



MAY 2019



GLADMAN

PLANNING STATEMENT

INCORPORATING: AFFORDABLE HOUSING STATEMENT

LAND OFF CROSS ROAD

WALMER, DEAL

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APPENDICES

Appendix 1

Draft Heads of Terms

EXECUTIVE SUMMARY

- i. This planning statement supports an outline planning application made by Gladman for a site at Cross Road, Deal. The development will comprise up to 100 dwellings, public open space, landscaping, a sustainable drainage system and a vehicular access point from Cross Road.
- ii. The application is made in outline, with all matters reserved except for access. The access details provide certainty that the site can be accessed acceptably and safely by vehicles, cyclists and pedestrians.
- iii. The application site is well located to the existing urban area and represents a suitable and sustainable location for housing.
- iv. The application site formed part of a larger site that was subject to a planning application for the development of up to 235 dwellings on land to both the east and west of Cross Road. The earlier application was refused planning permission by Dover District Council (DDC) in August 2017. This Planning Statement explains how the application proposal before the Council now is materially different and addresses the concerns raised by the LPA in relation to the previous application.

Design Led Approach

- v. The proposed development has been carefully considered to ensure that it will provide high quality sustainable development. The design-led approach, informed by consultation with the key stakeholders and the local community, responds sensitively to the site setting, respecting the grain of the surrounding landscape, both built and undeveloped.
- vi. The design of the development focuses development in the north and east of the site, with a significant area of public open space and landscaping, including new woodland planting and a community orchard, at the southern and western extents of the site.

Benefits Arising from Development at this Location

- vii. The proposal offers the opportunity to deliver:
 - Local benefits, through investment in the local community;
 - New areas of public open space, and community orchard and a children's play area;
 - Improvements to biodiversity through on site mitigation strategies and enhancements including additional planting of native species and hedgerows;
 - On site Sustainable Drainage System (SuDS) to decrease the surface water flood risk on site
 - District wide benefits, in terms of making a strategically important contribution to housing supply and economic objectives; and

- National objectives in boosting the supply of homes and delivering sustainable development.

Accordance with the Development Plan

- viii. Development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.
- ix. The policies of the development plan relating to the delivery and spatial distribution of housing in the district fail to deliver the minimum local housing needs figure required by the Framework, as acknowledged by officers of the LPA. In addition, the LPA is currently unable to demonstrate a deliverable 5 year supply of housing land, although this is not being relied upon by the applicant to justify the proposed development.
- x. The application proposal conforms with the broad spatial strategy of the development plan in that it directs growth to a sustainable settlement that is identified as suitable to accommodate significant housing growth.
- xi. Where conflict arises with the development plan by virtue of the site's location in the countryside beyond the settlement boundary for Deal, there are material considerations that justify a departure from the development plan in this case, including the out-of-date nature of the development plan and the application of the 'tilted' balance.

Summary

- xii. An assessment against the up to date provisions of the development plan and the Framework where relevant, demonstrates the scheme comprises sustainable development:
- The proposals will comprise a range of benefits, including making a significant contribution towards meeting the market and affordable housing needs of the district and addressing any 5 year housing land supply shortfall.
 - The harm identified is limited in nature and is outweighed by the significant benefits of the scheme.
 - There are no policies of the Framework that indicate permission should be restricted.
- xiii. The proposals are in broad compliance with the provisions of the development plan that are up-to-date. Where a degree of conflict arises as a result of the site's location outside of the settlement boundary for Deal, there are material considerations that point to a decision other than in accordance with the development plan.

1 INTRODUCTION

1.1 Scope of this Statement

- 1.1.1 This Planning Statement has been prepared in support of an outline planning application for the development of up to 100 dwellings at land off Cross Road, Deal.
- 1.1.2 The application is submitted by Gladman Development Ltd (Gladman).
- 1.1.3 The description of development is as follows:

“Outline planning application for the erection of up to 100 dwellings with public open space, sustainable drainage system (SuDS) and vehicular access point from Cross Road. All matters reserved except for means of main vehicular access”

1.2 The Development Plan

- 1.2.1 The starting point for the determination of this application is the Development Plan, comprising of the Dover District Core Strategy (2010), the Land Allocations Local Plan (2015) and the saved policies of the 2002 Dover District Local Plan.
- 1.2.2 The application site is located adjacent to the second largest settlement in the district (second tier in the settlement hierarchy), to where a significant proportion of housing development is directed by the spatial strategy of the adopted development plan. The application proposals are therefore in compliance with the broad spatial strategy established for Dover District. However, as a matter of principle, the development, as proposed, is not in accordance with the policies of the development plan that control housing development in the countryside due to its location outside the settlement limits of Deal identified in the Local Plan (which is out-of-date).
- 1.2.3 The development plan is predicated on a housing requirement that does not represent the minimum local housing needs figure for Dover District as required by the Framework and as such is does not plan for the current level of need. In addition, the countryside protection policies of the development plan are out-of-date and inconsistent with the Framework. Consequently, and notwithstanding the 5 year housing land supply position in Dover District, the ‘tilted’ balance provided by paragraph 11d of the Framework applies. In such circumstances,

paragraph 11d is clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole (the 'tilted' balance).

- 1.2.4 Although not relied on to justify the proposed development, the absence of a deliverable 5 year supply of housing land in the district also triggers the requirement to determine the application in the context of the 'tilted' balance provided by paragraph 11d of the Framework.

1.3 Scope of the Planning Application

- 1.3.1 The outline planning application is seeking approval in principle for the development proposals. Together, the description of development, Design and Access Statement (DAS) and other supporting documents describe the nature and content of the development proposed.

- 1.3.2 Details of the parameters of the development for which outline planning permission is sought are included within the DAS, ensuring that an appropriate level of information is provided on the scale, nature and general arrangement of the development proposed at the outset.

- 1.3.3 The following documents have been submitted in support of the planning application:

- Planning Statement
- Development Framework Plan
- Landscape and Visual Appraisal
- Socio-economic Sustainability Statement
- Statement of Community Involvement
- Transport Assessment and Framework Travel Plan
- Foul Drainage Analysis Report
- Flood Risk Assessment and Outline Surface Water Drainage Strategy
- Air Quality Screening Report
- Noise Screening Report
- Arboricultural Assessment

- Ecological Appraisal
- Soils and Agricultural Quality Report
- Preliminary Risk Assessment
- Built Heritage Statement
- Archaeological Appraisal

1.3.4 The information contained within the application documents are summarised in section 6 and provides the framework for future detailed Reserved Matter planning applications.

1.3.5 This Planning Statement explains why development is needed in this location and the significant social, environmental and economic benefits that the proposal will bring to the area. It also confirms, drawing on the supporting technical information, that no significant and demonstrable adverse impacts would arise as a consequence of the development, to outweigh these benefits.

1.3.6 The Statement further explains the policy context and how the proposed development complies with the Framework and why it is appropriate to bring forward development now at this site.

1.3.7 This Statement is one of a suite of documents submitted to support this application and comprehensively demonstrates the suitability and sustainability of the site for development, as proposed.

