northern part of the conservation area. No key views within the conservation area would be affected and there would be no meaningful change to its character.
- 2.18 The Heritage Team have been consulted and advise that the site is not considered to make a significant contribution to the character of the conservation area. Important features of the conservation area which contribute to its special interest are its largely linear form which follows Mongeham Road, which developed from the farming and brewing industries, its rural setting and the footpaths that run throughout. The site is behind buildings fronting Mongeham Road and the only experience of it is when traversing a quiet but well used footpath that runs along the northwest edge of the field; key trees along this footpath are mostly within rear gardens and are within the boundary of the conservation area so are afforded a level of protection. The footpath acts as a defined boundary to both the conservation area and the site. The site is not viewed from within the core of the conservation area so experience of it is intimate and its contribution to the character of the conservation area, of which the rural setting is a key feature, is consequently considered to be limited.

- 2.19 The proposed outline is for 23 units set within fairly generous plots and the layout is indicative only, the units are centralised within the site with mainly rear gardens adjacent to the footpath noted above. The landscaping plan demonstrates an intent to enhance the existing vegetation around the perimeter of the site, with proposed footpaths across the site which, whilst not following the historic layout (noting the field and land of St Andrews Gardens has previously been used as a fairground), will connect with the existing and will be a benefit to the scheme. The indicative landscaping approach and layout will limit the potential for the proposed development to infringe upon the adjacent footpath and also enhance the existing quiet character of that particular space.
- 2.20 Consequently, in line with the framework masterplan, it is considered the proposals would result in no harm (either substantial or less than substantial) to the significance of the setting of listed buildings and would preserve the character and appearance of the adjacent conservation area in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the objectives of draft Policies SP15, HE1 and HE2, subject to an acceptable scale, landscaping, siting and sensitive design being secured at the reserved matters stage.
- 2.21 In respect of archaeology, an archaeological desk based assessment has been submitted. KCC County Archaeology have been consulted, recommending the imposition of a condition for an archaeological field evaluation to be followed by measures for safeguarding (as appropriate) and/or archaeological investigation of any identified archaeology. Subject to this condition, the development is considered acceptable in this respect, having had regard to the NPPF (particularly paragraph 200) and the objectives of draft Policies HE3 and SP15.

Impact on Residential Amenity

Neighbouring Properties

- 2.22 To the north of the site are the two storey properties of St Edmunds Road, who's gardens back onto the site (apart from 10 and 11 St Edmunds Road, which flank the site). The layout submitted, whilst indicative, proposes an area of landscaped open space within the northeast part of the site, between these existing dwellings and the proposed properties. At reserved matters stage, the design and scale of the dwellings (as well as any intervening boundary treatments) would be considered to ensure the development would result in no unacceptable harm to privacy, overshadowing or an overbearing impact and would accord with the objectives of Paragraph 135 of the NPPF and objectives of draft Policy PM1.
- 2.23 In respect of noise and disturbance, the site is in a predominantly residential area and the proposed residential use would be compatible with this. A residential noise assessment has been submitted with the application. Construction noise and disturbance has been raised in public representations. Should this become a statutory nuisance, this and other matters could be addressed through separate environmental protection legislation.

Future Residents

- 2.24 Careful consideration would need to be given at reserved matters stage to ensure future occupants of the development would enjoy a high standard of amenity, as set out in Paragraph 135(f) of the NPPF and sought by draft Policy PM2. Other matters, such as provision of secured bicycle storage and refuse/recycling storage would be considered at reserved matters stage, however it is likely there would be sufficient space within the site to accommodate this.
- 2.25 Overall, it is considered the development could be designed not to result in an unacceptable impact upon privacy, light, outlook or noise/disturbance of any neighbouring properties or result in excessive noise or disturbance in accordance with Draft Local Plan Policy PM2 and NPPF paragraph 135.

Other Material Considerations

Highways and Public Rights of Way

- 2.26 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. Draft Policy TI1 seeks to secure sustainable transport and maximise sustainable transport modes and a transport statement has been submitted (in accordance with Draft Policy TI2). Policy DM13 relates to parking provision and sets out that provision for residential development should be informed by the applicable guidance within the table of residential parking. Draft Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3.
- 2.27 Following consultation with KCC Highways, amended details were submitted during the course of the application which were duly consulted and re-advertised. These included widening the site access where it meets St Edmunds Close to allow two way traffic and a raised table crossing where the PROW would cross the access road within the site. Off-site highways works are also proposed, which include a pedestrian crossing (dropped kerb layout) across St Richard's Road at the St Edmunds Road junction. This includes minor kerb works, a new short section of double yellow lines and a kerb build out to aid visibility for pedestrians crossing St Richard's Road (which KCC advise will also improve visibility for drivers exiting St Augustines Road). Connections to the PROW to the north have been shown in the pedestrian routes through the site. These would need to be surfaced and potentially lit, which could be addressed further by condition (discussed at paragraph 2.29) if this outline permission is granted.
- 2.28 KCC Highways have no objection, subject to the imposition of conditions to secure the following matters: parking facilities for site personnel and visitors; construction vehicle loading/unloading and turning facilities; wheel washing facilities during construction; highway condition surveys before and after construction (and commitment to fund the repair of any damage to highways; footway/verge caused by vehicles related to the development); the provision of roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes,

surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture in accordance with details to be submitted to the LPA; completion of footways/footpaths and carriageways between a dwelling and adopted highway prior to first occupation of that dwelling; provision and retention of secure covered cycle parking facilities; provision and retention of vehicle parking spaces; EV charging specification; construction of highway improvement scheme at St Richard's Road junction with St Edmunds Road and St Augustines Road as shown on plans prior to first occupation (to be secured via obligation). As the highway authority are responsible for maintenance of roads, it is not considered reasonable to impose conditions in relation to wheel washing facilities and condition surveys, however subject to the other matters being secured by condition, noting that final arrangements of parking spaces would be considered at reserved matters stage as this outline application deals only with the point of access, the development is not considered to result in unacceptable harm to highways or pedestrian safety. Notwithstanding the concerns raised by the public and parish council in respect of capacity and cumulative impacts, no concerns have been raised by KCC and as such, it is not considered the residual cumulative impacts on the road network would be severe, having had regard to NPPF Paragraph 115. As discussed at paragraph 2.47 onwards, a contribution would be secured through the legal agreement towards the strategic highways tariff towards the Whitfield and Duke Of York Roundabout Local Plan Mitigation Schemes.

- 2.29 KCC PROW have been consulted on the proposals, also raising no objection. In line with their initial comments, a raised table crossing has been included in the revised proposals. They note the development directly affects PROW ED38 and request a condition for both this and PROW ED38 to be upgraded with a suitable type 1 surface, with ED38 providing a width of 2m (requesting the applicant consult with them over the specification of the path). In addition, KCC's comments would be included as an informative if permission is granted.
- 2.30 Kent Fire and Rescue Service have also been consulted, advising that emergency access, as required under Building Regulations, would need to be established. They provide detailed comments on turning space, and distance for access for fire appliances, which would be considered further at reserved matters stage. Given these matters can be addressed separately under building regulations, it is not considered necessary to require further information in this respect.

Impact on Flood Risk, Drainage, Trees and Ecology

- 2.31 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea and is within groundwater source protection zones 2 and 3 (subject to Policy DM17 and draft Policy NE5). It is not necessary to undertake the sequential or exceptions tests for flooding, however it is necessary to consider the potential for localised flooding. A site specific flood risk assessment (FRA) has been submitted and assesses the likelihood of flooding from a range of sources, noting there is potential for high-risk surface water flooding. However, the report suggests a number of safety measures to protect residents during all foreseeable flooding

events and a drainage management strategy for surface water has been proposed which will provide an improved surface water drainage regime and flood risk profile.

- 2.32 KCC Flood and Water Management have been consulted on the proposals, raising no objection and suggesting the imposition of conditions for the following: detailed sustainable surface water drainage scheme based on the FRA (also detailing operational, maintenance and access requirements); verification report pertaining to the surface water drainage scheme; for the reserved matters to demonstrate the 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; that where infiltration is to be used to manage the surface water from the development, it will only be allowed within those parts of the site where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability.
- 2.33 The Environment Agency also raise no objection subject to the imposition of conditions relating to contamination, the infiltration of surface water drainage, a strategy to deal with foul water drainage and piling, as well as a number of informatives. Southern Water have been consulted, requesting the imposition of an informative for details of the proposed means of foul sewerage and surface water disposal to be submitted prior to the commencement of construction (these issues are addressed in separate conditions suggested by the Environment Agency and KCC). Their other advice and comments would be included as an informative if permission is granted. Subject to the imposition of the suggested conditions (and submission of further details which could be dealt with at the reserved matters stage), the development is considered to be acceptable in this respect, having had regard to the objectives of the NPPF, Policy DM17 and draft Policies NE5, CC5 and CC6.
- 2.34 In respect of trees, a tree schedule report, tree constraints plan and tree protection plan has been submitted. G1 (a clump of self-seeded Hawthorne stems growing close together, category C1) and G4 (a small dense copse of stems of Elder, Holly and Hawthorne growing in the paddock, category C1) are proposed to be removed, with all other trees copse/scrub and hedges being retained. Category C1 is considered to be low arboricultural quality, such that their loss is not considered significant, with these two trees falling within a garden and SUDS feature of the indicative layout. Landscaping is a reserved matter so would be considered at a latter stage in the detailed design.
- 2.35 In respect of ecology, an ecological assessment has been submitted which addresses the impacts on habitats and protected species, designated and non-statutorily designated sites, ancient woodland and habitats, as well as recommending ecological enhancements. Further information has been submitted during the course of the application following initial comments from the Senior Natural Environment Officer (SNEO).
- 2.36 A spring bat activity survey has been undertaken which concludes there are low to moderate levels of bat activity at the site focused around the site boundaries. It is

