

Public Document Pack



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11 September 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 21 September 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
G Rapley
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the Minutes of the meetings of the Committee held on 24 and 31 August 2017 (to follow).

5 **ITEMS DEFERRED** (Pages 6 - 7)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 8 - 11)

6 **APPLICATION NO DOV/17/00246 - OLD RECTORY, CHURCH HILL, EYTHORNE**
(Pages 12 - 24)

Erection of nine dwellings, landscaping, creation of new vehicular access and parking

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/16/00986 - LAND BETWEEN HOMELEIGH AND LANSDALE, NORTHBOURNE ROAD, GREAT MONGEHAM** (Pages 25 - 40)

Erection of twelve dwellings, construction of vehicular access, with associated car parking and landscaping

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/16/01229 - 117 LONDON ROAD, DEAL** (Pages 41 - 44)

Erection of single storey rear extension

To consider the attached report of the Head of Regeneration and Development.

9 **APPLICATION NO DOV/17/00811 - WEST COGGERS, 61 GRANVILLE ROAD, ST MARGARET'S BAY** (Pages 45 - 50)

Erection of a 3-metre by 3-metre timber deck in garden (retrospective)

To consider the attached report of the Head of Regeneration and Development.

10 **APPLICATION NO DOV/17/00404 - LAND ADJACENT TO GARDEN MEWS AND NORTH-WEST OF SYDNEY ROAD, DEAL** (Pages 51 - 58)

Erection of detached dwelling; formation of turning area, parking and boundary treatments

To consider the attached report of the Head of Regeneration and Development.

- 11 **APPLICATION NO DOV/17/00810 - ANCHOR WORKS, 46 WEST STREET, DEAL**
(Pages 59 - 110)

Erection of twelve one and two-bedroom flats

To consider the attached report of the Head of Regeneration and Development.

- 12 **APPLICATION NO DOV/17/00387 - PART OF WINGHAM COURT, HAWARDEN PLACE, CANTERBURY ROAD, WINGHAM** (Pages 111 - 130)

Erection of fifteen extra care properties (Use Class C2) comprising eight semi-detached dwellings, one detached dwelling and six apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works

To consider the attached report of the Head of Regeneration and Development.

- 13 **APPLICATION NO DOV/17/00832 - LAND AT BELVEDERE GARDENS, DEAL**
(Pages 131 - 138)

Erection of detached dwelling

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 14 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

- 15 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.

- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 21 SEPTEMBER 2017

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/16/01229** **Erection of single storey rear extension – 117 London Road, Deal (Agenda Item 6 of 31 August 2017)**
2. **DOV/16/00986** **Erection of twelve dwellings; construction of vehicular access, with associated car parking and landscaping – Land between Homeleigh and Lansdale, Northbourne Road, Great Mongeham (Agenda Item 9 of 31 August 2017)**

These applications are dealt with elsewhere on the agenda

3. **DOV/14/00240** **Redevelopment of site to provide a total of 100 residential units comprising: two-storey terrace, semi-detached and detached new-build dwellings; Change of Use and conversion of Tewkesbury House and the Chapel to provide 568 square metres of community space (Use Class D1), employment space (Use Class B1) and two residential units; minor demolition, alteration and conversion of the 'Old Workhouse' to provide ten residential units; retention and reinstatement of the fire-damaged Range building and erection of a two-storey terrace of ten residential units; car parking, landscaping, public open space and alteration to existing access (Amended plans and documents) – Eastry Hospital, Mill Lane, Eastry (Agenda Item 10 of 31 August 2017)**
4. **DOV/16/00530** **Erection of a detached dwelling – Site adjacent to 5 Friends Close, Deal (Agenda Item 12 of 23 March 2017)**
5. **DOV/16/01328** **Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (to include demolition of 14 Archers Court Road) – Land rear of Archers Court Road, Whitfield (Agenda Item 8 of 20 April 2017)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

