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**Application No:** 21/2525/FH

**Location of Site:** Land Adjoining High Knocke Farm, 65 Seabourne Way, Dymchurch, Romney Marsh, TN29 0PX.

**Development:** Outline planning application for a residential development of up to 132 dwellings with all matters reserved.

**Applicant:** Redbridge Estates Ltd.

**Agent:** RDA Consulting Architects.

**Officer Contact:** Alex Stafford

## SUMMARY

This report considers whether outline planning permission (with all matters reserved for future consideration) for up to 132 dwellings including 22% policy compliant affordable housing and associated infrastructure should be granted.

The site is located outside but adjacent to the settlement boundary of Dymchurch. The application site is not allocated for development within the Places and Policies Local Plan.

This is a greenfield site and in this respect the development would have a slightly negative environmental impact. However, benefits associated with the scheme include, its ability to help boost the supply of housing in accordance with the aims of the NPPF, and other recognised social and economic benefits including enhancing the vitality of an existing rural community by virtue of its sustainable location immediately adjoining the built up confines of Dymchurch, its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

The site is located within floodzone 3 however it benefits from the sea flood defences and the proposed development is not considered likely to increase the risk of flooding in the area. It is proposed that suitable flood mitigation measures can be secured.

Whilst layout is reserved for future consideration the applicant has submitted an indicative layout which shows one way in which the site could be developed in order to facilitate the quantum of development proposed. The Landscape and Visual Assessment and the indicative masterplan submitted show that the proposed development could be built without causing significant harm to the visual amenity of the area and the local landscape character.

The proposed development offers ecological enhancements and the retention of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout the site.

## RECOMMENDATION:

**That planning permission be granted subject to the conditions set out at the end of this report and the applicant entering into a S106 legal agreement securing affordable housing, contributions towards health and education facilities, open space and play facilities and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

## 1. INTRODUCTION

- 1.1. The application is reported to the Planning and Licensing Committee as required by the Council's scheme of delegation because the proposal would represent a departure from the development plan. Furthermore, an objection has been received from Dymchurch Parish Council

## 2. SITE AND SURROUNDINGS

- 2.1. The application site comprises an irregularly shaped and largely flat grazing field approximately 6.3ha in size. The site is located on the west side of the A259 approximately 400m southwest of Dymchurch High Street. There are a number of drainage ditches across the centre of the site and along the northern and north-eastern site boundaries. There are three small ponds within the site and a small cluster of modest agricultural buildings located to the southern corner.
- 2.2. The site is bordered by the gardens of dwellings on Marshlands and Seabourne Way to the north; the Romney Hythe & Dymchurch Light Railway line and grazing land beyond to the west; grazing land and the gardens of dwellings on the High Knocke Estate to the south and south-east. A former pumping station with extant planning permission to be converted to a single house lies in the south-west corner, adjacent to the RH&DLR line. As with surrounding land the site topography is lower than the A259, from which there are views across the land to the fields beyond. The site is separated from the A259 by the drainage ditch.
- 2.3. Current access to the site is from a vehicular gate in the north-west corner, serving the former pumping station, or a pedestrian footpath at the southern end of Seabourne Way.
- 2.4. The site is outside of the defined settlement boundaries of Dymchurch and St Mary's Bay. It is located within Flood Zone 3 but benefits from Flood Defences. The majority of the site is at moderate risk of flooding on the 2115 maps in the adopted Strategic Flood Risk Assessment, with small areas at higher risk (significant) and smaller areas of low risk (see fig.2 below).
- 2.5. The site falls within a Local Landscape Area (which covers most of the marsh area outside of the existing larger settlements). Land to the east, beyond the sea wall on the eastern side of the A259, is designated as a Special Protection Area. Trees within the adjacent former pumping station site are subject to TPO no.16 of 2004.
- 2.6. Public Right of Way HM220 falls partially within the red-line boundary to the northeast corner of the site area.

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2.7. In terms of agricultural land classification, a small section of the site falls within the Grade 3 category (moderate quality) with the remainder classified as “urban” in terms of agricultural land quality.

2.8. A site location plan is attached to this report as **Appendix 1**.



Fig.1: Aerial photo centred on site (dark green)

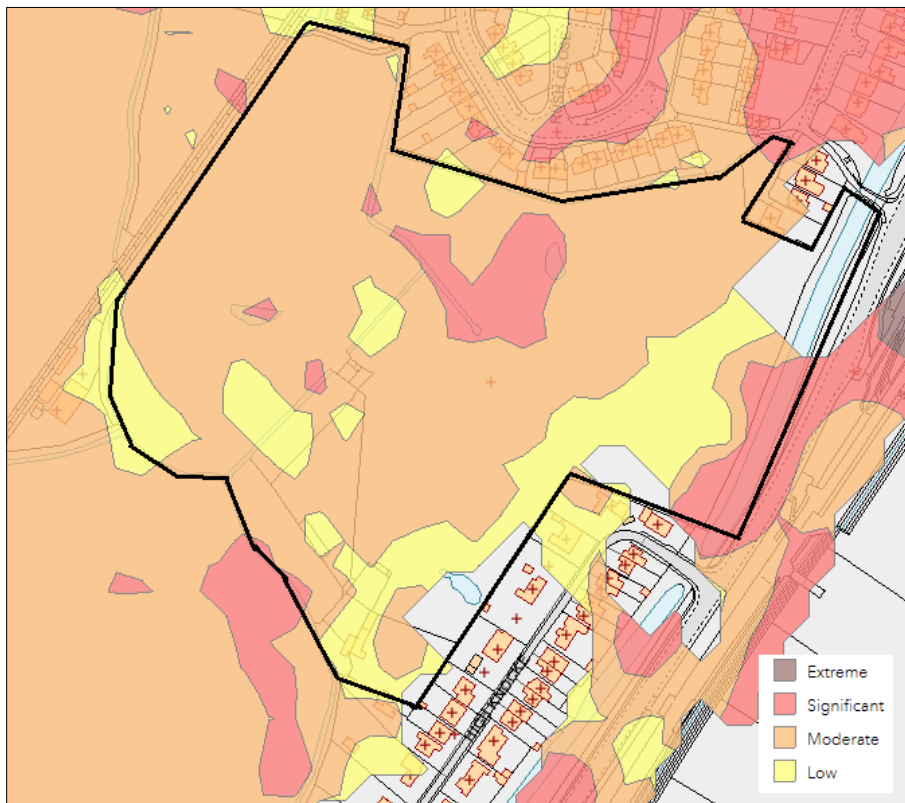


Fig.2: SFRA classifications (with approximate site boundaries marked)