considered that no further bat surveys are necessary at this time. No details of the location of mature trees with bat roosting potential have been provided, only that they are at the periphery of the site. To accept the conclusions in the submission are sufficient to avoid more detailed survey effort for bats, DDC needs to be certain that all trees will be retained and that the lighting recommendations are achievable. The SNEO is satisfied that the retention of the trees appears to form a fundamental principle of the development and on the basis of the indicative landscape layout, the boundary trees will either be buffered with additional planting (for most of the northwestern and southwestern boundaries) or be adjacent to the proposed open space area (as at the northern corner of the site). The SNEO has queried whether the footpath along the northwestern boundary would require any lighting that may be subject to PROW/crime prevention requirements which could conflict with the bat-sensitive lighting recommendations, however is satisfied that if this can be controlled by condition, no further details are required at this outline stage. It is therefore considered appropriate to impose a condition requiring details of the PROW works to be submitted as part of the reserved matters, with any lighting having regard to bats. In respect of bat foraging habitat, the submitted information reiterates that the boundary vegetation will be retained and strengthened and that the sensitive lighting strategy will minimise light spill onto these habitats. The landscaping will provide additional opportunities for invertebrates and therefore benefit the bats that feed on them. The boundary planting will buffer the hedge lines from lighting impacts, although on the parameter plan the buffer is not proposed for the southeastern boundary at the southern-most point, which provides some uncertainty regarding the continuity of the foraging corridor. The access road dissects one of the key areas of bat activity, and inappropriate lighting of this road is likely to impact bat use of this part of the site (and if this becomes an adopted road then controls over lighting will be limited). Overall, notwithstanding a reconsideration following the submission of the layout and detailed proposals at reserved matters, and the inclusion of the southern end of the southeastern boundary in the semi-natural open space buffer, the SNEO considers significant harm to bats can be avoided.

- 2.37 On the basis of the additional information and clarification provided, the SNEO is satisfied the recommended precautionary approach to vegetation removal will adequately avoid/minimise the potential for impacts to dormice. In respect of reptiles, whilst there will be some loss of suitable habitat, noting that most of the site is currently horse grazed, the recommended precautionary approach to vegetation removal will adequately avoid/minimise the potential for impacts if no additional reptile habitat has developed (to be revisited at reserved matters stage if outline permission is granted).
- 2.38 It should be noted in relation to draft Policy NE1, that this application was submitted prior to the statutory requirement for major development to demonstrate 10% biodiversity net gain. Notwithstanding this, a report has been submitted and the SNEO agrees with the conclusion that it will be possible for a net gain in biodiversity to be achieved in the development if permission is granted.

- 2.39 In respect of draft Policy SP13, paragraph h relates to priority habitats and permits development likely to have an adverse effect only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site and when the coherence of the local ecological network is maintained. The SNEO advises that “the site is not identified as priority habitat in the Kent Habitat Survey but as ‘other important grassland’. These habitats were identified as having potential to reach priority habitat quality and so are included in the data layer as they could offer opportunities for easy habitat enhancements, if appropriate management is implemented. The use of the site (e.g. horse grazing) since the surveys for the 2012 Kent Habitat Survey has prevented any improvement in the ecological value of the site and I am satisfied that the assessment in the ecological report is acceptable to evidence that the site is not of priority habitat quality”. As the site is not considered to constitute priority habitat, part h of SP13 is not relevant. Criteria l, j and k of the draft policy relate to mitigation, which is addressed in the reports submitted and would be secured through the suggested conditions for a biodiversity method statement (for the protection of biodiversity), ecological design strategy (addressing biodiversity net gain and enhancement measures), habitat management and monitoring plan and lighting design strategy for biodiversity.
- 2.40 Subject to the above conditions and further consideration at reserved matters stage, the development is considered to be acceptable in this respect, having had regard to the objectives of the NPPF and draft Policies SP13 and NE1.

