

- **Policy Principle**

The Development Plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the Saved Policies from the Dover District Local Plan 2002, DDC Core Strategy 2010 and the recently adopted Land Allocation Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance and SPDs.

Loss of an Existing Sports Facility: This site is allocated through the CS as a designated area of Open Space and was used as a sports playing field in association with South Deal Primary School. The school closed in 2006/2007 as part of county council cutbacks and was amalgamated with Mongeham Primary to create Hornbeam School, Mongeham Road. The site's designation as OS and its status as a school playing field that has been dormant for less than 10 years, remain unchanged through the LALP. In accordance with para Za to Schedule 5 of the DMPO – Sport England would be a statutory consultee on the basis that the site although dormant for over 5 years is allocated as Open Space (including playing fields) within the Development Plan – and it is likely that any forthcoming planning application would need to be referred to the SoS (should the LPA be minded to grant pp)

School playing fields (including *former* school playing fields) and publically accessible Open Spaces identified by the recently adopted 'Playing Pitch & Outdoor Sports Facilities Strategy (Feb 2015) are protected by Paragraph 74 of the NPPF and DM25 of the Dover District Core Strategy.

Early consultation with Sport England and DDCs Infrastructure & Delivery Officer will be crucial for any proposal on this site.

Policy DM 25

Open Space

Proposals for development that would result in the loss of open space will not be permitted unless:

- i. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
- ii. where there is such a deficiency the site is incapable of contributing to making it good; or
- iii. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
- iv. in the case of a school site the development is for educational purposes; or
- v. in the case of small-scale development it is ancillary to the enjoyment of the open space; and
- vi. in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

NPPF para 74:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

DDCs Sports Strategy states that ‘a large number of playing pitch and outdoor sports facilities already exist in the Dover District; the comprehensive audit considered nearly 300 pitches, courts and rinks at 89 sites. As well as the publicly accessible sports pitches, this review encompassed dormant sites and school playing fields that do not currently have a community use agreement in place. Many of the facilities are in good condition while others fall below the expected standard’ (para 1.17).

In the first instance any proposal to develop this designated open space must recognise its status as a former school playing field. The fact that it is not currently accessible to the public is not directly relevant when considering the principle of development.

The research for and recommendations of the Sports Strategy divide the District into 3 sub-areas, Dover, Deal and Rural (this was based on advice from Sport England). The evaluation of this proposal should be based on the findings of the Strategy which are relevant to the ‘Deal Sub-Area’.

The Sports Strategy includes the following information relevant to the Deal sub area:

- Table 4.2 on page 36 identifies a substantial shortfall (c.8) in youth football pitches, and states that although supply of senior pitches meets demand this will turn into a shortfall by the end of the plan period (i.e. 2026)
- Table 4.4 on page 47 shows that supply meets demand for rugby pitches in the Deal sub-area both now and throughout the plan period
- Table 4.7 on page 58 identifies a shortfall of 2 cricket pitches in the Deal sub-area of the district, and this shortfall is predicted to continue throughout the plan period

Furthermore, paragraph 4.33 on page 38 states that all the existing youth football pitches in the Deal sub-area are of average to good quality, therefore capacity cannot be increased sufficiently through improvements to the pitches themselves to rectify the identified shortfall. Paragraph 4.102 on page 59 states ‘the need for additional cricket capacity is most intense in the urban areas of Dover and Deal’.

I note from the covering letter accompanying the pre-application enquiry that the deficiency in sports facilities within the Deal sub-area is recognized. However, it goes on to counter this with reference to ‘a large surplus in alternative facilities throughout the District which could potentially serve these deficits’, and concludes by stating ‘there is therefore no significant qualitative or quantitative deficiency in outdoor public open space throughout the District’.

DDC would refute this statement. Based on the findings of the Strategy, there is a significant shortfall of sports facilities across the District. For instance the strategy identified a deficiency of 7 youth football pitches in the Dover sub-area alone at the present time, rising to 8 by the end of the plan period. In the rural sub-area there is a shortfall 4 such pitches rising to 5 within the plan period. These are significant deficits.

Notwithstanding this, it is not considered appropriate to assess the proposal against a generalized view or averaged quantum of generic sports facilities across the District as a whole when seeking to evaluate the potential contribution of this site towards sports provision. To generalize masks significant variations in the quality and quantity of sports provision between the three sub areas. The identification of the sub-areas was to ensure a realistic picture of existing accessible sports provision was established, to enable a more targeted approach to the future planning of sports facilities in the interest of public access and sustainability.

For example the Strategy has identified a surplus of senior football pitches in the rural sub-area but a shortfall in the Dover sub-area. This is backed up by evidence that participants travel from urban areas to rural areas in order to access sports facilities, which is clearly not a sustainable pattern.