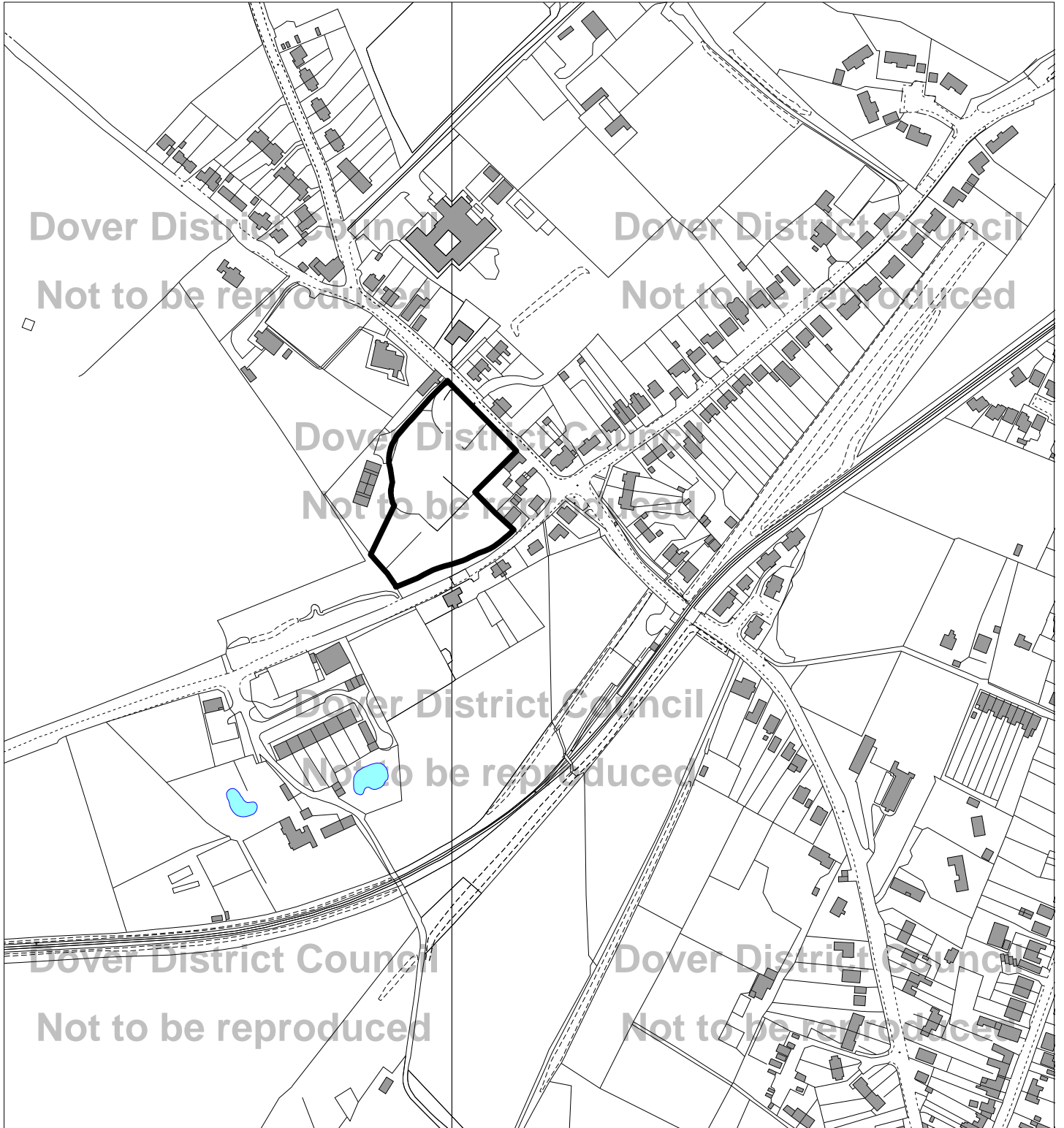
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.