Contributions, Open Space and other matters

Housing Mix and Affordable Housing

- 2.41 The proposals include 7 affordable units and 16 self/custom-build plots (supported by draft Policy H5), at an overall density of 10 dwellings per hectare. Whilst this is below the density sought in Policy CP4, is considered to be consistent with the existing built form of Great Mongeham (in line with the objectives of criteria 2b of draft Policy SP4), would provide a transition to the countryside beyond and respects the edge of village location. An indicative unit mix of 2-5 bed houses has been provided, however this would be assessed further at the reserved matters stage and would be considered against draft Policy H1.
- 2.42 As set out above, 30% affordable housing (AH) is proposed in accordance with Policy DM5 and draft Policy SP5, with the siting of the units to be established at reserved matters stage. The Affordable Housing team have been consulted, advising there is a need and demand for AH across the district and a policy compliant level is 30%. A range of unit sizes are required and they encourage the developer to contact the team to discuss the identification of a registered provider to acquire and manage these properties. If permission is granted, a legal agreement would be required to secure the provision of affordable housing, with further details of this to be considered at reserved matters stage and as part of the legal agreement.

2.43 A sustainability and energy statement has been submitted in support of the application, in accordance with the objectives of draft Policy CC2. This suggests a number of measures, such as PV panels, air source heat pumps, which could be included where achievable. Given the proposals are in outline at this stage, these matters would be considered further at the detailed reserved matters stage if permission is granted.

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

2.44 The impacts of the development have been considered and assessed. Noting Natural England's consultation response, there is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Accordingly, it is noted the site is located within the Thanet Coast and Sandwich Bay SPA Zone Of Influence set out in draft Policy NE3.

2.45 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out and the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. A Strategic Access Mitigation and Monitoring Strategy (SAMM) has therefore been adopted by DDC (established through a habitats regulation assessment to inform the draft Local Plan) in order to monitor potential impacts on qualifying bird species of the SPA arising from development in the District and to provide appropriate mitigation of the cumulative impact of additional housing development through a range of management and engagement methods. These methods and monitoring of their effectiveness are to be funded by financial contributions from new residential development coming forward within the 9km Zone Of Influence as set out in draft Policy NE3. Accordingly, the agent has agreed that the required contribution would be secured via a legal agreement if permission is granted.

2.46 Subject to this contribution being secured (as suggested in the table following paragraph 2.49 of this report), 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 in line with the objectives of draft Policy NE3.

Infrastructure and Open Space

2.47 Policy CP6 of the Core Strategy emphasises that development that generates demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. Draft Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district. KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver education, community learning, youth service, library services, social care and waste services.

In respect of primary education, no contribution has been requested by KCC as whilst the proposal gives rise to additional primary school pupils during occupation of the development, this need can be accommodated within existing capacity across the Sandwich and Eastry, and Deal planning groups and no mitigation is required. Kent and Medway NHS has requested a contribution towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

2.48 Policy DM27 and Draft Policy PM4 require that sports facilities are provided and draft Policy PM3 identifies requirements for open space provision and a request has been received from the planning policy team. The agent has confirmed that the applicant will meet the cost of such infrastructure (with the exception of children's equipped play space as discussed at paragraph 2.50), as necessary, to be secured within a legal agreement.

2.49 As set out above, the development would seek to deliver policy compliant provision of affordable housing. In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement (to also secure a scheme for affordable housing) if planning permission was to be granted:

Matter	Contribution
Secondary Education	£5,329.27 per applicable house £1,332.32 per applicable flat
Special Educational Needs & Disabilities (SEND)	£559.83 per applicable house £139.96 per applicable flat
Community Learning and Skills	£34.21 per dwelling
Integrated Children's Services	£74.05 per dwelling
Library, Registrations and Archives Service	£62.63 per dwelling
Adult Social Care	£180.88 per dwelling
Waste	£52.00 per dwelling
Accessible Greenspace	£2,343.26 (total for 23 units)
Natural Grass Pitches	£7,294 (total for 23 units)
Artificial Grass Pitches	£3,655 (total for 23 units)
Swimming Pools	£13,046 (total for 23 units)
Strategic Highways Tariff	£46,000 (total for 23 units)
SAMM Contribution	£268 per 1 bed unit £537 per 2 bed unit

	£805 per 3 bed unit £1,074 per 4+ bed unit
NHS Kent & Medway	£19,872 (total for 23 units)

2.50 A contribution of £9,808.63 towards children's equipped playspace was also suggested by the Policy Team, however, the indicative plans show a local area for play (LAP) within the northwest of the site. As this is to be provided within the site, a contribution for off-site improvements/maintenance at the Wilson Avenue Facility would not be sought and a condition is suggested for details of the playspace to be submitted with the reserved matters.