Overall there is a substantial quantitative shortfall in sports facilities within the Deal sub-area, leading to the question could this designated Open Space be utilized to meet any of the identified deficiencies in outdoor sports sites within the Deal sub area?

Whilst sports facilities are in the Council's view the prime deficiency in the Deal sub area – need to establish the status of provision in the Deal sub area of other OS categories – are there identified qualitative or quantitative deficiencies in these categories? [NB: I have sought advice from my colleague Emma-Jane Allen on this matter - & will update you in due course].

Based on the criteria of the NPPF para 74, and CS policy DM25, any forthcoming planning application for residential development on this site would have to provide exceptional justification for the loss of this designated open space, within the context of an evidenced deficit of public open space within the Deal sub area – and in particular sports facilities. In this respect, early engagement with Sport England and DDCs Infrastructure & Delivery Officer is strongly recommended.

My colleague Roger Walton also sat in on part of the meeting as your client expressed an interest in considering different permutations of land assembly in conjunction with DDC owned land. Aside from the principle planning policy position – there may be scope to facilitate the provision of on-site sports facilities – if this is deemed to be the most appropriate use in relation to access, proximity to existing and future residential properties, and the specific contribution it would make to the current deficit in open space within the Deal Sub Area. I understand that you will discuss matters with your clients and get in touch with Roger Walton, Emma-Jane Allen and Laura Corby to discuss the potential merits of the different scenarios. As noted at the meeting, I will be leaving the Authority at the end of the month – however I hope to be able to let you know who the new case officer will be before I leave.

Notwithstanding the principle issue discussed above, the site is located within the urban confines of Deal and within an existing residential area. DDC have recently adopted the LALP which allocates a number of additional housing sites. The Freeman's Way site is not an allocated site and would therefore be considered a potential 'windfall' site, which could contribute towards meeting the District's 5 year housing land supply target.

OTHER MATTERS:

- **Density of Development/ Housing Mix**

SHMA (2008) figures underpin CS policy CP4. Suggested figures are a starting point for discussions. Any deviation from this policy split needs to be fully justified as part of any proposal.

	Proposed Units	% Proposed	Core Strategy
1 bed flats	12 (2 bed)	10%	15%
2 bed DH	28	23%	35%
3 bed DH	70	58%	40%
4 bed DH	10	8%	10%
Total AH Units			

The proposed units appears to broadly follow the unit size split anticipated by the Core Strategy, however justification will be required for any deviation from the policy expectation. – drawing on market conditions and demand.

In terms of development density, based on the developable area identified for the site (c2.6ha), there is an overall density of c.47dph. CS policy CP4 encourages residential development proposals to exceed 40dph – however it also recognizes that the appropriate density for any given site will be determined by details evaluation of the sites context and the prevailing pattern and density of development in the area. Please see comments below in relation to layout, however the indicative site layout plan submitted with the pre-app appears to result in a higher density of development than the surrounding area, and the density shown results in the need for large areas of frontage parking for each unit, which would be of detriment to the character and visual amenity of the resulting development.

- **Affordable Housing**

For residential developments of 15 or more, CS policy DM5 seeks the provision of 30% Affordable Housing, ideally split as 30% shared equity and 70% social rented. I would suggest you contact my colleague Paul Whitfield to discuss the particular requirements for this site. The shared ownership mix would also need to be agreed with an RSL partner as they will need to carry out a marketing assessment. We would of course want to see the affordable housing provided in small clusters evenly distributed evenly across the development.

- **Design & Layout & Residential Amenity**

I understand from our discussion today that the illustrative layout shown on DHA/10229/05A was developed on the premise that the large area of OS identified within the site would be given over to DDC for the potential expansion of the adjacent cemetery. From discussions with my colleague Roger Walton, it is apparent that with the recent grant of pp for an expansion of the cemetery (DOV/15/0015) and the potential of the adjacent allotment land – there is currently no pressing need to secure land for the future expansion of the cemetery.

The area of OS shown on the illustrative layout would not be acceptable in this location for accessible green space to serve the needs of the development (and to address the current deficit

identified by the Sports Strategy). The area should benefit from an accessible, central location with good levels of natural surveillance.