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Not to scale

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Application: DOV/17/00246

Old Rectory

Church Hill

Eythorne

CT15 4AE

TR27994962



a) **DOV/17/00246 - Erection of nine detached dwellings, landscaping, creation of new vehicular access and parking - Old Rectory, Church Hill, Eythorne**

Reason for report: The number of contrary views (6)

b) **Summary of Recommendation**

Approve Planning Permission

c) **Planning Policies and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF)

Paragraph 6- recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7- outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14- states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 47- refers to the responsibility of each LPA to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. It goes on to state how the LPA should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure competition in the market for land.

Paragraph 49- states that Housing applications should be considered in the context of the presumption in favour of sustainable development. In addition to the above, it states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50- stipulates the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive communities.

Paragraph 56- emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60- states that planning policy and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local character or distinctiveness.

Paragraph 61- states that whilst the visual appearance and architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations.

Paragraph 63- states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Equally permission should be refused for development of poor design in accordance with paragraph 64.

Paragraph 66- states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Dover Core Strategy (2010)

CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.

CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.

CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.

DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.

DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan

Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan (LALP)

DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

LA36 – highlights the repositioning of the settlement boundary to include this application site for residential development. The pre-amble of this policy states that the alteration to the boundary ‘may enable development but.....the acceptability of any planning application proposals will be judged against general Development Plan policies and all other material considerations.’

The policy table highlights the main issues for consideration being the trees, access and the setting of listed building.

Supplementary Planning documents and guidance

Affordable Housing Supplementary Planning Document - the purpose of this SPD is to alert developers to the scale and need for affordable housing, including outlining measures for how it will be secured.

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

DOV/13/0033 granted on 1 August 2013 for 2 large (4 and 6 bedroom) detached houses and garages on part of the site (approximately that part occupied by proposed plots 1, 2 and 3).

DOV/08/0387) for 2 detached houses in the approximate positions of proposed plots 1/2 and 8/9 was refused due to their unacceptable design, their impact on the settings of listed buildings and their mutual overlooking.

e) Consultee and Third Party Responses

Eythorne Parish Council object to the proposed development and raise a number of material planning concerns, such as; highways issues, heritage, tree preservation and wildlife.

Environmental Health note that historical maps shows Unknown Filled Ground (pond, marsh, river) covering some of the land at this property. In view of this, they request that suitable conditions be included that requires an investigation and risk assessment to be carried out if contamination found, a gas impermeable membrane to be incorporated within the floor slab of the development and a construction management plan.

Heritage Team have no comments regarding the detailed design of the proposed development, however raise concerns relating to the statement within the Heritage Strategy relating to the listed wall.

"The wall is listed with The Old Bakery and the list description states: "wall attached to rear and extending westwards up Church Hill about 25 yards. Red brick. About 12 feet high on plinth with coping with boarded door at end nearest house." The Heritage Statement notes that works of 'maintenance and identical repair... and works of stabilisation' are proposed; however as this wall is listed it is important to determine what these works are in detail as Listed Building Consent may be required. As it is a criminal offence to carry out works to a listed structure without consent when it is required I strongly recommend that further information be sought on the exact nature of the works proposed so I can better advise on the need for LBC."

Following discussions with the applicant it has been agreed that no works are to take place to the listed wall, and as such no listed building consent is required. An informative is to be placed upon any permission highlighting that any works to this listed structure will require the benefit of listed building consent.

Southern Water initial investigations suggest that SW can provide foul sewage disposal to service the proposed development. Southern Water requires a formal connection for a connection to a public sewer to be made by the applicant or developer. It is suggested that planning permission should be granted subject to the imposition of informatives.

KCC Highways previously objected to the amount and location of car parking shown within the site, lack of suitable turning facilities for refuse/delivery and insufficient visibility splays. KCC also confirmed that parking restrictions will be required on the opposite side of Church Hill to the access, to allow a refuse vehicle to turn in/out of the site and also so that a driver turning right out of the site can then give way to a northbound vehicle coming through the narrower section of Church Hill to the south.