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## 3. PROPOSAL

- 3.1 Outline planning permission is sought for the erection of up to 132 dwellings with all matters reserved for future consideration. Detailed matters of layout, scale, appearance, and landscaping together with detailed design of the proposed primary access from the A259 and the emergency access via Marshlands are therefore reserved for future consideration.
- 3.2 Notwithstanding the above, this application seeks to secure the principle of the development with indicative drawings provided to demonstrate how the proposed number of dwellings could be accommodated on the site (fig.3). These drawings indicate a variety of dwelling typologies, including detached, semi-detached, terraced houses, and flats, with open space (approximately 2.5ha) provided around the existing drainage swales and ponds (approximately corresponding to the SFRA areas of significant flood risk). It is proposed that each property would incorporate a private garden (or shared garden for the flats) of approximately 10m deep or more. Parking to serve the quantum of development is shown in a variety of typologies, including on-street, on-plot, and within parking courts.
- 3.3 Affordable housing is proposed to be provided at a rate of 22% in compliance with adopted planning policy and would be secured by way of a s.106 agreement.
- 3.4 Principal vehicular access would be from the A259 via a new bridge to be constructed over the existing drainage ditch. A secondary emergency vehicular access is indicatively shown via Marshlands (in the north-west corner of the site) and a new pedestrian access point is shown adjacent to the existing vehicle bridge at the southern end of Seabourne Way. An indicative internal road layout is also shown, demonstrating a variety of road sizes and designs providing access and circulation throughout the site.
- 3.5 A play area and SuDS are shown within the open space on the indicative layout, and footpaths are also shown providing pedestrian access through the open space and connecting to the points of access.



Fig.3: Indicative proposed layout

- 3.6 The following reports were submitted by the applicant in support of the application and are summarised below:

### Design & Access Statement

- 3.7 The submitted D&A sets out the site context and provides information on the background consultation the applicant has undertaken with the Council, the Environment Agency, the RMIDB, KCC Highways & Transportation, Kent Police, the Parish Council, and local residents (among others) prior to submission of this application. Particular attention is paid to the discussions with KCC Highways in regards the proposed points of access and potential safety and amenity impacts upon the highway network.
- 3.8 At pg.32 the D&A states that *“The current indicative masterplan layout, that has evolved over the above development process, clearly demonstrates that a proposal for 132 dwellings can be successfully, sympathetically and safely (highways, flood risk and secured by design) accommodated on the site whilst allowing for; current parking and space standards, a high level of ecological enhancement, a gain in biodiversity, and generous public open space.”*
- 3.9 The D&A sets out that development would be predominately two storey to match the scale of existing development in Dymchurch, and that locally-appropriate materials such as brick, stone, clay tiles, and horizontal weatherboarding would be used to refer to traditional local vernacular.

### Planning Statement

- 3.10 This reviews the site context and history, and the proposed development in regards adopted local and national planning policy and guidance. It provides a high-level

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overview (with reference to the submitted technical studies) of layout, design, access, ecology, visual impact, flood risk, and impact on local residential amenity, and concludes that the proposals would be acceptable under the terms of current planning guidance.

## Sustainability and Approach to Energy Efficiency

3.11 The applicant states that the principles of Sustainable Development have been central to the development of the layout and design and reflect the Government's priority for addressing climate change.

3.12 The applicant proposes the following measures to be incorporated into the development:

- Fabric first approach with high levels of insulation and low air leakage.
- Air Source Heat Pumps for efficient heating.
- Orientation of dwellings and optimisation of solar gain with careful window design including provision of good levels of natural light.
- Lowest energy lighting and controls.
- Low energy and water efficient appliances.
- Encouragement to use other modes of transport such as walking and cycling through provision of cycle network and cycle storage.
- Sustainable construction techniques, including A+ materials from the green guide.
- CWMP with sustainable approach to waste/recycling in construction and post construction.

3.13 Further, since the application was submitted the applicant has updated their sustainability strategy and will now also seek to include the following within the design of the development:

- All dwellings will now be designed to comply with Part O Approved Document to the building regulations to prevent overheating.
- Electric vehicle charging points/infrastructure will be provided to all dwellings.
- Where dwelling size and configuration appropriate, installing MVHR (Mechanical Ventilation and Heat Recovery) systems to save ventilation energy and use summer boost to help with cooling would be considered.
- As well as ASHP, other renewables such as PV and thermal solar panels will be included to meet low carbon targets.
- Appliances and energy controls to be of the 'smart' type to aid reduction in energy usage including smart electric vehicle charging points.
- Smart meters to be installed.

## Archaeological Assessment

3.14 This examines the historic evolution of the marsh from palaeolithic to modern times and concludes that there may be archaeological potential within the site due to its location and the way in which the area has evolved and been used. The report concludes by recommending that a programme of archaeological evaluation works be carried out prior to development which would be secured by condition.

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## Contamination Study

- 3.15 This reviews the historic use of the site with regard to potential contamination and concludes that there is unlikely to be any risk, but there should be a due-diligence review of ground samples to ensure that the topsoil is suitable for residential use.

## Ecological Impact Assessment

- 3.16 The report states that the site comprises heavily grazed grassland and has no reedbed or shingle habitat.
- 3.17 The assessment sets out that the site contains evidence of a number of species, including migrating/foraging bats, water voles, nesting birds, Great Crested Newts, and beetles, and suggests mitigation measures to ensure they are adequately protected. Full surveys and methodologies are appended to the document.
- 3.18 The additional ecology information dated 19/07/2022 confirms that there is no suitable nesting habitat within the site for the qualifying breeding species as marginal vegetation on site is minimal and heavily poached by sheep.
- 3.19 The submitted Water Vole Mitigation and Compensation Strategy issued on 20/09/2022 confirms that the network of ditches within the site provides suitable burrowing and foraging habitat for water voles but the ditches dry annually during the summer months and KMBRC data from the last 10 years show a small number of records of water vole within the ditches and the adjoining sites. The water voles are likely to be present on the ditches along the east and south site boundaries and the ditch within the south-west corner of the site. The proposed access bridge over the ditch would result in loss of bankside habitat. Mitigation measures to prevent accidental harm to water voles during construction works including a water vole displacement licence (CL31) would be required.
- 3.20 The Habitat Condition Assessment issued on 09/09/2022 confirms that the ponds are in poor habitat condition as they dry out during the summer months, the grass land and area of mixed scrub area is also considered to be in a poor condition, the line of trees on the northern boundary are in moderate condition, the ditch along the eastern boundary is also in a moderate condition and the remainder of the ditches are in a poor condition.
- 3.21 The submitted biodiversity metric calculations illustrate that it would be possible to achieve on-site biodiversity net-gain of 10% for this site.

## Flood Risk Assessment

- 3.22 The submitted FRA confirms that a sequential test in accordance the requirements of the NPPF has been carried out to ensure that lower risk sites are developed before sites in higher risk areas. The FRA confirms that providing evidence in support of the sequential test is outside the scope of the FRA and instead the more detailed and refined flood risk information contained within the Strategic Flood Risk Assessment (SFRA) has been referenced. In terms of exception text, the FRA focuses on section B (the development will be safe for its lifetime taking account of the vulnerability of its

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users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall) of the test.