Based on the above, I will not spend too much time considering the layout presented other than making the following general observations:

- Consideration should be given to the provision of a secondary access to the site. This would improve the accessibility for emergency services (as discussed) but it would also improve the permeability of the site and 'knit' the development better into the surrounding context.
- Careful consideration should be given to the parking strategy for the site from a design perspective. As noted above, the layout currently presented relies heavily on frontage parking for each unit, which would make for a very parking dominant layout. Whilst the use of parking courts should be routinely avoided, the use of a variety of strategies for the development as a whole would provide variation across the development and reduce the visual dominance of parking.
- Consideration should be given to the main terminus to the view of the development gained along the main access into the site. As presently shown the main view of the development would be dominated by the frontage parking. A more positive and design led approach to this aspect of the site is required.
- The road hierarchy of the site should be considered at the outset. The layout currently shown applies a uniform approach to road width and access type. Consideration should be given to providing a variety of road types and the establishment of character areas/features within the development, e.g. private drives, reduced width carriageways etc. Again this would break up the uniformity of the scheme.
- Consideration should be given to the connectivity of the site with existing PROW, particularly where they lead to community facilities such as play area, sports facilities, local shops, schools etc. – and the layout of the development should reinforce these connections.

- **Ecology:**

EIA Screening: The development is a Schedule 2 (10) development (urban infrastructure project over 0.5ha) which needs to be screened for EIA.

AA Screening: will be required for in-combination impacts. Please liaise with DDCs Principal Ecologist for further information.

The likely quantum of housing would trigger a contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Sites Mitigation Strategy. This approach has been successfully used on other comparable sites in the District.

A Phase 1 Survey would be needed, as would a Reptile survey (in particular Slow worm); a Bat Activity survey – the site may be used for foraging.

The principle of open space provision is welcome – what would be the intended management arrangements? I would anticipate that a management company would be set up to take this on covering all areas of open space throughout the development.

General Landscape: The site is contained on three sides by existing residential development. This site is regarded as an infill site within the existing urban confines. It is not considered that there would be a wider landscape impact arising from the proposed development.

- **Vehicular Access & Transport Assessment**

The preliminary site layout shows the development to be served by a single vehicular access from Freeman's Way. The rule of thumb is for developments of 50 or more units a secondary emergency access should be provided. I note from the accompanying information that Kent Fire & Rescue consider the access to be satisfactory from their point of view – was this a response to the detailed access geometry or to the principle of a single access to serve this development?

I have informally spoken to KCC Highway Services regarding the principle Highway parameters for this site. They have confirmed that the application for this scheme would have to be accompanied by a TA – the scope of which should be agreed with KCC highways before survey work is commenced.

Other than the site specific issues relating to the geometry and visibility splays achievable at the main site entrance, the impact of development generated traffic on the wider local network will have to be fully evaluated and understood. It may be that off-site highway works will be required to mitigate any impact. I am aware that the roundabout junction of the A258 and the B2056 is particularly constrained.

In any case, please contact KCC Highway Services for further advice.

- **Parking**

Current guidelines for DDC are IGN3, and local standards are set out in the Core Strategy (p114). Garages are not counted as parking.

In general the reliance on rear parking courts should be minimized wherever possible as they tend not to be used by residents, who instead seek to park close to the front of their properties, often on landscaped areas to the detriment of the quality and amenity of the development. Where parking courts are unavoidable, the ability to park elsewhere around the development should be designed out to encourage use of the allocated parking.

Car ports to the front of parking spaces should be avoided. They are often used for storage and hence block access to the parking space.

Again KCC Highway Services can advise further in this respect.

- **Open Space [to serve the development]**

LALP policy DM27 relates to the provision of Open Space (Accessible Green Space, Outdoor Sports facilities, Children's Equipped Play Space & Allotments/Community Gardens) to meet any need generated by development. Calculation of the additional need generated by the development is based upon estimated occupancy rates given in the KCC paper 'Demographic Forecasts DDC, April 2010'. Please refer to pages 147-153 of the LALP adopted January 2015 for further guidance.

The indicative site layout shows an area of land c1ha to be maintained free from development and provided as open space – it is assumed that this is intended to serve the needs of the proposed development, however the layout does not convey the message that the open space would be integral to the development (see above – layout comments). Alternatively, the plans indicate the potential for the 1ha to be given over for expansion of the Hamilton Cemetery. My colleague Roger Walton has confirmed that with the recent approval of planning permission to extend the Deal cemetery, there is no identified shortfall in cemetery space. However, notwithstanding the principle

planning policy issues, there may be opportunity for land swap if this would facilitate a better development for the site. Secondary/emergency access – southern end of Freeman’s Way??

Accessible green space

The nearest accessible green spaces of useful size are at Freeman’s Way (across the road), Cowdray Square (just less than 700 m away) and Victoria Park (about 1.1km). In settlements of rural service centre level or above, the adopted standards require at least one accessible green space of minimum size 0.4 ha within 300m and at least one green space of 2ha within 1,000m. The distance is measured along pedestrian footways.