The applicant subsequently amended the proposals and provided further information in light of these comments. The amendments included the following:

- Improvements to access visibility splays and confirmation that land within the control of the applicant is being used for the Highways works.
- Three replacement parking spaces proposed near the site entrance and KCC consider that the maximum number to be displaced is likely to be four, so given that three spaces are provided on site and on street parking is available further up Church Hill, it is not considered a significant impact in highway terms.

KCC Highways subsequently confirmed the amount and location of car parking shown within the site is sufficient to ensure the proposals are unlikely to lead to unacceptable on-street parking on the existing highway, and that suitable turning facilities for a refuse/delivery vehicle are also provided.

The proposals are therefore acceptable from a highway perspective subject to conditions. The parking restrictions can be implemented through a Traffic Regulation Order by the highway authority and highway alterations can be carried out by the applicant through a s.278 agreement with the highway authority.

Southern Gas Network request that they are able to gain access to their pipeline- as shown on the associated map submitted- throughout the duration of operations. The comments list a number of informatives to the application in relation to safe digging practice and other safety procedures.

Dover District Council Tree Officer was consulted and met with the applicant on site. Whilst the site has a number of trees subject to a Tree Preservation Order, it has been agreed that there would be no detrimental impact upon these trees subject to the imposition of suitable conditions that require the submission of details of foundations. These conditions are set out at the end of the report.

Ecological Officer: On receipt of the applicant's reptile report which was submitted to support the application, the ecological officer has commented the following:

"The ecology report concludes that off-site translocation would be required given the density of proposed development. In that case a S.106 agreement will be needed to ensure that any third party land is prepared and maintained in such a manner as to sustain the translocated population, in accordance with the duty on local authorities under the NERC Act 2006."

Neighbour Representations

In total seven neighbour representations have been received from five interested parties, and all object to the application for the following reasons:

- Tree Preservation Orders on site and trees being removed in any event.
- Traffic and in particular at Church Hill.
- Loss of village feel.
- Amount of development too much.
- Construction traffic.
- White Horse Bed and Breakfast refused for additional parking space because of traffic.
- Inadequate access.

Eythorne Parish Council also objected to the proposal, broadly for the same reasons that are listed above making a total of 7 objections.

f) The Site and the Proposal

The Site

The application site is an irregular shaped parcel of land totalling approximately 0.73 hectares, located to the west of Church Hill and to the north of Shepherdswell Road, within the village confines of Eythorne.

Eythorne is identified within the Dover Core Strategy as a Village – the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.

The site is currently undeveloped scrub and grassland and was the garden area associated with the former The Old Rectory.

The application site was formerly occupied by The Old Rectory (a Grade II listed building), however following a fire in 2007, the building was de-listed in 2008 and no above-ground traces of the building are apparent. Garden features such as the walls and steps remain on site.

To the north east the site is bound by Church Hill and the boundary of the site is defined by a red brick wall (listed and associated with The Old Bakery). The site also

falls within close proximity to a number of listed buildings, including The Church of St Peter and St Paul, The Old Bakery and Granary.

The site includes the land allocated under Land Allocations Local Plan policy LA36 as well as land that (whilst within the village confines) does not form part of this allocation.

The Proposal

The proposed development seeks to provide a total of nine two storey, detached, 4 bedroom family dwellings in a cul de sac formation, fronting onto the proposed access route off Church Hill with a turning head at the end.

Access to the site is proposed via the existing access which is proposed to be altered in order to achieve adequate visibility splays and a total of 24 parking spaces are provided.

A number of highway improvement measures are also proposed at the request of KCC Highways including provision of a footpath, a pedestrian crossing and three parking spaces in lieu of the parking restrictions on Church Hill in order to achieve the access visibility.

Main Issues

The main issues in the determination of this application are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact upon trees
- The impact on neighbouring properties
- The impact on the highway network
- Heritage
- Other Matters

Assessment

Principle of Development

1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2 The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.