- 3.23 The FRA identifies that the site is at risk of tidal flooding but unlikely to be affected by groundwater. When examined in more detail, however, it is shown that the actual risk of flooding from the sea is low, and with a maximum modelled flood level (should the Hythe sea defences fail) of 0.79m in the lowest parts of the site (reserved for SuDS within the layout) with no flooding in the higher areas. In terms of flooding risk from surface water the majority of the site is identified to be at 'very low' risk. The exception to this is the small areas of localised surface water accumulation whether the existing ponds are located. The site is also identified at low risk from the foul and surface water sewers.
- 3.24 The FRA suggests several flood mitigation measures to be included within the development, including careful placement of buildings within the site, raised floor levels, land raising (to ensure all accommodation meets the EA's minimum 300mm clearance), flood resilience/dry proofing features within buildings, and surface water management. It also suggests water management interventions such as underground cellular storage, grey water harvesting, and permeable paving.
- 3.25 The FRA also examines foul drainage and suggests installation of a pumping station and a new length of sewer to convey waste to existing sewer connection points near to the site.

## Transport Assessment

- 3.26 An evaluation of the relevant TRICS data shows that the development will operate within local highway capacity at all times (with one additional vehicle movement per minute during peak periods, on average) and that the proposed access would operate safely. This part of the A259 is shown (based on crash data) to be a safe stretch of road.

## Structural Assessment (proposed access bridge)

- 3.27 This examines the range of solutions available for a bridge to span the drainage ditch and concludes that a precast span will leave the watercourse undamaged and require low maintenance in perpetuity to meet both the EA and KCC Highway's requirements.

## Landscape and Visual Appraisal

- 3.28 The submitted LVA makes reference to the topography and landscape features of the site and assesses the visual impact of the proposed development from key viewpoints which are accessible via public roads or footpaths around the site. The LVA recommends landscape mitigation where the site is visible to reduce its visibility and soften the development from the neighbouring landscape, roads, and existing dwellings. The proposed landscape masterplan sets out a landscaping strategy including the locations of the mitigation planting and wetland network & open space and recommends suitable plant species and other landscape features that are suitable for the locality.



## 4. RELEVANT PLANNING HISTORY

4.1 There is no planning history for the site.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Dymchurch Parish Council:** Object on the (summarised) grounds that the site is not allocated for development; flood risk; drainage; highway safety and amenity; inadequate local services/infrastructure to cater for additional residents; archaeological potential; and impact of the development upon character and appearance of the area.

**KCC Highways and Transportation:** No objection, stating that the proposal has been the subject of pre-planning advice with KCC officers; the submitted information is considered to be correct and reasonable; the development would not generate levels of traffic in excess of highway network capacity, and there would not be an unacceptable impact on traffic flows. Emergency, cycle, and pedestrian access as shown on the indicative drawings is considered sufficient, and there is space within the site to provide sufficient parking.

Minor amendments have also been suggested, however, as the proposal is outline only with all matters reserved for future consideration, these are not relevant considerations at this stage.

**KCC Ecology:** No objections stating that when the proposed landscaping is established it would be possible to achieve biodiversity net-gain. Recommended conditions for a Landscape and Ecological Management Plan (based on Biodiversity Net-Gain Assessment), mitigation measures for water voles and lighting design for biodiversity. Requested a countersigned Natural England District Level Licence for great crested newt – which has now been submitted. Found evidence for water voles within the roadside ditch along the eastern boundary of the site therefore construction phase mitigation proposals will be subject to a Natural England licence and conducted under supervision of a licenced ecologist.

**KCC Public Rights of Way:** Holding objection until the following additional information is submitted:

- Public Footpath HM220 is not shown on the submitted drawings. A suitable link from the site to this PRoW must be provided, with accompanying signage. The footpath is close to the existing bus stop for further connectivity.
- Public Footpath HM139 (on the sea wall) should be included within any signage / information provided on the site or to future occupants.

The applicant has submitted additional information confirming that HM220 falls partially within the red-line boundary to the northeast corner of the site. The applicant also confirms that development is not proposed in this location within the site and footpath HM220 would be unaffected by the proposals. Drawing 19.127.12[B] 'Pedestrian Network' identifies the public footpath as an 'existing footpath' and demonstrates both a proposed 'primary footpath' and 'combined cycle and footpath' connecting to the

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public footpath from within the site, to offer an alternative off-road pedestrian and cycle route.

**[CPO Comment:** It is proposed that the access to the PRow can be secured by a planning condition. Detailed matters of how the development would connect to the footpath and the type and location of signage would be dealt with as part of the reserved matters application].

**KCC Flood and Water Management:** no objection in principle and agree with the conclusions of the submitted documents subject to the conditions set out below, but recommend the following:

- Underground services should be located outside of areas with permeable paving.
- Consent may be required from the RMIDB.
- Swales and basins should have side slopes of 1 in 4, or no greater than 1 in 3, to allow access and maintenance.
- Basins/ponds should be no more than 1.2m deep, and other measures considered to make up any shortfall in storage.
- Drainage features should have multi-functional design and be landscaped to serve as part of the site layout.
- A ground investigation to confirm characteristics of ground strata will be required at detailed design stage.

**KCC Growth, Communities & Environment:** note that FHDC is a CIL-charging authority, and would aim to recoup necessary contributions towards schools, social care, and libraries therefrom.

**[CPO Comment:** From the 01 April 2023 education contributions are no longer covered by CIL. At the time of writing this report KCC officers have been reconsulted and will be providing an updated figure for education contributions which would be secured via s.106 agreement].

**KCC Archaeology:** no objection subject to a condition to secure field evaluation works and subsequent preservation and recording of any artefacts.

**Natural England:** Further information required to establish the impact of development upon the Dungeness SSSI, and demonstrate how potential detrimental impacts will be avoided/mitigated, etc. NE advise they have no comments to make and point out that they were not able to assess the potential impacts of the proposal on the statutory nature conservation sites and protected landscapes. They advise the Council refer to their standing advice.

**Environment Agency:** no objection subject to the conditions, which secure details of flood resilience measures to be implemented within the development and minimum internal floor levels.

**Romney Marshes Area Internal Drainage Board:** With regards to the surface water strategy and as stated by KCC, any connection into an Ordinary Watercourse will require the Board's consent under the Land Drainage Act 1991. Proof of a suitable connection between the onsite watercourses and the Clobdsen Sewer (EA Main River) is required to ensure the site can drain correctly.

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**NHS Clinical Commissioning Group:** Request a financial contribution towards refurbishment, reconfiguration, and/or extension of Martello health centre and/or Church Land Health Centre and/or towards provision of new GP premises in the area.

**Southern Water:** States that the development lies close to an existing public foul rising sewer, the exact position of the public apparatus must therefore be determined before the layout is finalised.

The development may give rise to an increased risk of foul flooding from the sewer network; any network reinforcement deemed necessary to mitigate this will be provided by Southern Water. The developer is advised to liaise directly with SW to ensure delivery of network reinforcement aligns with occupation of the development, and should note that scheduled works can take up to 24 months to be programmed in.

There is potential for SuDS within the site to be adopted where they meet SW's adoption criteria, and the developer should discuss this direct with SW.

In response to letter dated 08.09.2022, the following comments were received:

- no discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete.
- The drainage layout (HC-2434-502 sheet 1) indicates that the proposed dwelling is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 3 metres for the public foul rising main. The public sewer on the site needs to be diverted or layout redesigned to maintain the Required standoff distance.
- The developer is requested to submit a revised site layout indicating the standoff distance from the public foul rising main.
- No habitable rooms shall be located within 15 metres to the boundary of the proposed pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations.