1.4 The Proposal

1.4.1 The drawings submitted as part of this outline planning application for approval are:

- Site location plan (drawing number: 7572-L-01 Rev C)
- Proposed site access layout (drawing number: 2243-F02 Rev A)

1.4.2 The application proposal includes the following:

- Up to 100 residential dwellings (including 30% affordable housing delivered in accordance with current adopted planning policy);

- Structural landscape planting and the retention and positive management of key landscape features;
- 1.2 ha of green infrastructure (over 43% of the gross site outline application area), including formal and informal open space, community orchard, children's play area new woodland planting;
- New access arrangements including footway/cycle links and highway improvements to Cross Road and Station Road; and
- New pedestrian links across the site, connecting existing residential areas with Walmer Station

1.4.3 It is proposed that the site will be accessed from Cross Road, via a simple priority junction. It has been confirmed that the required visibility splays can be achieved and that the site access junction will operate comfortably within capacity in both the morning and evening peak periods with the proposed development traffic as demonstrated by the Transport Assessment prepared by Croft. A new footpath will be created along Station Road between the southern site boundary and Sydney Road in order to facilitate pedestrian connections to Walmer Station. In respect of vehicular and pedestrian access to the site, it is considered that the application proposals overcome the concerns raised by officers at Dover District Council (DDC) in relation to the previous planning application for development at the Cross Road site.

1.4.4 A range of densities and house types are proposed to meet local need. 30% of the units would be affordable in order to meet the requirement of current adopted local planning policy. Affordable housing provision will be secured by a Section 106 Agreement.

1.4.5 The illustrative Development Framework Plan for the site demonstrates how the built development will be set within a framework of open space and green infrastructure. The green space will include a formal locally equipped children's play area (LEAP) and informal open space. The proposal seeks to retain existing landscape features; the existing hedgerows are maintained where possible and any loss will be mitigated elsewhere on site. New woodland planting is proposed along the southern and western edges of the site. The illustrative Development

Framework Plan incorporates these elements within a strategic landscape framework.

1.5 EIA Screening

1.5.1 As the application proposals are for urban development of less than 150 dwellings on a site of less than 5ha hectares, the proposals do not fall under either Schedule 1 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. As such, the development does not constitute EIA development.

1.6 Planning History

1.6.1 The application site formed part of a larger site for which planning permission was sought for the erection of up to 235 dwellings. A planning application for development across both the application site and the field parcel located to the west of Cross Road (LPA ref.: DOV/17/00505) was submitted by Gladman in April 2017. The application was subsequently refused by Dover District Council (DDC) under delegated authority on 02 August 2017 for the reasons summarised below:

1. Proposal for residential development outside the settlement confines, contrary to the development plan.
2. Development would by its urbanising nature fail to protect the character and appearance of the countryside and landscape setting by causing harm to visual amenities with an inappropriate form of development.
3. Insufficient information to demonstrate that the development would make the fullest possible use of sustainable transport modes and would have an acceptable impact on the safe and efficient functioning of the highway network;
4. Insufficient information to assess the potential impact on reptiles.
5. Proposed application not provided an appropriate mechanism to ensure the necessary infrastructure to support the development can be secured at the time it is needed.

1.6.2 This planning application is materially different and addresses the concerns raised by officers at DDC in relation to the previous planning application. Significant further work has been undertaken in respect of ecology and highways and the planning application put forward here is for a significantly reduced scale of development across a much smaller site area, with development focussed on land to the east of Cross Road only. Section 4 of this planning statement explains in further detail how the current proposals are acceptable in the context of the previous reasons for refusal.

2 THE NATIONAL HOUSING CRISIS

2.1 Introduction

2.1.1 This section of the Planning Statement will set out the context to the national imperative to boost significantly the supply of housing, the response required of DDC and the observed effects on affordability in the district.

2.2 National Delivery of Housing

2.2.1 It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population and household formation rates.

2.2.2 The solution to address this pressing national issue is a sum of the individual parts, i.e. every local authority must ensure that a 5 year supply of housing is achieved urgently against up to date, objective assessments of their needs.

2.2.3 The House of Lords Select Committee on Economic Affairs said:

To address the housing crisis at least 300,000 new homes are needed annually for the foreseeable future. One million homes by 2020 will not be enough.¹

2.2.4 In recognition of the national housing crisis, the government responded in the 2017 Autumn budget with a commitment to deliver 300,000 new homes a year. Since the start of the financial crisis, delivery of new homes has not yet come close to delivering this nationally recognised need:

Year	Net Additional Dwellings ²
2007/08	223,534
2008/09	182,767
2009/10	144,870
2010/11	137,394
2011/12	134,896
2012/13	124,722
2013/14	136,605
2014/15	170,693

¹ House of Lords Select Committee on Economic Affairs 1st Report of Session 2016–17 HL Paper 20 Building more homes

² Ministry of Housing Communities & Local Government *Table 122: housing supply; net additional dwellings, by local authority district, England 2001-02 to 2017-18* (Accessed January 2019)

2015/16	189,645
2016/17	217,345
2017/18	222,194

2.2.5 Having regard to the evidence on past completions, it is self-evident that a significant step change is required in the delivery of new homes, in order to get anywhere close to meeting requirements and preventing the housing crisis from being exacerbated further.

2.2.6 In order to reach the government’s targets, Kit Malthouse MP, Minister of State for Housing, Communities and Local Government recently said in *The Times*, “If we want to achieve 300,000 homes a year, we need to have one million homes in production and four to five million in planning.”³

2.2.7 In 2017, consultancy firm Lichfields also identified that in order to meet the 300,000 a year delivery target, a constant stock of between 900,000 and 1.1 million of implementable planning permissions would be required⁴.

2.2.8 This application therefore responds to the national housing crisis and the need to grant additional planning permissions in order to meet the government’s objectives. In addition, as will be explained later in this Planning Statement, this document responds to the local housing issues in Dover which are contributing to the problem overall.

2.3 The Local Authority Position

2.3.1 One effect of the national housing crisis is a profound effect on affordability. The following information, based on DCLG Live tables, demonstrates that DDC is failing to deliver the 629⁵ homes each year that it needs. This has led to the increasing unaffordability of housing in the district in recent years:

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Earnings Ratio	7.49	6.84	5.62	6.26	5.99	6.03	7.32	7.24	7.29	7.85	8.30	9.19

³ Anne Ashworth (2019) ‘Kit Malthouse: It’s time to ‘keep calm and keep building’’, *The Times*, 4th January 2019

⁴ Nathaniel Lichfield and Partners (2017) *Stock and Flow, Planning Permissions and Housing Output*, NLP, January 2017

⁵ Calculated using the standard methodology for calculating the minimum local housing need figure set out in the PPG (Paragraph: 004 Reference ID: 2a-004-20190220) with a 2019 base date

- 2.3.2 Mortgage lenders typically offer loan to income ratios from 3.25 annual salary up to a cap at around 4.5 times annual salary. More often than not this requires a deposit and loan to value (LTV) ratio of 95%. As can be seen from the data, house prices reduced during the recession to just above current national average ratios in 2009. Since then, house prices to lower quartile earnings have increased beyond even those of the peak of 2007.
- 2.3.3 It is also true that there has been a failure to deliver the 167 affordable houses required in the district each year identified within the February 2017 SHMA.
- 2.3.4 In this respect, the Dover District Annual Monitoring Report 2017/18 (March 2019) reports the delivery of affordable housing in Dover since the start of the current plan period. Completions since the base date of the 2017 SHMA, in which the need for 167 additional affordable homes per year is identified, are as follows:

Year	Total Affordable Completions
2014/16	110
2015/16	185
2016/17	78
2017/18	99
Total	472

- 2.3.5 It is clear the delivery of 472 affordable dwellings in the past four years is significantly short of the need identified in the SHMA of 668 homes over the same period.
- 2.3.6 The reality is therefore that those most in need in Dover District are unable to afford to buy or have access to their own homes.