3 Eythorne is identified as a tier five settlement (Village) within the Dover Core Strategy which allows for development that would reinforce its role as a provider of services to essentially its home community.

4 Policy LA36 of the Land Allocations Local Plan amended the Eythorne Settlement Boundary to include all of this site, as it was considered the site functions as the main built up part of the village.

5 The site has previously accommodated residential development. Indeed, much of it was formerly occupied by a large and imposing Grade II listed 3 storey building, The Old Rectory, which was located centrally about 25 metres from the Church Hill frontage, together with its extensive gardens. The site is situated in a relatively sustainable location in close proximity to a number of services, including a church hall, a primary school, churches, a public house, a playground and bus service. As part of the application and following discussion with KCC Highways, a number of highway improvements are proposed. These include the provision of a short section of footway to the south of the site access and a pedestrian crossing point to the existing footway on the north side of Church Hill. These works will provide pedestrian access between the site and the existing bus stops, school and other amenities in the village.

6 The proposed residential development would have economic and social benefits in accordance with the NPPF presumption in favour of sustainable development.

7 In summary, the site falls within the village confines of Eythorne and therefore the principle of new housing development is acceptable and in accordance with CS policy DM1, Land Allocations Local Plan Policy LA36 and sustainability objectives of the NPPF.

Impact on the Character of the Area

8 The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area. Paragraph 17 states that the need to always secure high-quality design should underpin decision-taking. Paragraph 56 refers to good design being a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

9 The application site is situated on the corner of Church Hill and Shepherdswell Road, bound by residential development to the north fronting Church Hill and to the east along Shepherdswell Road.

10 As set out policy LA36 of the Land Allocation Local Plan the boundary has been amended to include this site within confines and it is considered that the site functions as the main built-up part of the village. The site is surrounded by a mixture of two storey and single storey dwellings of largely traditional character, comprising red brick, yellow brick and render elevations and pitched clay tiled roofs.

11 The proposed layout of development follows the building line of development along Church Hill, the rear building line of development along Wigmore Lane and likewise extends no further than development on the opposite side of Shepherdswell Road. This will ensure the proposal reflects the surrounding pattern of development and does not appear out of character. The layout of development allows for adequate space between existing and proposed properties that reflects the existing grain of development. In light of this, it is considered that the application site can adequately accommodate the proposed development without appearing cramped or overdeveloped.

12 Turning to the specific design of the dwellings the proposal is considered to respect the existing development within the vicinity.

13 The layout of development is largely dictated by the need to protect and preserve TPO trees on site around the perimeter of the site. Access to the site is via the existing access, with an internal road entering the site in a southwestern direction, with a turning head between plot 7 and 8 at the end next to plot 7. The proposed dwellings are positioned off this internal road and considered to be located sufficient distance from one another and surrounding properties.

14 In terms of design the mixture of weather board, brick and off white render elevations and plain tiled roofs are considered to reflect existing development. The architectural detailing on each property, including chimneys, gable and hipped roof configurations, porch detailing and long vertical windows adds variety, and results in a traditional and high quality appearance, reflecting the character of the area.

15 From a heritage perspective and in the context of the nearby listed buildings, Dover Heritage Team have confirmed that the design of proposed development is acceptable and no objection is raised from a heritage perspective.

16 The heritage team has raised concern with regards to the red brick wall which runs along the site frontage. This wall is a listed structure associated with The Old Bakery and is to remain as part of the proposed development. The submitted Design, Access and Heritage Statement notes that maintenance, repair and stabilisation works are proposed, and the Heritage Team has raised concerns that such works may require listed building consent. The applicant has confirmed that proposed works would relate only to the removal of minor sapling and shrub growth.

17 Overall it is considered the proposed development respects the character and existing development within the area.

Impact upon Trees

18 The application site is the subject of Tree Preservation Order through an Area designation.

19 As demonstrated on the submitted Tree Survey and Tree Protection plan the proposed development seeks to retain the majority of the site, and the built form has been positioned to avoid root protection areas of those trees.