2.51 A number of representations submitted state an application has been submitted for the site to be added to the register of assets of community value. Whilst this is a separate process and would be a material consideration, no application has been received to date.

Minerals

2.52 KCC Minerals and Waste have been consulted as part of the site contains brickearth which is safeguarded by Policy CSM5 and DM7 of the Kent Minerals and Waste Local Plan, however they advise that the County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make.

Planning Balance

2.53 The principle of the development is contrary to the development plan in respect of Policies DM1, DM11 and DM15 (as a result of the loss of countryside), but accords with Policy DM16. However, the proposals are considered to accord with draft Policy SP4. It is acknowledged that some of the key (adopted) policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.54 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. The development would generate travel outside of the settlement confines contrary to Policy DM11. Notwithstanding this, the site is in close proximity to the adopted and draft settlement confines, would accord with draft Policy SP4 (subject to the detailed design which would be assessed at reserved matters stage) and has good access to public transport and facilities such as the primary school and doctors surgery (all on St Richard's Road to the north) such that it is considered to be a sustainable location, weighing in favour of the scheme.

2.55 The application is for 23 dwellings, 30% of which would be affordable housing. Further public benefits would include construction jobs during the construction of the development and the Section 106 contributions to be spent in the local economy. At this outline application stage, matters such as appearance, landscaping, layout and

scale are reserved. Notwithstanding this, it is considered that based on the indicative information provided and subject to the detailed design of the development, 23 dwellings could be accommodated at the site in such a way that there would be an acceptable impact on the significance of heritage assets, that would preserve the character and appearance of the street scene, countryside and landscape area and that would have an acceptable impact on residential amenity and other material considerations addressed in this report. Overall, it is considered that the disbenefits of the scheme do not significantly and demonstrably outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

- 3.1 As outlined above, the site lies outside of the adopted settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Notwithstanding the location of the site outside the confines (DM1) and the additional travel that would be generated contrary to Policy DM11 (albeit a number of services and facilities, as well as public transport could be accessed within a short walk of the site), the site is adjacent to the draft settlement confines and subject to the detailed design (to be considered at reserved matters stage), would accord with the objectives of draft Policy SP4, which is considered to attract considerable weight in the planning balance.
- 3.2 Subject to the detailed design which would be considered at reserved matters stage, it is considered that a scheme for 23 dwellings could be accommodated at the site which would achieve suitable appearance, landscaping, layout and scale having regard to Policies DM13, DM15, DM16, draft local plan policies and the objectives of the NPPF and Planning (Listed Buildings and Conservation Areas) Act (1990). In light of Paragraph 11 of the NPPF, and in taking into account other material considerations, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

4. Recommendation

- I OUTLINE PERMISSION BE GRANTED subject to completion of a S106 legal agreement to secure the required contributions and affordable housing and conditions:
- 1) Approval of the reserved matters
 - 2) Time condition
 - 3) List of the approved plans
 - 4) Samples of materials
 - 5) Archaeology (field evaluation works and any safeguarding and/or further investigation as required)
 - 6) Biodiversity method statement
 - 7) Ecological design strategy

- 8) Habitat management and monitoring plan
- 9) Bat-sensitive lighting
- 10) Reserved matters to have regard to the design code
- 11) Reserved matters to detail open space and children's equipped play space on site
- 12) Reserved matters to include details of works to PROW (with any lighting having regard to bats)
- 13) Construction management plan (parking for site personnel and visitors, construction vehicle loading/unloading and turning facilities)
- 14) Details of roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted
- 15) Completion of footways and/or footpaths (with the exception of the wearing course); carriageways (with the exception of the wearing course but including a turning facility), highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any) between a dwelling and the adopted highway
- 16) Dealing with any contamination not previously identified
- 17) Strategy to deal with foul water drainage
- 18) No piling or foundation designs using penetrative methods unless with consent
- 19) Detailed sustainable surface water drainage scheme
- 20) Verification report pertaining to the surface water drainage system
- 21) Reserved matters to demonstrate requirements for surface water drainage for all rainfall durations and intensities up to and including climate change adjusted critical 100 year storm can be accommodated within development layout
- 22) Infiltration to manage the surface water from the development to only be allowed within the parts of the site where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability
- 23) Bicycle and refuse storage
- 24) Parking and turning space provision
- 25) Completion of highway improvement scheme at St Richards Road junction with St Edmunds Road and St Augustines Road

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, obligations and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer: Rachel Morgan