**Contamination Consultant:** Considers the submitted information to be acceptable and has no objection subject to the imposition of the standard contamination condition.

**Environmental Protection Officer:** No objection subject to a condition to secure a noise impact assessment to highlight any potential problems in relation to the RHD light railway and any mitigation required as a result, together with a condition to secure electric vehicle charging points.

**Arboricultural Manager:** No objections.

**Housing manager:** States that affordable housing needs to be provided at a policy-compliant level of 22%, with 70% of those units provided for social rent and 30% for shared ownership. A specific no. of bedrooms would be required (based upon the suggested site capacity of 132 dwellings), totalling 6 one-bed, 8 two-bed, 9 three-bed, and 6 four-bed.

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**Kent Police:** Recommended incorporation of Crime Prevention Through Environmental Design (CPTED) measures involving boundary treatments, design of car parking and cycle storage facilities, external lighting, doors, and windows.

## Local Residents Comments

- 5.2 The application was advertised on the local paper on 26/02/2022. A site notice was displayed on 24/01/2022.
- 5.3 121 neighbours directly consulted. 105 letters of objection received.
- 5.4 The key issues raised are summarised below:

### Objections

- No justification for the need of the proposed development.
- Overdevelopment of the site.
- Increased pressure on the existing drainage and sewer networks and the water supply network.
- Increased demand on the local infrastructure for healthcare and education.
- Adverse impact on highway safety due to increase in traffic volume caused by the proposed development and limited visibility of the proposed entrance. The submitted Transport Statement underestimates the vehicle movement.
- Loss of land used for agricultural purposes for over 30 years.
- Harm to the trees and the biodiversity.
- Adverse impact on tranquillity.
- Impact on below-ground archaeological remains.
- Increase in light pollution.
- Adverse impact on the quality of life of the neighbouring residents.
- Increased overlooking and loss of privacy and daylight.
- Increased security risk to the neighbouring properties.
- Affordability and availability of the proposed dwellings by the locals.
- Harm to the local rural landscape.
- The site is not allocated for development on the PPLP 2020 and contrary to criteria under on para. 6.9 of the PPLP.
- The proposed development is outside the definition of windfall site and is on flood plan therefore it is not encouraged under para. 6.69 of the PPLP 2020.
- No supporting document provided to justify building on this stretch of greenbelt landscape and sustainability of the proposed development.
- The sequential and exception tests set out in paragraphs 161-166 of NPPF 14 cannot be met.
- Great Crested Newts, bats, water voles and reptiles are present on the site.
- The field already floods in areas during heavy rain and destruction of water drainage and dykes would interrupt the Romney Marsh drainage.
- The Roman finds and possible settlement at High Knocke would need to be investigated before any building works commence.

### 5.4 Ward Member

- 5.5 No comments received.

5.5 Responses are available in full on the planning file on the Council's website:

[Planning Applications Public Register](#)

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.

6.2 The relevant development plan policies are as follows:

### Core Strategy (2022)

Policy SS1 - District Spatial Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy SS5 – District Infrastructure Planning

Policy CSD1 - Balanced Neighbourhoods

Policy CSD2 - District Residential Needs

Policy CSD3 - Rural and Tourism Development

Policy CSD4 - Green Infrastructure of Natural Networks, Open Space and Recreation

Policy CSD5 – Water and Coastal Environmental Management

### Places and Policies Local Plan 2020

Policy HB1 - Quality Places Through Design

Policy HB3 - Internal and External Space Standards

Policy HB4 – Self build

Policy C1 – Creating a Sense of Place

Policy C3 - Provision of open space

Policy C4 - Children's play space

Policy HB4 - Self-build and Custom Housebuilding Development

Policy NE2 – Biodiversity

Policy NE3 – Protecting the District's Landscapes and Countryside

Policy NE5 – Light Pollution and External Illumination

Policy NE7 – Contaminated Land

Policy T2 - Parking Standards

Policy T5 - Cycle Parking

Policy CC3 - Sustainable Drainage Systems (SuDS)

Policy HE2 – Archaeology

Policy HW3 - Opportunities to support healthy, fulfilling active lifestyles

6.3 The following are also material considerations to the determination of this application.

## **Supplementary Planning Guidance/Documents**

### Kent Design Guide

Section 1 - The value of good design

Section 2 – Creating the design

Supplementary Guidance - Residential Parking

## **Government Advice**

### National Planning Policy Framework (NPPF) 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF, paragraph 8, highlights that local planning authorities should plan to achieve sustainable development by supporting strong, vibrant, and healthy communities with accessible services and open spaces that reflect the community's needs and support health, social and cultural well-being. Paragraph 8 also states that the planning system should protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 20 – 23 - Strategic policies.

Paragraph 28 – 29 Non-strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraph 47 – 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraph 60 to 67 - Delivering a sufficient supply of homes.

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 74 to 77 - Maintaining supply and delivery.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 114 to 118 - Promoting sustainable transport.

Paragraphs 112 to 116 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.  
Paragraphs 183 to 188 - Ground conditions and pollution.  
National Planning Policy Guidance (NPPG)  
Technical housing standards – Nationally Described Space Standards

National Design Guide January 2021

Paragraphs 38-162.

## 7. APPRAISAL

7.1 The main issues for consideration are:

- a) Principle of Development / Sustainability / Housing supply
- b) Landscape Character/ Design/ Layout/ Visual amenity
- c) Residential Amenity
- d) Flood Risk and Drainage
- e) Ecology and Biodiversity
- f) Loss of Agricultural Land
- g) Trees
- h) Contamination
- i) Archaeology
- j) Highway Safety
- k) Self/ Custom build housing/ Affordable Housing

### **a) Principle of Development / Sustainability / Housing supply**

7.2 Central Government guidance set out within the NPPF states that LPA's should support the Governments objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.3 Whilst the site is not allocated within the local plan for housing development, the NPPF makes it clear that windfall sites can make an important contribution to housing delivery, stating that LPA's should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. Likewise, policy SS1 of the Core Strategy seeks to direct development to existing settlements.

7.4 The NPPF requires that LPAs identify, and update annually, a supply of sites sufficient to provide five years supply of housing against their housing requirements. The

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guidance also permits LPAs to make an allowance for windfall sites in the five-year housing supply, in addition to site allocations. Due to the evidence of historic delivery in the district, the local plan takes this approach and does include windfall assumptions in the 5-year supply, and overall plan targets.