3 SITE AND LOCATIONAL SUSTAINABILITY

3.1 Site Location

- 3.1.1 The 2.74 ha site lies adjacent to the existing residential development on the edge of Deal.
- 3.1.2 The site is located approximately 2.5km to the south-west of Deal town centre, 10km north-east of Dover and 21km south of Ramsgate.
- 3.1.3 The site is in a sustainable location and will be able to make a valuable contribution to the supply of housing in Dover District.

3.2 Suitability of Location

- 3.2.1 The application site comprises fields in agricultural use. As outlined above it is well related to the settlement, with good pedestrian and cycle links and it is contained by physical features at its urban edge.
- 3.2.2 The development forms a logical extension to Deal, filling the gap between existing residential development along Cross Road and Sydney Road. It would not result in built form extending further south or west than the existing settlement edge.
- 3.2.3 As a settlement, Deal is considered a suitable location for development. The town is identified as the sole "District Centre" in the settlement hierarchy. It is second in the hierarchy only to the town of Dover (which sits alone in the first tier as a "Secondary Regional Centre"). The Core Strategy identifies the function of Deal as being the "*Secondary focus for development in the District; suitable for urban scale development*". Whilst the definition of 'urban scale' development⁶ is not identified in the Core Strategy, the objective to direct 1,600 new dwellings to Deal (2006 to 2026); and, the scale of existing allocations⁶ made pursuant to Policy CP1 provide some assistance in this respect.
- 3.2.4 The site is situated in close proximity to existing services, facilities and employment opportunities allowing easy access by foot and bicycle. The site's proximity to key

⁶ 230 dwellings at Land north of Sholden New Road [Policy LA12]; 230 dwellings on land between Deal and Sholden [Policy LA13]; and, 220 dwellings on land between 51 and 77 Station Road, Walmer [Policy LA14]

services and facilities is shown in Figure 4 of the Design and Access Statement (DAS) and details of facilities are shown within the Transport Assessment at Table 5.5 which illustrates all amenities are within recommended guideline walking distances.

3.2.5 Growth at the Cross Road site will both support, and be supported by, a range of services and facilities that are within easy walking and cycling distance of the site. These include, but are not limited to:

- Primary schools
- Churches
- Convenience stores
- Pharmacy
- Sports and recreation grounds

3.2.6 The site is in close proximity to public transport links, connecting it with Deal town centre and other large employment centres such as Canterbury, Dover and Ramsgate. The closest bus stop to the development site is located on Court Road, approximately 400m from the centre of the site. Bus services stop here on routes to Deal town centre, Dover and Sandwich, offering frequent services to these destinations. The first bus bound for Deal town centre departs at 0622, arriving at South Street bus stop at 0632. The final return bus from Deal town centre departs at 1924. Journeys to Dover can be better carried out by rail, with shorter journey times and greater number of services, as detailed below.

3.2.7 Walmer Railway Station is located approximately 400m from the centre of the site. Rail services from here operate to London St Pancras, Ashford, Ramsgate and Dover throughout the day at a frequency of up to 2 trains per hour at peak times. The journey time to Dover is approximately 15 minutes, whilst the journey time to Ramsgate is approximately 25 minutes. London St. Pancras can be reached in approximately 1 hour 20 minutes.

3.3 Suitability of the Site

3.3.1 The site itself is also considered to be highly sustainable and suitable for the proposed development. A number of reports have been submitted with this application that confirm this.

3.3.2 The following is relevant in terms of the site's suitability and sustainability for development:

- The site is well contained within the landscape and important trees and landscape features will be retained.
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact.
- Currently used for the purposes of agriculture, the site has a low ecological value as demonstrated by the evidence submitted with the application (Ecological Appraisal prepared by FPCR). The loss of habitat would therefore not be significant and mitigation and net biodiversity gains can be readily achieved.
- The application site falls within the EA Flood Risk Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability, or <0.1% chance of flooding).
- There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any Listed Buildings.

3.3.3 The DAS prepared by FPCR and submitted in support of the application sets out how the site can accommodate the quantum of development proposed in a manner which reflects the local landscape character and the edge of Deal.

3.4 Sustainability Summary

3.4.1 In summary, the application site presents an opportunity for the sustainable growth of Deal:

- The land to which the development proposals relate is not of high environmental value;

- The site is suitable for residential development in terms of its sustainable location and characteristics;
- There are opportunities through development to improve the environmental conditions of the area;
- There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any listed buildings;
- The site has a low ecological value and as evidenced in the report submitted with the application (Ecological Appraisal prepared by FPCR). The loss of habitat would therefore not be significant and mitigation and net biodiversity gains can be readily achieved through new planting, landscaping and private back gardens;
- The site is well contained within the landscape and important landscape features such as hedgerows are retained and improved; and
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact.

4 ADDRESSING THE REASONS FOR REFUSAL RELATING TO APPLICATION REF.: DOV/17/00505

4.1 Introduction

4.1.1 As noted in Section 1, the application site formed part of a wider site on which planning permission was sought for the erection of up to 235 dwellings (application ref.: DOV/17/00505), which was refused planning permission by DDC in August 2017. Whilst there are clear distinctions between the earlier proposal and the application proposal put forward here, not least that this application is for a significantly scaled back level of development covering a smaller site area, the reasons for refusal issued in relation to the earlier application have been taken into account and addressed by the application proposal. This section provides details of how the application submission before the Council now responds to the reasons for refusal issued in relation to the previous application.

4.2 Reason for Refusal 1: Principle of Development

4.2.1 Reason for Refusal (RfR) 1 contended that by virtue of being located outside the settlement confines of Deal within the countryside, the development does not accord with development plan policies which seek to ensure sustainable development in appropriate locations. The proposal was therefore considered to be contrary to Core Strategy (CS) Policies CP1 and DM1.

4.2.2 In terms of the locational sustainability of the proposals, the site is located adjacent to the existing settlement confines of Deal, which is identified as the second most sustainable settlement in the district. As set out in section 3, the site itself enjoys a good level of access to local services and facilities, which can be reached by sustainable transport modes. The application proposal is therefore sustainably located and accords with the broad spatial strategy for development in the district as established by CS Policy CP1.

4.2.3 In respect of the site's location outside the settlement confines of Deal, whilst it is accepted that the proposed development does not strictly accord with the policies of the CS that seek to control development in the countryside, for the reasons set out in section 5 of this statement, it is clear that there are material considerations that justify a departure from the development plan in this case. Policy DM1 is out-

of-date and inconsistent with the Framework. In particular, it does not plan to accommodate the minimum local housing need for Dover District and fails to incorporate the more balanced approach to development required by the Framework. It therefore carries diminished weight in the determination of application proposals, as confirmed by the inspector in the Dover Road, Walmer⁷ appeal decision. As a consequence of the failure of policies CP1 and DM1 to meet the housing needs of the district, the Council has acknowledged that the settlement boundaries must change significantly.