20 The Council's Tree Officer has visited the site and has provided comments which raise no objection to this proposal, subject to the imposition of suitable safeguarding conditions which relate to the provision of details regarding the foundations of the plots closest to the root protection areas. These conditions are all set out in full at the end of the report.

21 Furthermore whilst we note local concern has been raised with regards to future pressure for removal of trees on site, the trees are protected by Tree Preservation Orders and thereby protected by different legislation and we are therefore content there is no harm.

22 Whilst there are a large number of mature trees within the application site, it is not considered that this proposal would bring about any significant harm to these trees, with all of high quality being retained. As such there would be no detrimental impact upon the character and appearance of the locality.

Impact on Residential Amenity

23 Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

24 The nearest buildings to the site include Our Lady Flats to the northwest of the site, properties along Shepherdswell Road to the southeast and properties along Church Hill and Wigmore Lane.

25 The proposed development would be situated a sufficient distance away from these residential properties, to ensure that there would not be any overlooking (mutual or otherwise), no creation of a sense of enclosure, or the loss of any sunlight/daylight.

26 Likewise, with the properties that lie beyond the application site; the layout has been designed to ensure that all back-to-back distances are acceptable, and that there would be no direct overlooking of properties in Shepherdswell Road or any properties in Church Hill.

27 Whilst the development would inevitably increase the level of activity, this is not considered to be of a level that would unduly impact upon existing residents. Additional car movements and day to day activities are as one would expect within an area such as this, and indeed has been identified as being acceptable in this location through the LALP 2015 (Policy LA36).

28 For these reasons it is not considered that the proposal would result in any detrimental impact upon the residential amenity of neighbouring occupiers, and the proposal would therefore comply with the requirements of the NPPF (paragraph 17).

Highways

29 Policy DM13 of the Core strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.

30 The site has an existing vehicular and pedestrian access to the north-east corner of the site. The proposed development seeks to use this existing access, but altered in order to achieve adequate visibility splays. In order to achieve the required visibility splays as part of the proposal parking restrictions (which will be implemented through a Traffic Regulation Order by the highway authority) will be provided on the north side of Church Hill in the vicinity of the access and on the approach to the narrowed section. This will enable two vehicles to pass each other whilst one is waiting to give way at the narrowing; to allow suitable turning and passing room at the location of the site access, and to provide suitable visibility at the pedestrian crossing point.

31 In accordance with the Kent Design Guide Review Interim Guidance Note 3 a total 24 parking spaces are provided.

32 In terms of traffic generation, the submitted Transport Statement suggests the proposed development would generate a total of 7 No two-way AM and 8 No PM peak hour movements with a total of 69 No additional daily trips and represents a negligible increase on the local highway network.

33 A number of highway improvements are proposed including the provision of a short section of footway to the south of the site access and the provision of a pedestrian crossing point to the existing footway on the north side of Church Hill. These improvements will provide pedestrian access from the application site to the facilities within the village and therefore promote sustainable modes of transport.

34 KCC have reviewed the proposal and raise no objection to the development. In light of the above the proposed development is considered acceptable.

Heritage

35 Concern has been raised with regards to the impact upon the listed wall to the front of the application site. The NPPF (paragraph 128) requires that applicants should describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets' significance. The applicant has submitted a full heritage assessment which identifies the historic use of the land at its importance in relating to the setting of the building.

36 Paragraphs 132-135 of the NPPF relate to the significance of heritage assets and how planning applications should be determined to ensure that great weight is given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

37 The applicant has confirmed that there are no required alterations to this wall and as such there would be no detrimental impact upon it. In terms of its setting, the Heritage Officer has confirmed that there would be no adverse impact as a result of this proposal.

38 There are two listed buildings that front on to Church Hill – namely the Grade II listed buildings known as 'The Bakery and Wall' and 'The Granary' which lies approximately 10metres to the south east of the Bakery. The Church of St Peter and St Paul lies to the north of the site is a Grade II* listed structure, with the churchyard containing a monument (to the Sayer Family) which is Grade II listed as well as three other groups of headstones that are Grade II listed.

