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Your ref: PE/DOV/15/00072
Date: 20/08/2015

Dear Mr Blythin

Town and Country Planning Act 1990 (As Amended)

**Proposal: Pre-application advice – residential development
Location: Land off Freemans Way, Deal**

I write with reference to your request for additional planning guidance in relation to the site at Freemans Way, Deal, further to the previous advice provided in respect of pre-application advice request PE/15/00013.

Detailed advice, covering all relevant matters, has been provided previously. As such, and as requested, this advice will focus solely on the issue of the loss of Open Space.

The advice issued in relation to PE/15/00013 raised strong concerns regarding the loss of designated Open Space. This advice signposted the relevant policy, DM25, and subsequently you have submitted an amended layout plan which seeks to address this policy.

Policy DM25 only allows for the loss of designated Open Space in exceptional circumstances. One exceptional circumstance (at iii.) is where “a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available”.

The revised layout plan shows the provision of two youth football pitches and an area of car parking which, I understand, will be available to users of the pitches. The layout shown would decrease the size of the open space by around two thirds and, as such, would represent a quantitative decrease in provision. However, it is considered that this could be offset should the quality of the provision significantly increase and be made available for public use in a secure manner. In order for such an approach to be accepted, the overall benefit to the community must be at least comparable.

It is considered that there are several factors which must be considered in order to determine whether the quality of the remaining space is sufficient to mitigate the reduction in quantity.

Firstly, the location of the provision must be considered. In this case, the retained area would be to the edge of the site, backing onto a number of properties; however, it is considered that the site would be relatively accessible by foot, bike and car. Furthermore, the site is within an area which currently has a deficiency of youth sports pitches as evidenced within the Playing Pitch and Outdoor Sports Facility Strategy, adopted February 2015, so the proposal is well placed to meet this demand. The location and accessibility of the pitches is therefore considered to be acceptable.

Secondly, regard must be had for the physical infrastructure which would be provided; the usability of the space (including whether it can be used more intensively than before); and whether the provision would benefit from an enhanced or more dependable long term maintenance programme.

The proposed layout shows two youth pitches, although it is not clear whether goal posts and nets would be provided. The laying out of the pitches could improve the usability of space, particularly if accompanied by a secure, long term, maintenance regime, whilst the provision of car parking would go some way to improving access to the facility. However, on balance, it is not considered that these modest improvements would outweigh the significant loss of space.

Notwithstanding the above, it is considered that additional measures could be proposed which would ensure that the open space to be retained would provide an equivalent community benefit to the existing site. Securing long term maintenance of the pitches (including regular relining and maintenance of the goalposts) will certainly be required, to ensure that the pitches are usable for the long term and to provide the associated benefits required to mitigate the loss of space remain in perpetuity. It is likely that this would need to be secured by a legal agreement.

It is strongly advised that you liaise with local sports clubs that are affiliated to the relevant national governing body of sport, to ascertain the level of demand for competitive standard pitches and whether these groups would be interested in using the pitches, if provided. You may also wish to consider whether the application, and any associated legal agreements pertaining to the future use and maintenance of the site, should identify the club or clubs which would benefit from the proposal (who may or may not undertake some of the maintenance), as this would add weight to the argument that the overall community benefit would be equivalent. The involvement of a local club will also help to show that the pitches will be sustainable.

Finally, in order to offset the quantitative loss and provide further evidence of long term sustainability, you may wish to consider the provision of additional infrastructure to improve the usability of pitches, for example changing rooms and/or flood lights, which would increase the usability of the pitches. Should additional infrastructure be proposed, regard should be had for its siting and design to ensure that it would, itself, be acceptable in all material respects (for example by avoiding floodlights in locations, or of a design, which would cause harm to the amenities of nearby dwellings).

It is noted that the previous advice advocates that the view of Sport England is sought prior to submitting a formal application. You may also wish to seek a view from the Kent FA, which is the governing body of football in this county. Should these bodies support the proposals, it would provide weight in favour of the scheme, indicating that the community benefit derived is at least equal to that of the existing site. It is also advised that meaningful community consultation takes place to inform the development and, again, add weight to the benefits which would accrue from the proposal.

Conclusions

Whilst on the basis of the layout plan submitted it is not considered that sufficient evidence has been provided to demonstrate that the quality of the publicly accessible open space provided is sufficient to outweigh the quantitative loss (and thus provide an equivalent community benefit), it is considered that the pitches are in a reasonably accessible location and, with additional community involvement and enhancement of the facilities provided, the proposal has the potential to provide an equivalent community benefit.

I trust that the above advice is of some assistance to you. Please note this is informal officer advice only and would not prejudice the formal decision of the Council.

Yours sincerely

Luke Blaskett
Principal Planner

cc. Emma-Jane Allen