- 4.2.4 In addition, for the reasons set out in section 5, the 'tilted' balance in favour of development applies in this case. In this respect, the minimal harm arising from the departure from the development plan is not such that it would significantly and demonstrably outweigh the significant benefits of the scheme. Therefore the fact that the development is located outside of the current settlement limits of Deal is not a reason in itself to withhold planning permission and the principle of development is acceptable having regard to the development plan and other material considerations.

4.3 Reason for Refusal 2: Landscape and Visual Impact

- 4.3.1 RfR 2 alleged that by virtue of the urbanising effect of the works necessary to enable the proposed residential development of the site, the proposal would fail to protect the character and appearance of the countryside and landscape setting by causing harm to visual amenities with an inappropriate form of development. The proposal was therefore considered to be contrary to CS policies CP1, DM1, DM15 and DM16.
- 4.3.2 Whilst there is a degree of conflict with Policies DM1 and DM15 by virtue of the location of the proposal outside of the existing settlement boundary of Deal, these policies are out-of-date and inconsistent with the Framework. Consequently, the conflict with these policies should carry reduced weight in the determination of the planning application. The position set out here in respect of Policies DM1 and DM15 was confirmed by the Dover Road, Walmer decision.

⁷ APP/X2220/W/17/3183959 – Land off Dover Road, Walmer – April 2014

4.3.3 In respect of Policy DM16, the LVA finds that whilst the change from arable land to residential development here would inevitably result in a degree of landscape change to both the landscape character of the site itself and its immediate context, the proposed new housing will be consistent in terms of scale and nature to the surrounding built development and will not lead to an unacceptable harm to the landscape character of the area. Notwithstanding that the previous proposals for 235 dwellings presented a well-designed scheme that recognised and respected its edge of settlement location, the revised proposal is for a significantly reduced development across a smaller site area that is particularly well contained, further minimising any potential impact.

4.3.4 Given the limited harm to the landscape character of the area that would arise as a result of the development and the mitigation proposed to minimise any potential impact, it is considered that the application proposal accords with CS Policy DM16.

4.4 Reason for Refusal 3: Highways

4.4.1 Following an objection from the highways authority in relation to the earlier proposal for the site, RfR 3 stated that insignificant information had been submitted to demonstrate that:

1. Opportunities have been taken to facilitate access to/from the site by sustainable modes including the provision of public footpath connections;
2. The public highway network has capacity to accommodate the proposed increase in road traffic or that the impact on the public highway network can be satisfactorily mitigated; and
3. The site would be accessed by a safe and suitable form of vehicular access.

4.4.2 Consequently, the proposals were deemed to be contrary to Policy DM11 of the CS.

4.4.3 Since the refusal of the earlier proposal for the site, which was for a significantly larger scheme, additional work has been undertaken to address the concerns of the highways authority and officers at DDC.

4.4.4 Taking each of the key concerns raised in the RfR in turn, the application proposal addresses the concerns in the following ways:

1. The TA sets out the proposals to provide safe pedestrian access to and from the site along both Cross Road and Station Road, including new footpaths and pedestrian crossing points with dropped curbs and tactile paving. The proposed highway improvements will create pedestrian connections from the site to nearby services and facilities as well as public transport, including Walmer Station and bus stops located on Court Road, both of which will be within 400m of the centre of the site by foot. As a consequence, the application proposals will be accessible by sustainable transport modes.
2. The TA includes a full assessment of the impact of the development on the local highway network. It finds that with the proposed highway improvements in place, the development can be successfully accommodated within the highway network without giving rise to any unacceptable impact in terms of highway safety and capacity.
3. The TA includes details of the proposed vehicular access point from Cross Road. It demonstrates that the proposed access arrangement will facilitate the safe access and egress from the site with the required visibility splays being achieved.

4.4.5 In the context of the above, it is considered that the application proposal has fully addressed the previous concerns of the highway authority and LPA in respect of highways and transport. The application proposals will not give rise to any harm in this respect and are in full conformity with CS Policy DM11.

4.5 Reason for Refusal 4: Ecology

4.5.1 RfR 4 stated that there was insufficient information submitted to the LPA at the time of determination of the earlier application in respect of the potential impact of the proposed development on reptiles.

4.5.2 Since the determination of the earlier application, a reptile survey has been carried out at the application site to determine the population of reptiles at the site and inform any required mitigation. The survey identified a low population of common lizards and slow worm, with only one adult recorded for each. The Ecological Appraisal notes that any potential impact to reptiles can be successfully mitigated

against by taking precautionary measures during the construction phase and through the retention and creation of suitable habitats for reptiles around the peripheries of the site.

- 4.5.3 Consequently, it is considered that the application material demonstrates the proposed development can occur without causing any harm to reptiles.

4.6 Reason for Refusal 5: Absence of Section 106 Agreement

- 4.6.1 RfR 5 stated that the application had not provided an appropriate mechanism to ensure that necessary infrastructure to support the development can be secured at the time it is needed. As such, the application was said to be contrary to CS Policy CP6.

- 4.6.2 In this respect, the draft Heads of Terms at Appendix 1 of this Planning Statement sets out the commitment of Gladman to provide affordable housing, public open space and any other infrastructure deemed necessary through the application process via a Section 106 legal agreement, subject to compliance with the relevant tests in the CIL Regulations.

- 4.6.3 Subject to the completion of an appropriate and CIL compliant Section 106 legal agreement (which the applicant has committed to) an appropriate mechanism by which to provide the necessary infrastructure is in place and consequently the application proposals comply with CS Policy CP6.

4.7 Summary

- 4.7.1 For the reasons set out above, it is considered that the application proposal responds positively to the reasons for refusal issued in relation to the earlier planning application for development of the site. They provide no reason to refuse the application proposal before the Council now.

5 THE DEVELOPMENT PLAN

5.1 Introduction

5.1.1 At the time of writing, the adopted development plan applicable to the site comprises:

- Dover District Core Strategy, adopted February 2010;
- Land Allocations Local Plan, adopted January 2015; and
- The saved policies of the Dover Local Plan 2002.

5.1.2 This section describes the adopted and emerging development plan for the site and considers the relevance and weight that should be attributed to the policies contained within it.

5.2 The Development Plan: Weighting

5.2.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

5.2.2 The Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. Paragraphs 2 and 12 of the Framework confirm:

- 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.**
- 12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that**

form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.2.3 Further, in determining the weight to relevant policies the guidance at paragraph 213 of the Framework confirms:

“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

5.2.4 The planning application should be considered in this context.

5.3 Five-Year Housing Land Supply

5.3.1 Although not relied upon to justify the proposed development, the supply of available and deliverable sites for housing in Dover is a material consideration in determining the weight to the policies that are relevant to the delivery of housing. Paragraph 11 and footnote 7 of the Framework states:

“Plans and decisions should apply a presumption in favour of sustainable development.

...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. ”

...

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.”