- 7.5 Whilst the Council can currently demonstrate a 5-year housing supply, without a 5-year supply, the district is vulnerable to speculative proposals as the guidance sets out that *'relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites'*.
- 7.6 In practice, this means that if the Council does not permit acceptable windfall housing schemes within and around the most sustainable settlements, then it would be at risk of not retaining this 5-year supply. If this happens, housing applications are more at risk of being considered in the context of the 'presumption in favour of sustainable development' in the NPPF instead of these carefully drafted windfall policies.
- 7.7 The 2021 the NPPF included a change in the national position moving away from protection of the countryside in principle to the introduction of non-isolated development being acceptable in principle: *'Planning policies and decisions should avoid the development of isolated homes in the countryside'* (Para 80).
- 7.8 The NPPF also provides specific guidance on what is considered sustainable development in the rural areas: *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'* (Para 79).
- 7.9 In light of the above, whilst the NPPF seeks to restrict housing development in the countryside, in favour of locations within existing settlements, it makes it clear that extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes) are acceptable.
- 7.10 The application proposes a development of up to 132 residential units on land that adjoins the edge of the existing settlement. The site is located to the south west edge of Dymchurch which is identified in the Core Strategy as a Rural Centre. Rural Centres are larger, and better served rural settlements within their character area, with the potential for modest expansion from their current built limits to meet rural development needs (Core Strategy Review para. 4.78).
- 7.11 Policy SS1 of the Core Strategy states that development outside the new settlement and identified centres in the open countryside and on the coast will only be allowed exceptionally, where a rural or coastal location is essential (policy CSD3). With reference to the Romney Marsh Area, policy SS1 further explains that the future spatial priority for new development is on accommodating development at the towns of New Romney and Lydd, and at sustainable villages; improving communications; protecting and enhancing the coast and the many special habitats and landscapes, especially at Dungeness; and avoiding further co-joining of settlements and localities at the most acute risk to life and property from tidal flooding.
- 7.12 Policy SS3(a) of the Core Strategy states that development should not be of a size, scale or nature that is disproportionate to the level of services which a settlement is



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capable of providing and should preserve the character allowing it to maintain its status in the settlement hierarchy.

- 7.13 Dymchurch contains a range of services (including a supermarket, pre-school, primary school, medical centre, pharmacy, pubs and cafes) vital for the settlement's residents, and often tourists and provides important local facilities for day-to-day life which in turn contributes to its sense of place and minimises the need to travel. The application site itself is located approximately 400 metres from the High Street (800m is considered to be a generally accepted easy walking distance to services or to active modes of transport). Bus stops are located opposite the site (routes 102/103/104) with services approximately every 20 minutes between Dover and Rye via New Romney, Dymchurch, Hythe and Folkestone. The site is considered to be well-connected for active travel via a footpath adjacent to the A259 into Dymchurch or towards New Romney, or alternatively the England Coast Path which is easily accessible from the site and is part of the Sandwich to Rye promoted cycle route. As such the site cannot be considered to be physically out-of-the-way or isolated from services.
- 7.14 The proposals in the context of the settlement as a whole, are not considered to be disproportionate, and the cumulative impact of the development upon the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan led approach to growth could in turn maintain and/or even enhance the viability of these facilities.
- 7.15 The principle of development at the rural centre of Dymchurch is therefore in accordance with adopted planning policy SS1.
- 7.16 Turning to the issue of maintaining an appropriate gap between settlements within the Romney Marsh Area, the site is located immediately adjacent to the settlement confines, sandwiched between the existing built-up form of Marshlands to the north and the High Knocke estate to the south. High Knocke is an extension of Dymchurch rather than a standalone, separate settlement; and whilst the development would infill an existing small gap in development along the coast, it is considered that it would not lead to the co-joining of settlements contrary to policy SS1 and a suitable gap would be retained in this case.

## **b) Landscape Character/ Design/ Layout/ Visual amenity**

- 7.17 Policy SS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth stating that development within the Romney Marsh Area must protect and enhance the coast and the many special habitats and landscapes. This is endorsed by policy NE3 of the P&PLP which states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas and states that the Council will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social wellbeing outweigh the need to protect the areas local landscape importance.
- 7.18 At a national level, the site is located within a National Character Area - Romney Marshes. An assessment of the area identifies the key characteristics to include a flat, open, and agricultural landscape, distinctive drainage dykes, marshes and open skies with the treeless, low lying reclaimed marshland maintained by man-made sea walls, drainage, and river flood plain improvements.

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7.19 The Landscape Assessment of Kent (Jacobs, 2004) locates the site within the Landscape Character area of The Romney Coast. This is identified as:

*“The coastal landscape is coherent as linear settlements and coastal defences follow the beach and tidal zones, but it is interrupted by restricted views to the sea, and development into the marshland.”*

Policy recommendations are to conserve and restore through the conservation of individualistic built form, restoring the sense of place to the coastal road, the restoration of appropriate settings to historic buildings, and the restoration of appropriate approaches to access to the sea wall, where views of the sea are limited.

7.20 Locally, the site is also included within the Romney Marsh Local Landscape Area (LLA) which covers a large area including Dungeness and the coastal settlements, as well as extensive areas of drained farmland and several marshland villages. The LLA is subdivided into 8 sub areas of which the application site falls within area 7 – Romney Marsh Coast. This area is described as:

*“There are intermittent pockets of farmland and a golf course in the Local Character Area. The settlements are linked by the A259, minor roads, and the Romney, Hythe and Dymchurch Railway. Sea defence is a characteristic feature of the area.”*

The following analysis of the area is provided within the Landscape Character Assessment:

- The Landscape Character Area is considered to be of a moderate scenic quality, with some attractive views out across Romney Marsh to the west and the English Channel to the east.
- The Landscape Character Area is largely settled but its location between Romney Marsh and the English Channel is considered to give it some rare characteristics.

7.21 The site itself comprises grazing land that is largely undeveloped with the exception of a modest number of agricultural structures to the southern corner of the site. Hedges and trees are located to the south-west corner of the site and along the north side site boundary. With the exception of these trees and hedges, together with ditches and ponds there are few landscape features. There is built form surrounding the site from the northern corner to the north eastern corner and then in the southern corner between the site and the A259. With the A259 to the east, and open landscape to the north west and west. Therefore, although currently undeveloped, the site no longer retains a strong rural character. The proximity and visibility of the existing development, the RH&D light railway and the audibility of road and rail noise are all detractors which increase the sense of the urban edge.

7.22 The application includes a Landscape & Visual Assessment (LVA) which concludes that, through analysis of views from selected viewpoints, the development of this site would have a moderate to high impact during construction, a moderate to low impact once built and a low impact within 5 to 10 years of completion, once mitigation planting and enhancement of the existing planting has matured.