Freemans Way open space has an area of a little over 0.4 ha and the area of Cowdray Square is about 0.46 ha, while the accessible green space at Victoria Park is a little over 2ha. So the standards for accessible green space are met in the main, at least in terms of the quantitative and accessibility standards. However, the quality of provision at Freemans way falls below expected standard, as has been reported frequently in local media. Therefore Freemans way open space does not currently have the capacity to meet any demand arising from the site. Again, new demand could be met by provision on site or perhaps through a scheme to improve and sustain the quality of Freemans Way

Children’s equipped play space

The nearest existing equipped play areas are at Freemans Way, Cowdray Square and Victoria Park. According to the adopted standards, in settlements of village level or above in the Core Strategy hierarchy, residential accommodation should be situated within 600m of a local play space and/or 1km of a strategic place. The distance is measured along pedestrian footways.

The centre of the North Deal Playing Field is around 200m from Freemans Way play area. The distance to Cowdray Square, via Mill Hill, is just less than 700m. Both of these facilities are classified as local play spaces. The distance to Victoria Park play area (a strategic site) is more than 1.3km. The equipment at Freemans Way play area is extremely poor quality and its long term security is not assured, because the land is privately owned and no maintenance plan has been put in place. The play area at Cowdray Square is of reasonable quality, but its capacity to absorb additional demand is limited. This site contains cradle swings, a slide and a basic multiplay unit, therefore it does not provide sufficient types of play to fully meet the definition of a LEAP (as set out by Fields in Trust), especially for children older than toddlers. Victoria Park play area is quite well equipped, although some items are reaching the end of their useful life and some of the surfacing cannot withstand any additional usage.

Therefore site of this proposed development is currently deficient in children’s equipped play either in terms of the adopted accessibility standard or the qualitative standard, or both. Such a deficiency could be met by on-site provision. Possibly an off-site contribution is an alternative way of meeting any demand originating from this site, especially if it is possible to develop a scheme to improve the long term security of Freeman’s Way play area.

The indicative site layout does not provide for on-site equipped children’s play space. It is assumed that the intention is for the development to rely on the Freeman’s Way play area opposite the site. Unfortunately, this play area is not within the ownership of the Council and has been severely neglected. The equipment on the site is in an extremely poor and dangerous condition and as such is underused. There is a deficiency in play areas within the Deal sub area in terms of quality and hence capacity. In its current state the existing play area cannot be relied upon to serve the proposed

development. To this effect, in the absence of the ability to upgrade the existing play area, DDC would look for on-site provision of play space.

- **Flood Risk Assessment:**

The site falls within Flood Zone 1 which would be appropriate for residential development. However, the site area requires a FRA.

- **Noise Impact**

The site lies within 100m of the Dover/Deal railway line to the south east of the site. Existing residential development intervenes – and hence a vibration/acoustic assessment is unlikely. However I have sought views from colleagues in Environmental Protection in this respect.

If applicable, vibration surveys should be carried out in accordance with BS 6472: 2008 – Guide to evaluation of human exposure to vibration in buildings. Should predicted levels be in excess of the low probability of adverse comment detailed in Table 1 of BS 6472 then a scheme for anti-vibration treatment of the foundations and services shall be submitted.

If applicable, noise levels at the proposed properties (internally and externally) should meet the good standard laid down in BS 8233: 1999 - Sound Insulation and Noise Reduction for Buildings – Code of Practice; used for the design of sound insulation of building facades.

- **Air Quality**

In accordance with the K&MAQP Planning Guidance (section 30) an Air Quality Assessment would be required for the development ... as it is in excess of 80 units. Again I have sought comments from Environmental Protection on this matter.

For the construction phase of the development, we would expect the impact to be addressed. In terms of guidance documents, proposed mitigation measures should follow guidance laid down in the *London Councils The control of dust and emissions from construction and demolition Best Practice Guidance* and the *IAQM Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites*.

- **Contamination**

Comments from Environmental Protection are awaited.

- **Sustainable Construction**

CS Policy CP5 requires residential development proposals submitted at this time to achieve as a minimum Code Level 4.

- **Archaeology**

The archaeological potential of the site is unknown. It is suggested that you contact Ben Found at KCC Archaeology for further information.

- **Phasing**

Please include a phasing plan and schedule for the development. It will be important to ensure that any structural planting/landscaping is carried out early on in the development so that it can mature and be effective.

- **Conditions**

It would be enormously helpful if you could identify at the application stage any specific conditions that you would be relying on as mitigation for the development (aside from the standard DM conditions).

- **Potential HOTs**

Affordable Housing

Off-Site highway work

Open Space (sports, play etc)

Ecological mitigation

Contributions towards education & other social Infrastructure– suggest direct liaison with Allan Gilbert @ KCC prior to application submission

Likely Planning Application Requirements ...

Please see DDC Validations Requirements Document (adopted)