- 5.3.2 The Framework requires local planning authorities (LPAs) ensure a continued supply of land to meet five years’ worth of housing requirements, with a delivery buffer of either 5%, 10% or 20% (moved forward from later in the plan period) depending on past performance. Local authorities should also make every effort to redress previous underperformance within the immediate 5 year period (commonly referred to as the ‘Sedgefield Approach’) and the delivery buffer should be applied to both the requirement and the accrued backlog.
- 5.3.3 The latest 5 year housing land supply position of the Council is set out in the Housing Supply Technical Paper, published in January 2019, in which the Council claims to be able to demonstrate a 5.56 year supply of housing land.
- 5.3.4 Gladman disputes the supply position of the authority, which is considered to be marginal with a surplus of only 354 dwellings based on the Council’s own assessment, and believes it to be below the 5 years required by policy. Since the publication of the latest position of DDC in January 2019, the government has published new affordability ratios which show worsening affordability in the district. For the purposes of calculating the housing needs figure, on which the 5 year requirement in Dover is predicated, a greater uplift to the household projections is required to account for the worsening affordability of housing in the district. The result is a larger 5 year requirement for new homes, leading to a smaller surplus (on the Council’s claimed supply) and an even more marginal position than that presented by the Council.
- 5.3.5 In addition, Gladman has concerns relating to the anticipated delivery of sites with either outline planning permission or an allocation in the development plan as set out in the Housing Land Supply Technical Paper. It is considered that for a number of sites in the trajectory, insufficient evidence has been provided to demonstrate that housing completions will begin on site within five years, in line with the

Framework's definition of 'deliverable'. As a consequence of the adverse 5 year housing land supply position, as stated within paragraph 11 of the Framework the presumption in favour of sustainable development applies.

- 5.3.6 The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Dover District and Deal specifically in the next five years of the plan period, therefore helping to address the immediate lack of a five-year supply of deliverable housing sites. The site would also provide homes beyond this period to assist the Council in maintaining a five year housing land supply.

5.4 The Core Strategy 2010, and Land Allocations Local Plan 2015

- 5.4.1 The Core Strategy was adopted to guide development in the district until 2026. It incorporates a number of development management policies designed to replace a number of the policies of the 2002 Local Plan. The policies of the Core Strategy give effect to the housing requirements of the revoked South East Plan and were prepared in the context of a different national planning context. The Land Allocations Local Plan (LALP) was later adopted to give effect to the Core Strategy, allocating sites to meet housing and employment requirements.
- 5.4.2 The application site is not an allocated site and it lies within the countryside, beyond defined settlement boundaries, as shown on the Proposals Map. Policy DM1 of the Core Strategy states that development will not be permitted on land outside the development boundaries unless specifically justified by other development plan policies.
- 5.4.3 Policy DM15 provides clarity on which forms of development might be justified in the countryside. As residential development, the application proposal does not fall within the description of any types of development listed by DM15. The application proposal, which is for a large scale residential development that would form an extension to the built up area beyond the defined settlement boundaries is therefore, in principle, contrary to policy DM1 and DM15.
- 5.4.4 However, the housing requirement set out at Policy CP2 of the Plan was not based on a local assessment of housing needs conducted using the standard method set

out in national guidance, as required by paragraph 60 of the Framework and it provides for housing needs from a previous era. Policy CP2 is therefore out-of-date and inconsistent with the Framework, a position that had been accepted by the Council in its evidence to recent appeals and confirmed in the decision of Inspector Major relating to an appeal at land off Dover Road, Walmer⁸.

- 5.4.5 Settlement boundaries in the Plan were tightly drawn to accommodate the level of growth envisaged by the Core Strategy and its non-Framework compliant housing requirement only. They have not been drawn to meet the local housing needs of Dover District. The unintended consequence is they are acting as a constraint to development that would otherwise be considered sustainable.
- 5.4.6 Settlement boundaries must inevitably change in order to accommodate objectively assessed needs and sustainable development. Indeed, the Council has accepted this position in relation to recent appeal in the district. The site's location in the open countryside immediately adjacent to existing residential development cannot therefore be a reason in principle for resisting development.
- 5.4.7 Accordingly, whilst the general thrust of policies DM1 and DM15 of the plan of recognising the intrinsic character and beauty of the countryside is consistent with the general approach of the Framework, the blanket restriction they impose does not align with the more balanced approach required by the Framework and the requirement to boost significantly the supply of housing. Consequently, Policies DM1 and DM15 carry limited weight in the determination of the application proposal. This position was confirmed by inspector Major in his decision relating to an appeal at Dover Road, Walmer. In respect of CS Policy DM1, inspector Major concluded at paragraph 16:

“The policy may be said to pay heed to the NPPF aim to have regard to the intrinsic character and beauty of the countryside, but it does not suggest how this might be approached in a balanced manner. The NPPF taken in context seeks a balance between development and the stewardship of important interests throughout its content. In

⁸ APP/X2220/W/17/3183959 – Land off Dover Road, Walmer, Deal – April 2018

addition the fact that it is agreed that the development plan is out of date in respect of housing requirement, coupled with the Council's acknowledgement that the proposal does not conflict with CS Policy CP1 relating to the settlement hierarchy, lead me to afford limited weight to the conflict with Policy DM1."

5.4.8 In respect of CS Policy DM15, inspector major concluded at paragraph 17:

"Given that housing need is now greater, as set out below, and in light of my comments above relating to Policy DM1 I also afford limited weight to the conflict with DM15."

5.4.9 As a consequence of the out-of-date nature of the development plan, specifically its inability to deliver the minimum local housing need, it is clear that the 'tilted' balance provided by paragraph 11d of the Framework applies to the application proposal and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is irrespective of the housing land supply situation, which is a separate consideration.

5.4.10 Gladman considers the proposal accords with the broad spatial strategy set out in CS Policies CP2 and CP3, which seeks to direct housing development to Deal as the sole District Centre (second only to Dover itself).

5.4.11 It is also considered that the proposal accords with all other relevant development plan policies, including those that relate to; landscape character (DM16); affordable housing (DM5); design (CP4); transport (DM11); access (DM12); and open space (DM25). Gladman considers these policies to be up-to-date in that they accord with the Framework.

5.4.12 Policy CP5 (Sustainable Construction Standards) provides that development should meet the relevant standards in sustainable construction methods set out in the Code for Sustainable Homes. However, the Code for Sustainable Homes has now been revoked by the Government, with some of its elements incorporated in to building regulations. The application proposal will meet at least the minimum relevant standards in sustainable construction. As such, it is considered that the proposals are in conformity with the broad purpose of Policy CP5.

5.5 The 2002 Dover Local Plan

- 5.5.1 The policies of the 2002 Dover Local Plan have, on the most part, been superseded by the policies of the Core Strategy and the LALP. However, a number of its policies, mostly those relating to specific sites, have been saved and remain part of the development plan.
- 5.5.2 The application proposal has been assessed by Gladman against the provisions of the saved policies of the 2002 Local Plan and it is considered that the proposals do not give rise to conflict with any of the Local plan policies that remain relevant to the determination of planning applications in the district.