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- 7.23 Visual impacts would be largely confined to views from the A259 Dymchurch Road, these views would include in varying degrees, views of the development and an increased sense of built form within the landscape. The sense of the rural setting would be reduced and as such the impact cannot be considered to be neutral. That said, existing views are already influenced, in varying degrees by the road, sea defences and existing development. In addition, whilst the proposals would introduce built development across much of the site, given that detailed design is a reserved matter, an area of open space could be retained through the site allowing views between the marsh and the coast. Further, the development would not extend westwards beyond the boundary of the existing settlement. For these reasons and the reasons set out above, I therefore conclude that the development of the site to accommodate the development would sit sympathetically within the wider landscape and would preserve the wider landscape character.
- 7.24 Policy HB1(1) of the P&PLP requires development (and any associated infrastructure) to be of a high quality and to make a positive contribution to its surroundings, to enhance integration whilst respecting existing buildings and land uses particularly in relation to layout, scale, proportions, massing, form, density, materiality and a mix of uses to ensure all proposals create places of character. In short, achieving good design is about creating places, buildings and spaces that work well for everyone, are attractive, long lasting and will adapt to the needs of future generations.
- 7.25 In terms of layout and landscaping, these are both reserved matters as are the proposed scale and appearance. The applicant estimates that a density of approximately 31 dwelling per hectare (dph) could be achieved incorporating associated access arrangements and parking provision without resulting in an overdevelopment of the site within the local context. That said, the indicative layout submitted is simply one way in which the site could be developed however, there are elements of this framework that would be desirable such as connectivity with the adjoining residential development at Marshlands. This would be investigated in detail at any subsequent reserved matters stage.
- 7.26 Approximately 2.5ha of open space is shown on the indicative layout which is in excess of that required by policy C3 of the PPLP which is calculated at 30.1 sq. m per person. It is however not clear at this stage what the population of the development would be or what the quantum of formal open space would look like and would be considered at the reserved matters stage. Accordingly, there may be a requirement for an off-site commuted sum to be secured if the on-site open space provision is lower than the calculated requirement. This would be secured through a s.106 agreement. Similarly, play space is also proposed and is required by policy C4. This would also be secured via s.106 and is anticipated to be an on-site provision.
- 7.27 For the reasons above, I conclude that the proposed development of the site would sit sympathetically within the wider landscape and would not harm landscape character or visual amenity. I therefore consider that the proposal would, in this respect comply with the requirements of local plan policies.

## **c) Residential Amenity**

- 7.28 Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings.

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- 7.29 Coupled with robust landscaping, I am satisfied that the development of the site could be achieved without causing harm to residential amenity through loss of light, privacy, immediate outlook or by having an overbearing presence. If permission were to be granted, conditions could be used to maintain privacy at reserved matters stage, should it be necessary.
- 7.30 The indicative layout plan suggests that gardens could be provided to a size which complies with the Council's external space standards, resulting in an acceptable level of private amenity space for future occupiers.
- 7.31 Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and can comply with policy HB1 of the P&PLP which requires development to be designed in a way that protects residential amenity.

## **d) Flood Risk and Drainage**

- 7.32 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). It states that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.33 Paragraph 167 requires LPA's to ensure that flood risk is not increased and to allow development in areas at risk of flooding where, in the light of a site-specific-flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.34 Policy SS3 of the Core Strategy states that in the case of development located within zones identified by the EA as being at risk of flooding, site specific evidence will be required in the form of a detailed FRA which will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area – in this case the Romney Marsh Area, and where applicable, the exception test set out in national policy. It is acknowledged that policy SS3 of the Core Strategy identifies New Romney as the principal development location within the Romney Marsh Character Area, however, policy SS3 of the Core Strategy does not rule out development proposals in Flood Zones 2 or 3 unless the proposal is for a new residential development in an area identified as 'extreme risk' on the Strategic Flood Risk Assessment (SFRA). It should also be noted that the overwhelming majority of the wider Romney Marsh Area and the whole Dymchurch is affected by flood risk constraints.
- 7.35 The Sequential Site Assessment confirms that the site is subject to a 1 in 100 or greater annual probability of river flooding or 1 in 200 or greater annual probability of flooding

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from the sea in any year and is one of the least hazardous undeveloped sites in Dymchurch. The Sequential Site Assessment also analyses the suitability of some other available sites within the SHLAA of the Places and Policies Local Plan and other available sites. It concludes that these sites are either not comparable due to the scale of development proposed or that development has already commenced and therefore are not available.

- 7.36 The submitted FRA focuses on section B of the exception test. Provided that it can be demonstrated that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere the proposed development would comply with the requirements of policy SS3.
- 7.37 The FRA confirms that the risk of flooding from the proposed development is low. The site benefits from existing flood defence infrastructure which provides a 1 in 200 year standard of protection over the next 100 years and therefore, it is only in the unlikely event that the defences were to fail that the development site would be affected by flooding.
- 7.38 In addition, all the dwellings would be located beyond the required 16m buffer zone for tidal waterbodies and sea defence infrastructure. The only development that would be located within the 16m easements would be access roads and bridges. Further, whilst the layout and detailed design of the development are reserved matters, it would be possible to ensure that there would be no dwellings where the existing ponds are located and that finished floor levels of the proposed dwellings would comply with the EA's requirements.
- 7.39 The FRA confirms that the proposed development will include SuDS to manage surface water on site and when designing the proposed detailed layout of the development the 3m easement from the public sewer would be taken into account.
- 7.40 The FRA suggests that SuDS measures that could be incorporated into the development could include: rainwater harvesting systems (e.g., water butts), bioretention systems/rain gardens, permeable pavements and underground storage (geo-cellular storage tank). Such measures can be secured through an appropriately worded condition requiring the applicant to submit a detailed sustainable drainage strategy.
- 7.41 It would be unrealistic to assume that development within the Romney Marsh area can be met wholly in Flood Zone 1 given the inherently rural nature of much of the land and limited availability of suitable sites for larger housing developments. In addition to that, the FRA demonstrates that the majority of the site has a moderate flooding risk and subject to an appropriate drainage strategy and incorporation of SuDS to prevent an increase in surface runoff water rates the proposed development would be safe for its lifetime without increasing flood risk elsewhere.
- 7.42 In terms of addressing section A of the exception test (sustainable benefits outweighing the flood risk) it is concluded that the proposed development would make a significant contribution to the District's Housing Land Supply for both market and affordable housing, in a sustainable location with good access to sustainable transport and local shops and services.
- 7.43 In light of the above, it is considered that the proposal passes both the sequential test and exceptions test and complies with the aims of policy SS3.

## **e) Ecology and Biodiversity**

- 7.44 The submitted documents concerning ecology and biodiversity suggest the presence of a number of protected species including bats, water voles and Great Crested Newt. The Habitat Condition Assessment identifies the conditions of the line of trees on the northern boundary and the ditch along the eastern boundary as moderate. The proposed development also presents opportunities for on-site biodiversity net gain of 10%.
- 7.45 In line with the KCC ecological advice conditions for a Landscape and Ecological Management Plan (based on Biodiversity Net-Gain Assessment), mitigation measures for water voles and lighting design for biodiversity would be recommended to be submitted with any reserved matters application.
- 7.46 In light of the above, the proposed development offers ecological enhancements and the retention of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout the site. Therefore, in accordance with the advice of KCC Ecology and Biodiversity, I consider that ecological and biodiversity issues can be subsequently mitigated through planning conditions.
- 7.47 An assessment under the Habitat Regulations is set out at the end of this report.