39 Because the site is contained, with substantial tree cover around the boundaries, there is clear separation between this application site and the neighbouring listed structures. That said, the layout has been designed in such a way as to ensure that the dwellings, and associated outbuildings would be distanced away from the listed buildings. All listed buildings (headstones/monuments aside) are visible from the public domain whereas these dwellings would not set away from the public highway, and would be set behind substantial tree cover. They would not therefore be read in the same context as the heritage assets.

40 The proposed dwellings are considered to be well designed, with a good level of detailing, and are also of a scale that would respond positively to the character of the locality. The dwellings would be larger than both the Granary and the Bakery, however, when viewed from the highway it is considered that only glimpses of the roofs of these new dwellings could be seen.

41 The application site (and thus the proposed dwellings within) would not be visible from the front of the church, or from within the church grounds, because of the existing buildings, landscaping and the topography (with the land falling as one moves from the church to the site). As such, it is not considered that the proposal would not have upon the setting of this building or its grounds.

42 In light of the above, it is considered that the development would cause no harm to the setting of the listed buildings aforementioned. The impact of the development is therefore considered to be neutral in addressing the requirements of paragraph 134 and 135 of the NPPF.

43 It is therefore considered that the proposal complies with the requirements of the NPPF insofar as an assessment has been made of the significance of the heritage assets, and the proposal would not have an adverse impact upon the setting or these assets, and in any event the public benefits of the scheme in delivering much needed housing within the district would outweigh any perceived dis-benefit. The proposal is therefore considered to comply with the requirements of paragraphs 132 – 135 of the NPPF.

Other Matters

44 The applicant has submitted a reptile report with the application which identified a total of 19 animals during the survey – all of which were slow worms. No common lizards were found within the application site.

45 This number is relatively low given the size of the site, however, this is likely to be due to the type of habitat on site. The report identifies that translocation will be required, therefore in line with comments made by the ecological officer, a condition will be needed to ensure that any third-party land is prepared and maintained in such a manner as to sustain the translocated population, in accordance with the duty on local authorities under the NERC Act 2006.

46 Details of suitable drainage (foul and surface) can be sought by condition.

Conclusion

47 In light of the above, it is considered that the proposal is acceptable, and would comply with the requirements of Policy LA36 of the LALP (2015). Whilst the proposed dwellings would not mimic those within the immediate vicinity, they are considered to be of a scale and form that would be acceptable – subject to details conditions.

48 The proposal would not result in any significant harm to residential amenity, highways, or ecology. The impact upon heritage assets has also been carefully considered and no objection is raised.