5.6 The Emerging Development Plan

- 5.6.1 DDC is currently in the early stages of preparing a new Local Plan for the district. Once adopted, this will supersede the policies of the Core Strategy and the Land Allocations Local Plan in providing an up-to-date development plan for the authority area. To date, DDC has undertaken two call-for-sites, the first taking place in August 2017 with the second in April 2019.
- 5.6.2 As set out in the evidence of DDC in relation to recent appeals in the district, it made the decision to progress with a new Local Plan in order to address the acknowledged shortcomings of the adopted development plan and the need for a different plan strategy in order to meet the minimum housing needs for the district.
- 5.6.3 In terms of weight, paragraph 48 of the Framework confirms that weight may be given to relevant policies in emerging plans according to the stage of the plan's preparation (the more advanced, the greater the weight that may be given); the extent to which there are unresolved objections; and, the degree of consistency with policies in the Framework. In this context, it is noted that the emerging Local Plan remains at the evidence gathering stage. The May 2018 LDS anticipates that regulation 18 consultation will commence in July 2019, with publication of the emerging plan in February 2020 and submission to the Secretary of State for examination in August 2020. Adoption is not anticipated until February 2021 at the earliest.

5.6.4 Having regard to the above, no weight can be attributed to the emerging Local Plan.

5.7 Summary of the Development Plan

5.7.1 In the light of the above, it is clear that the development proposal accords with all parts of the development plan that are up to date.

5.7.2 Where a conflict arises, those policies are either out of date or should be accorded limited weight due to their conflict with the more up to date provisions of the Framework. As a result, the conflict with those policies should be accorded corresponding limited weight.

5.7.3 The application therefore should be approved without delay.

6 AFFORDABLE HOUSING STATEMENT

6.1 Policy Requirement

Dover Core Strategy (2010)

- 6.1.1 Policy DM5 of the Core Strategy concerns the provision of affordable housing in the district. It provides that on residential developments of 15 or more dwellings, the provision of 30% affordable housing should be provided onsite. The exact amount of affordable housing will be determined by economic viability having regards to individual site and market conditions.

Affordable Housing Supplementary Planning Document (2007)

- 6.1.2 The Council's Affordable Housing Supplementary Planning Document (adopted 2007) provides detail relating to how affordable housing should be secured and what type and form of affordable housing should be delivered in the district. It aligns with the Core Strategy position of seeking 30% affordable housing provision on developments of 15 or more dwellings.

6.2 Proposed Affordable Housing Provision

- 6.2.1 In accordance with adopted Core Strategy policy and the Affordable Housing SPD, the application proposals make provision for 30% onsite affordable housing. The tenure split of the affordable dwellings will be agreed with the Council during the course of the application. The mix of affordable housing will be determined at Reserved Matters stage reflective of the most up-to-date identified needs within the district.
- 6.2.2 The application proposals in respect of affordable housing provision comply with the relevant adopted policies and other material planning considerations. The provision of affordable housing is a clear benefit of the proposed development and should be afforded significant weight accordingly.
- 6.2.3 It is proposed that the on-site affordable housing provision can be secured by way of a S.106 legal agreement.

7 SUSTAINABLE DEVELOPMENT: THE NATIONAL PLANNING POLICY FRAMEWORK

7.1 Introduction

7.1.1 The government published the latest revision of the Framework in February 2019.

7.1.2 This section of the Planning Statement sets out why the planning application meets with the objectives of the Framework in delivering sustainable development.

7.2 The Presumption in Favour of Sustainable Development

7.2.1 At the heart of the Framework is the 'presumption in favour of sustainable development' (paragraph 10). For decision-taking this means approving development where it accords with an up-to-date development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted (see paragraph 11).

7.2.2 The relevant technical reports that accompany this planning application demonstrate that there are no unacceptable adverse impacts that would significantly and demonstrably outweigh the benefits associated with the proposals. Further, the application site is not the subject of any of the designations cited within footnote 6 of the Framework and therefore policies do not apply which indicate the presumption should be disapplied.

7.2.3 This section describes how the development proposals meet the relevant objectives of the Framework.

7.1 Building a Strong and Competitive Economy

7.1.1 The Framework is clear that the government is committed to delivering sustainable economic growth identifying that planning policies should, "positively and proactively encourage sustainable economic growth." (paragraph 81).

7.1.2 Housing development is a key component of economic growth and this is fully recognised in Government policy and more recently the White Paper – Fixing our broken housing market (2017), which states on page 15:

“If we fail to build more homes, it will get ever harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse.”

7.1.3 Through the development of the site a significant amount of investment will be made to the area in terms of the construction value of the project and associated spend during the construction period. The construction industry and house building in particular make an important contribution to both the local and national economy in terms of job creation. The accompanying Socio-economic Sustainability Statement estimates the following key benefits arising from the proposal:

- Construction spend - £11.7m
- GVA over the build period - £4m
- Resident annual expenditure - £3.3m
- Council tax - £1.7m over 10 years
- New Homes Bonus - £500k over a 4 year period

7.1.4 The provision of quality housing in Deal is central to the achievement of sustainable economic growth across Dover District and is fully supported by the requirements and advice of the Framework; indeed, paragraph 80 is clear that, “significant weight should be placed on the need to support economic growth through the planning system”.

7.2 Promoting Sustainable Transport

7.2.1 At paragraph 102, the Framework requires LPAs to consider transport issues from the earliest stages of the plan-making process and development proposals, encouraging:

“...opportunities to promote walking, cycling and public transport use...”

7.2.2 At paragraph 103, the Framework requires significant development to:

“...be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

- 7.2.3 Deal has a number of services and facilities which are within easy walking and cycling distance of the site, with additional shops and service located in the town centre (accessible by bus).
- 7.2.4 The nearest bus stops are located on Court Road, approximately 400m from the centre of the site. As set out above, frequent bus services operate from this stop throughout the day connecting the site with Deal town centre and the higher order settlement of Dover.
- 7.2.5 The site is also located approximately 400m by foot from Walmer Station, from where rail services to London, Dover, Ramsgate and Ashford can be accessed. Services operate throughout the day, allowing residents to commute to nearby large employment centres.
- 7.2.6 To support the application a Transport Assessment (TA) has been undertaken which confirms that the site is well located in relation to sustainable transport options and is well positioned in relation to the local and strategic highway network.
- 7.2.7 Access will be achieved via a simple priority junction from Cross Road. The TA sets out a number of proposals for off-site highway including:
- An upgrade to Cross Road north of the site entrance to facilitate two-way traffic for the majority of its length and provide a footpath connection to the existing footpath located north of the site;
 - An upgrade to Station Road to create a continuous footpath connection between the southern site boundary and the existing footpath provision on Sydney Road, along with the creation of associated pedestrian crossing points with dropped curbs and tactile paving. This will create a safe and continuous pedestrian connection between the site and Walmer Station.
- 7.2.8 Full details of how the highway improvements set out above will be achieved are set out in the TA, which confirms that the upgraded highway network will operate

in capacity with the development in place. The TA confirms that the package of measures proposed offers accessibility enhancements to encourage more sustainable means of travel in the area and will mitigate any significant impacts on the highway.

- 7.2.9 In the context of the above and the information set out in section 4 of this Planning Statement, it is considered that the concerns of the highways authority and LPA in relation to the earlier planning application have been satisfactorily addressed by the application proposal before the Council now.