## **f) Loss of Agricultural Land**

- 7.48 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things) recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. As such when considering development proposals LPA's should seek to utilise areas of poorer quality land instead of higher quality land.
- 7.49 Policy HW3 of the PPLP relates to opportunities to support healthy, fulfilling active lifestyles. The policy states that to increase, create and safeguard opportunities for healthy, fulfilling and active lifestyles and to reduce the environmental impact of importing food, development proposals should not result in the loss of best and most versatile agricultural land (grades 1, 2 and 3a), unless there are compelling and overriding planning reasons for doing so, or mitigation is provided through the provision of productive landscapes on site or in the locality.
- 7.50 The majority of the site is classed as 'urban' in the Agricultural Land Classification with a small narrow section to the west of the site falling within grade 3 (good to moderate quality agricultural land) which is defined as land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield.
- 7.51 Whilst it is not clear if the land is grade 3a or 3b agricultural land, the development would not result in the loss of a significant amount of agricultural land, in addition this strip of land is bounded on the south west by a drainage ditch and as such would not be very useful for agricultural activity and is therefore not overly versatile. Given that the application is for outline planning permission and layout is not being considered at this point, it could be that the agricultural land remains undeveloped or could include

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allotments for residents. These are matters that could be explored at the reserved matters stage.

7.52 In light of the above, it is not considered that the development would result in the loss of a significant amount of good quality agricultural land and is therefore acceptable in this respect.

## **g) Protected Trees**

7.53 There are a group of protected trees along the south-western boundary of the site (on the western side of the drainage ditch). Whilst the layout plan is indicative, I am satisfied that an appropriate buffer and protection measures could be maintained between the trees and the development to ensure that these important trees are appropriately protected and retained during and post construction.

## **h) Contamination**

7.54 Although it is unlikely given previous land uses that contamination would be found on the site, the submitted Desk Study recommends testing if made ground is encountered. The standard contamination condition is therefore recommended in line with technical advice received.

## **i) Archaeology**

7.55 The submitted Archaeology Desk-Based Assessment confirms that there may be archaeological remains on site. An archaeology condition is therefore recommended in line with the advice of the County Archaeologist to ensure that any finds can be appropriately protected/recorded.

## **j) Highway Safety**

7.56 The submitted Transport Assessment estimates that the impact of the additional vehicle trips would not have an adverse impact upon the surrounding road networks. Following concerns raised by KCC Highways and Transportation relating to the visibility splays for the access junction off the A259, the means of access is proposed to be addressed within the reserved matters application. KCC do not consider the proposed development likely to cause a significant impact to the volume and safety on the wider highway network and raised no objection to the matters concerning road design, access arrangements and parking provisions to be reserved for future consideration.

## **k) Self and Custom Build/ Affordable Housing**

7.57 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

7.58 Policy HB4 of the Places and Policies Local Plan (PPLP) requires sites above qualifying thresholds to provide a proportion of homes in the form of self-build or custom house build plots for people wishing to commission or build their own homes

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in accordance with paragraph 62 of the NPPF. Moreover, policy HB4(2) requires all sites within the Romney Marsh Area delivering more than 20 dwellings to supply no less than 5 per cent of dwelling plots for sale to self-build or custom housebuilders on the Council's register.

- 7.59 The proposed development for up to 132 units at High Knocke should therefore deliver at least 6 self or custom build plots as a minimum. This application provides no details of the self-build or custom housebuilding plots. The design parameters for self-build and custom housebuilding plots would need to be submitted with any reserved matters application.
- 7.60 Policy CSD1 of the Core Strategy requires the provision of 22% affordable housing on development sites at any location within the district of 15 or more dwellings (or land >0.5ha) with 70% of these comprising of units for affordable rent. Based on the estimated capacity of the site this would equate to approximately 29 dwellings. The affordable housing provision would be secured via s.106 agreement.

## **Environmental Impact Assessment**

- 7.61 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

## **Local Finance Considerations**

- 7.62 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.63 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The proposed development is liable to CIL Zone B.

## **Planning Obligations**

- 7.64 Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- a) necessary to make the development acceptable in planning terms,
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development



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7.65 I recommend the planning obligations in Table 1 (**Appendix 2**) below be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

## **Human Rights**

7.66 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## **Public Sector Equality Duty**

7.67 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.68 It is considered that the application proposals would not conflict with objectives of the Duty.

## **Working with the applicant**

7.69 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## **8. CONCLUSION**

8.1 The Council considers it can demonstrate a deliverable five-year housing land supply and has an up to date Local Plan. Local planning policies should therefore be given full weight.

8.2 The site is not allocated for development in the adopted development plan.

8.3 The application site would fall outside the confines of the existing settlement. The development does not meet the exception criteria set out in policy CSD3 or HB7. The application therefore represents a departure from the development plan.

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- 8.4 Notwithstanding the conflict identified above, the site is not isolated in terms of location and access to services and is considered to be an acceptable extension to an existing rural centre in accordance with the spatial strategy set out in policy SS1 of the Core Strategy. The site would make a valuable contribution to the five-year housing land supply.
- 8.5 Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with the NPPF.
- 8.6 Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location immediately adjoining the built up settlement boundary of Dymchurch, its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.
- 8.7 It is concluded that the proposed development, subject to the approval of the reserved matters and to the imposition of conditions, would not result in material harm to landscape character, visual or residential amenity. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
- 8.8 The development, subject to control through planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk.
- 8.9 Foul and surface water drainage can be adequately dealt with and in terms of contamination, again this would be addressed subject to conditions, so that the site can be developed in an acceptable way.
- 8.10 The above assessment of the various issues indicate that minimal harm would arise as a consequence of residential development here and any incremental harm can be mitigated through the imposition of conditions. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
- 8.11 Whilst the proposal fails to accord with the adopted development plan in terms of the location of new housing, the proposal would not result in any unacceptable harm. As such and considering the points made in my assessment, I recommend that outline planning permission should be granted subject to the completion of a s.106 agreement.

## **9. BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## **1. RECOMMENDATIONS**

**That planning permission be granted subject to the conditions set out below and the applicant entering into a S106 legal agreement securing 22% on-site**

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**affordable housing, 5% Self-build/Custom-build plots, financial contributions towards health care, education facilities, provision of open space, play areas and highway works; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:**

## Conditions:

### Standard

1. Approval of the details of the layout, scale, landscaping, access and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: to comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: to comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

### Contamination Desk Top Study

4. (A) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall

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include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Ground waters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of

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measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

## Construction Management Plan

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors.
  - ii. loading and unloading of plant and materials.
  - iii. storage of plant and materials used in constructing the development.
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - v. wheel washing facilities.
  - vi. measures to control the emission of dust and dirt during construction.
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the area and highway safety and convenience.

## Water consumption

6. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

## Sustainable Construction

7. No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

## Public Rights of Way

8. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of a suitable link to be provided from the development onto public right of way HM220. Details shall also be submitted showing how the link to the footpath shall be sign posted throughout the development.

Reason: To ensure that a suitable open and attractive link is provided from the development to the public rights of way network and to ensure public user safety, off road access for pedestrians and cyclists and promote active travel.

## Drainage and SuDS:

9. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Herrington dated October 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

The drainage scheme shall be implemented in accordance with the approved details.

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

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

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

## Flood Mitigation

11. No phase of this development approved by this planning permission shall commence until such time as a scheme to ensure the development is flood resilient has been submitted to, and approved in writing by, the local planning authority. The scheme will take account of not only any updated tidal modelling but also the groundwater assessment and surface water drainage strategy to be undertaken as recommended in the submitted Flood Risk Assessment by Herrington Consulting Limited, October 2021.