7.3 Delivering a Wide Choice of High Quality Homes

The Need for Market and Affordable Housing

- 7.3.1 There is a wealth of evidence from figures at the highest levels of the Government, the Bank of England and internationally, within the European Commission and International Monetary Fund, which demonstrate that there is a consistent and pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable. In the foreword to the White Paper 'Fixing the Broken Housing Market', Prime Minister Theresa May stated:

"Our broken housing market is one of the greatest barriers to progress in Britain today. Whether buying or renting, the fact is that housing is increasingly unaffordable – particularly for ordinary working class people who are struggling to get by.

Today the average house costs almost eight times average earnings – an all-time record. As a result it is difficult to get on the housing ladder, and the proportion of people living in the private rented sector has doubled since 2000."

- 7.3.2 The government outlined its aim to build 300,000 homes per year in the Autumn Budget 2017. Delivery of this site will contribute to this delivering the housing the country needs.
- 7.3.3 In addition to a pressing need for new market homes in Dover District, there is a significant need for affordable housing, as outlined within the February 2017 Strategic Housing Market Assessment (SHMA), which is currently not being met.
- 7.3.4 The SHMA finds that there is a need for 167 new affordable dwellings each year in Dover, representing 34% of the projected household growth in the District. The

SHMA notes that delivering this level of affordable housing appears difficult to deliver in Dover, suggesting that the Council might consider an uplift to its housing need to provide the required affordable housing. This evidence will be considered by the Council in the preparation of its forthcoming Local Plan review.

7.3.5 The scale of affordable housing need in the district is leading to a chronic shortage of much needed new homes.

7.3.6 The UK has a persistent problem with inadequate housing supply, which has led to low income and middle income families being priced out of the housing market. National Government recognise that house price inflation is getting to dangerous levels and that building new homes is necessary in order to address this issue. The delivery of 30% affordable homes should be given significant weight.

Ensuring Choice in the Competition for Land

7.3.7 The Framework sets out the Government's key housing objective, which is, "to boost significantly the supply of housing". Paragraph 73 sets out how LPAs should achieve this boost in the supply of housing, including a requirement to provide a delivery buffer of 5%, 10% or 20% to ensure choice and competition in the market for land.

7.3.8 The proposals entirely accord with this national policy objective in so far as the application will deliver new housing development which will assist the Council to contribute towards the central government objective of boosting significantly the supply of housing now.

7.4 Achieving Well-Designed Places

7.4.1 The DAS demonstrates how the scheme will deliver a high quality residential sustainable development. The proposals are based on sound design principles that have taken into account site constraints and opportunities presented by the site.

7.4.2 Whilst design is a matter reserved for future determination, the DAS demonstrates the site could accommodate a scheme that would be in scale and character with its surroundings and Deal through delivering dwellings of a suitable size and through utilising materials that reflect the local vernacular. It is demonstrated

through the DAS and TA that the site would be accessible to people on foot, cycle and to those with disabilities. The illustrative master plan seeks to create an attractive place that responds to the attributes of the site and the local context.

7.4.3 The development has been designed taking into account the recommendations of the Landscape and Visual Appraisal (LVA). The green infrastructure within the built development will sit as an integral part of the framework and is key in creating an accessible, open and engaging place within which to live. The proposal provides a strong green framework comprising;

- The creation of a 1.2 ha of Green Infrastructure comprising a variety of potential habitats and open space, including a new community orchard;
- New woodland planting along the southern and western boundaries of the site and a new community orchard; and
- Reinforcement of existing hedgerows around the site boundary to improve the quality and connectivity of habitat.

7.5 Conserving and Enhancing the Natural Environment

Landscape

7.5.1 The site is not subject to any landscape quality designation and lies outside of the AONB. Neither the site, nor the immediate landscape, contains any rare or unusual landscape features and so the LVA prepared for the application concludes the site does not comprise a valued landscape.

7.5.2 Development will result in a permanent change to the character of the application site however the proposals will aim to retain notable existing landscape features where evident such as boundary hedgerows and mature hedgerow trees. In addition, the development will incorporate a large area of open space including new woodland planting.

7.5.3 Therefore it is considered that with the proposed mitigation, the development within the application site will result in an overall Moderate to Minor Adverse in terms of long-term landscape effects on the site and its immediate context. However, the proposals are well contained adjacent to the existing urban context and therefore the proposals would have a negligible effect on the wider landscape

character with mitigation. The landscape impact of the development is localised and limited in nature.

Ecology

- 7.5.4 The Ecological Appraisal (FPCR) confirms that the proposal would not lead to a likely significant effect on the integrity of the nearby SPA, SAC and Ramsar sites identified in the report, subject to the provision of on-site green infrastructure incorporating a new community park, play facilities and a circular walking route (as proposed) and a financial contribution towards the management strategy for the statutory sites. With regard to paragraph 177 of the Framework, the 'tilted' balance is therefore not disengaged. In this respect, it is noted that the proposed approach was deemed acceptable by both statutory consultees and the LPA in relation to the previous application submitted for development at the site.
- 7.5.5 The site currently comprises arable land of negligible ecological value, bounded by margins of scrub, tall ruderal vegetation and species-poor semi-improved grassland. The Ecological Appraisal confirms that following the completion of a comprehensive suite of surveys and subject to appropriate habitat creation, the development would not result in harm to any protected species. In this respect, it is considered that the concerns of officers raised in relation to the previous application for the development of the site have been satisfactorily overcome.
- 7.5.6 New habitat creation proposals aim to increase the diversity of habitats present and provide structural diversity, with woodland, scrub, trees, informal and formal grassland areas, attenuation features, and community orchard. New corridors of movement will be created via the planting of tree, hedgerow and scrub lines.

Flood Risk

- 7.5.7 The FRA submitted in support of the application details how the scheme incorporates SUDS that will manage to outfall of water from the site to the 1 in 100 year flood event with additional allowance for climate change. It is noted that the LLFA was consulted in relation to the previous application and raised no objection on the grounds of flood risk and drainage.

Agricultural Land Quality

7.5.8 A Soils and Agricultural Quality report accompanies this planning application. The survey carried out in relation to the site at Cross Road found that the site comprised 3.94 ha of agricultural land, of which 68% was of agricultural quality Grade 2 and 32% of agricultural quality Grade 3a. The site therefore comprises entirely of Best and Most Versatile agricultural land.

7.5.9 However, given that the majority of the district constitutes high quality agricultural land and that there is an identified requirement to release further greenfield sites in order to meet housing requirements, its loss is inevitable almost wherever greenfield development occurs in this area. The loss of BMV land here does not preclude development at the application site and should be afforded only limited weight in the determination of the application. In this respect, it is noted that the loss of BMV land was not considered to be a determinative factor in relation to the previous proposal for development at the site.

7.6 Meeting the Challenge of Climate Change

7.6.1 Paragraph 148 of the Framework requires the planning system to “help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions...” The application proposal meets these criteria as it will be delivered to the relevant Building Regulations or equivalent standard applicable at the time of permission.

7.7 Conserving and Enhancing the Historic environment

7.7.1 Section 16 of the Framework provides policy guidance on the conservation and investigation of heritage assets. The archaeological appraisal has identified that no designated assets of archaeological interest are present within the study site or its immediate vicinity.

7.7.2 The Built Heritage Statement considers the impact of the development on the Grade II* Listed Church of St Martin and the Grade II listed Ripple Windmill and finds that the site does not make a contribution to their respective significance and would not impact upon their setting and significance. The Built Heritage

Statement also finds that the development would not give rise to any harm to other statutory and non-statutory heritage designations.

- 7.7.3 It is noted that the earlier application proposals for the development of the site were considered acceptable in terms of archaeology and built heritage and therefore no objections were raised in this respect.

7.8 Summary

- 7.8.1 From the above, it is clear that the application proposal complies with relevant provisions of the Framework. Accordingly, it can reasonably be concluded that the proposal is also in compliance with the broad planning objectives of the Framework.
- 7.8.2 The assessment against the relevant policies does not indicate any circumstances under which permission should be restricted which might result in the disapplication of the presumption in favour of sustainable development.

8 PLANNING BALANCE AND CONCLUSIONS

8.1 Summary of Case and Identified Benefits and Harm

- 8.1.1 The outline planning application is made in the context of the government's requirement to boost housing land supply and the presumption in favour of sustainable development. In addition, it is considered that the proposal responds positively to the lack of a five-year housing land supply in Dover District and the identified needs for both market and affordable housing in the Authority. The applicant does not rely on a shortfall in the 5 year housing land supply position to justify the development and considers that the balance tips firmly in favour of development irrespective of 5 year housing land supply.
- 8.1.2 The proposal is in accordance with the broad spatial strategy of the development in that it directs growth to the sole "District Centre" in the settlement hierarchy, positioned second only to the town of Dover itself.
- 8.1.3 This proposal would be deliverable in the short term and increase the supply and choice of housing at one of the most sustainable settlements in the area. It would contribute towards economic growth and have wider social benefits to the local community, meeting a range of housing requirements, including affordable housing. The principles outlined within the DAS would secure a high quality scheme.
- 8.1.4 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations. Gladman is willing to enter into constructive dialogue with the Council to agree a list of conditions and Section 106 Heads of Terms that are necessary to make the development acceptable in planning terms. In order to commence this process, a list of suggested Heads of Terms for a Section 106 Agreement is enclosed at Appendix 1.
- 8.1.5 As with any greenfield site, the development will introduce changes to the area and some urbanising effects, albeit limited and localised in nature. Care has been taken to ensure that the perceived impact on Deal is minimised and acceptable, through careful design and siting, the provision of extensive open space and green infrastructure.

8.1.6 The development of the site, as proposed, would be both suitable and sustainable, and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development.

8.1.7 The relevant material considerations in this case are:

- Policies relating to the scale and delivery of housing in the district are out-of-date given the development plan's failure to provide for the minimum local housing needs figure and the lack of a robust deliverable five-year supply of housing land;
- Under the current development plan, the site lies in the open countryside adjoining the settlement boundary of Deal. However, if settlement boundary of Deal was to remain intact, insufficient land would be available to meet the minimum local housing needs of Dover District;
- The policies that seek to protect the countryside are inconsistent with the Framework;
- The application is submitted in advance of the adoption of the Council's new Local Plan, but this is yet to be consulted upon or go through examination. Weight cannot therefore be attached to its emerging provisions;
- The site is suitable for residential development in terms of location and characteristics and is not of high environmental value;
- The landscape features of the site will be retained and reinforced to retain a suitable landscape edge and setting; and
- The provision of affordable housing, without subsidy, is a significant benefit in circumstances where the Council is not delivering sufficient affordable homes to meet pressing needs.

8.2 Benefits

8.2.1 The table below highlights some of the key benefits arising in respect of the application proposal:

Market Housing	The development will help to deliver much needed new, quality, family homes, in a community where people wish to live, in a suitable and sustainable location close to existing
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	public transport, shops, employment opportunities and community services.
Affordable Housing	It will provide a wide range of homes including a policy-compliant provision of affordable housing (30% or up to 30 units) in an area where there is an existing unmet need unlikely to be delivered through alternative means.
Jobs and the Economy	<p>Immediate Impacts</p> <p>The build cost for the development is expected to be around £11.7m. Calculations suggest that this construction expenditure would support around 98 Full Time Equivalent (FTE) construction jobs over the period of the build.</p> <p>The development of new homes in the proposed development could help to address local unemployment in the industry, and provide apprenticeship and training opportunities for young unemployed people.</p> <p>Over the four years following the completion of the development, DDC will benefit from circa £500k via the New Homes Bonus.</p> <p>Lasting Impacts</p> <p>It is anticipated that 111 of residents from the new development will of working age and in employment.</p> <p>Household expenditure from the 100 new homes would be circa £3.3m per year.</p> <p>The scheme will supply new affordable rented and intermediate housing, helping to address substantial local affordable housing needs by providing opportunities for lower income households to own their own home or to secure rented accommodation.</p>
Protecting and enhancing Vitality and Viability	<p>The new residents will increase demand for and use of local services and businesses and increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area.</p> <p>There is no associated impact on the town centre from the local centre proposed on site.</p>
Public Open Space and Recreation	<p>It will provide formal and informal public open space and green infrastructure and secure its long-term management for use by the new and existing community.</p> <p>It will improve connectivity and access to public rights of way.</p>

Environmental Benefits	Biodiversity of the site will be protected, diversified and improved through new hedgerow and tree planting and delivery of new garden spaces and formal and informal green spaces. Overall, the proposal will achieve a net gain in biodiversity.
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8.3 Harm

8.3.1 The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the scheme.

8.3.2 As with any greenfield site, the development will introduce changes to the area and some urbanising effects and it will involve the loss of some agricultural land however, this is to be expected and the LVA demonstrates the scheme can be delivered without unacceptable wider landscape and visual impacts. Any impacts are highly localised and limited.

8.3.3 The development will result in the loss of some BMV agricultural land. However, given that the majority of the district constitutes high quality agricultural land and that there is an identified requirement to release further greenfield sites in order to meet housing requirements, its loss is inevitable almost wherever greenfield development occurs in this area

8.3.4 Despite these changes, significant and demonstrable harm will not arise through development overall as proposed. Further, the application documentation demonstrates that the concerns raised by officers in relation to the earlier application proposals for the development of the site have been overcome. Therefore, it is confirmed that no harm arises in respect of impact on the local highway network, access to sustainable means of transport, impact to protected species and impact on local infrastructure, pursuant to a Section 106 legal agreement.

8.4 Planning Balance and Conclusions

8.4.1 The Framework policies on the delivery of sustainable housing development carry significant weight, and the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives

of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).

- 8.4.2 There are no technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and development plan do not indicate that development should be restricted.
- 8.4.3 In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'.
- 8.4.4 Accordingly, it is clear there are significant material considerations supporting the proposal and therefore the planning application should be approved without delay.

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APPENDIX 1: SECTION 106 DRAFT HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with Dover District Council to agree Section 106 obligations for any obligations which, in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

AFFORDABLE HOUSING

- i. The Agreement will provide for 30% affordable housing with a tenure split to be agreed with the Local Authority.

OPEN SPACE

- i. The Agreement will require the Developer to provide onsite informal open space and an equipped children's play area.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.
- iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

OTHER

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.



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