- The minimum finished floor levels for living accommodation should meet the requirements of paragraph 7.2 of the Flood Risk Assessment for the Proposed Development. The minimum level for living accommodation should be 2.84mAOD and the minimum level for sleeping accommodation should be 3.14mAOD. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and its future users.

## Archaeology

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

## Noise Survey

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13. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include a noise impact assessment highlighting any potential noise problems (namely from the Dymchurch and Hythe Light Railway) and including proposed suitable mitigation/outline design advice for the building envelope in order to achieve appropriate ambient noise levels inside habitable rooms and outdoor gardens.

This assessment must be carried out by a competent person registered with the Institution of Acoustics or similar and in accordance with the National Planning Policy Framework; the Noise Policy Statement For England; the WHO Guidelines; BS 8233: 2014; and ProPG: Planning & Noise – May 2017.

Reason: For the protection of future occupier's amenities.

## Materials

14. No work on the construction of the buildings hereby permitted shall take place until samples of the materials and details of the windows and doors to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a schedule and plan indicating the materials to be used for each plot within the phase, or sub-phase. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

## Others

15. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of the location of the affordable units, the unit type mix and self-build and custom housebuilding plots. Design parameters for the self-build/custom housebuilding plots shall also be submitted as part of the Design and Access Statement.

Reason: To ensure the affordable housing provision provided on site is in accordance with the Core Strategy and aims of the NPPF and to ensure compliance with policy HB4.

16. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of vehicular and cycle parking, including visitor parking, and turning facilities. The provision of vehicular and cycle parking and turning facilities as approved for each reserved matter and in any phase or sub-phase of the development hereby approved, shall be implemented, in full, prior to the first occupation of the units they serve. These facilities shall be kept available for parking and turning purposes in connection with the units they serve at all times thereafter.

Reason: In the interests of highway safety and convenience

17. The proposed 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



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in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

18. With the first reserved matters application, an Ecological Design Strategy (EDS) and associated Landscape and Ecology Management Plan (LEMP) will be submitted to, and approved by, the local planning authority. The EDS/LEMP shall include the following:

- a) Purpose and conservation objectives;
- b) Review of site potential and constraints;
- c) Detailed design(s) and methodology to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Description and evaluation of features to be managed;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), and;
- h) Details of those responsible for future management.

The EDS/LEMP will be updated with all subsequent reserve matters application and be implemented in accordance with the approved details.

Reason: Under section 40 of the NERC Act (2006), and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with the NPPF 2021, the implementation of enhancements for biodiversity is encouraged.

19. Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

20. The details submitted pursuant to Condition 1 shall include an Arboricultural Impact Assessment and Tree Protection Plan. This shall take account of the proposed layout and provide a schedule of arboricultural site monitoring for the duration of the development until completion. The development shall thereafter be implemented in accordance with the approved details.

Reason: in the interests of preventing damage to trees and their roots and preserving the amenity of the area.

## Informatives:

### Breeding Bird Informative

1. Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation

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measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.*

## Highways

2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
3. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
4. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
5. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
6. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
7. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:  
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways->

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permissionsand-technical-guidance. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

## **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017**

This Appropriate Assessment (AA) has been undertaken with regard to information provided by the applicant, and the comments of Natural England and the Kent County Council Ecologist.

The application site is situated a minimum of 50m from the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Dungeness, Romney Marsh and Rye Bay SPA is an important site that protects intertidal and marine habitats for internationally important breeding and wintering waterbirds, birds of prey, passage warblers and breeding seabirds.

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. The proposal is not necessary for the management of the European sites. However, further to the advice of Natural England and subject to the conditions set out within the report, it is considered that the proposal is unlikely to have significant effects upon the integrity of these sites or the species which they contain.

The April 2018 judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment.

However, the proposed development, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

**Appendix 1 – Site Location Plan**

(end of report)

## Appendix 2

### Heads of Terms for Section 106 Agreement/Undertaking

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1.	<p><b>Affordable Housing:</b></p> <p>22% of the total dwellings.</p> <p>On site provision</p> <p>Of which 70% affordable/social rent and 30% shared equity.</p>	<p>22% in accordance with policy CSD1</p>	<p>Affordable units to be constructed and transferred to a registered provider before occupation of 75% of the general market housing units.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to CSD1 of the Core Strategy Review (2022) and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
2.	<p><b>Open Space:</b></p> <p>On site provision</p>	<p>30.1 sq. m (per person – based upon 2.4 people per dwelling)</p> <p>Should the on-site open space provision fall below the calculated area then the equivalent under provision</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as open space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C3 of the PPLP and guidance in the NPPF.</p>

## Appendix 2

		<p>will give rise to an off-site calculation that will be the subject of an applied cost of £6.69 per sq. m.</p> <p>Should part of the provision to meet the open space requirement necessitate that an off-site contribution is to be secured then a maintenance contribution shall also be calculated as part of the total developer contribution.</p>		<p>Directly related as occupiers will use open space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
3.	<p><b>Play Space:</b></p> <p>On site provision</p> <p>Or</p> <p>Off-site commuted sum</p>	<p>To an agreed specification for on-site provision.</p> <p>If the play space is to be adopted by the Council or other 3rd party a maintenance charge of £4.59 per m<sup>2</sup> per annum for all classifications of play is applicable.</p> <p>Or</p> <p>£280.50 per person for off-site provision.</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C4 of the PPLP, the adopted Play Area Strategy and guidance in the NPPF.</p> <p>Directly related as occupiers will use the play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
4.		To be confirmed	Half the contribution upon	Necessary as there is no spare capacity at any primary school in the vicinity and

## Appendix 2

	<b>Primary and Secondary Education:</b>		occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
5.	<b>Local Highways:</b>  Provision of signalised pedestrian crossing on the A259	NA	Prior to first occupation	<p>Necessary in order to meet the demand generated by the development and in the interests of highway safety pursuant to KCC Highways guidance and guidance in the NPPF.</p> <p>Directly related as occupiers will travel and the facilities to be provided will be available to them.</p> <p>Fairly and reasonably related in scale and kind as would be site specific requirement to enable site delivery.</p>
6.	<b>Healthcare:</b>	£360 per person		



## Appendix 2

	<p>Towards the creation of additional capacity in general practice premises.</p>	<p>Based upon the following occupancy rates:</p> <p>1 bed unit: 1.4 persons</p> <p>2 bed unit: 2 persons</p> <p>3 bed unit: 2.8 persons</p> <p>4 bed unit: 3.5 persons</p> <p>5 bed unit: 4.8 persons</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>Necessary to increase capacity to meet the demand that would be generated by the development pursuant to policy SS5 of the Core Strategy Review and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
7.	<p><b>Self-build/Custom Build:</b></p> <p>Up to 7 serviced plots for use by custom/self-builders to be made available and marketed.</p>	<p>Up to 7 serviced plots (5% of total dwellings)</p>	<p>Details to accompany reserved matters application, including marketing strategy and timing of implementation.</p>	<p>Necessary as would provide housing for those who are on the Councils self-build and custom housebuilding register pursuant to HB4 of the PPLP and guidance in the NPPF.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>