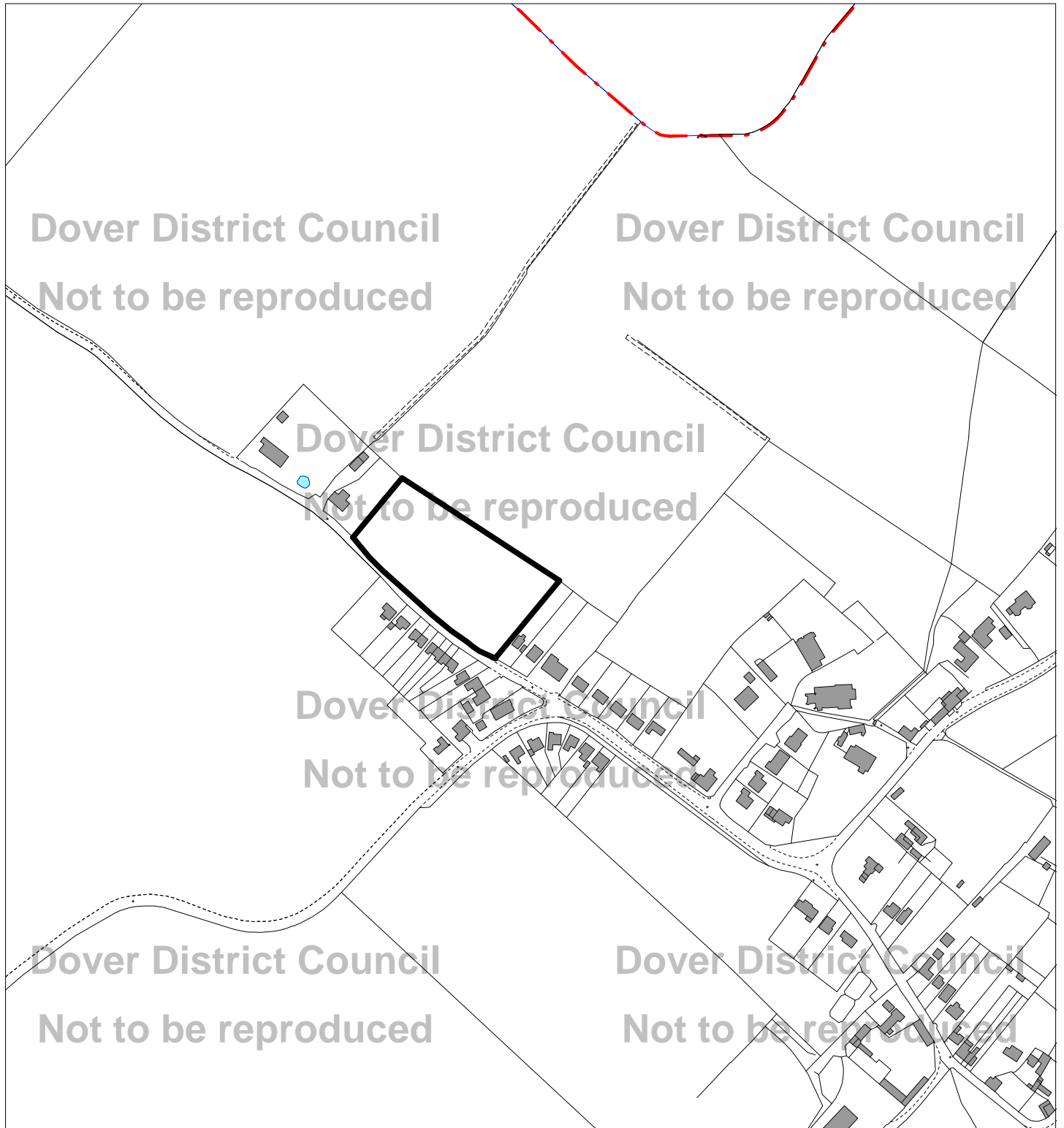
49 It is therefore recommended that the application be approved, subject to the imposition of the safeguarding conditions set out below.

g) **Recommendation**

- I Planning permission be GRANTED, subject to conditions to include : 1) time, 2) approved drawings, 3) samples, 4) design details, 5) cycle and bin storage, 6) parking/turning, 7) construction management plan, 8) archaeology, 9) remove pd for openings, 10) foul and sewage disposal details, 11) landscaping, 12) tree and hedgerow protection measures/details, 13) surface water disposal, 14) foundation design, 15) decking/patio details, 16) slow worm translocation details, 17) ground levels and sections
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by planning committee

Case Officer

Chris Hawkins



Not to scale

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Note: This plan is provided for purposes of site identification only.

Application: DOV/16/00986

Land Between Homeleigh & Lansdale

Northbourne Road

Great Mongeham

CT14 0LB

TR34365159



- a) **DOV/16/00986 - Erection of twelve dwellings, construction of vehicular access, with associated car parking and landscaping - Land between Homeleigh and Lansdale, Northbourne Road, Great Mongeham**

Reason for report: Because of the number of objections (25).

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Statutory Requirements, Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory purchase act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Dover District Council Core Strategy (2008).

Policy CP1 states that the location and scale of development in the District must comply with the settlement hierarchy. The hierarchy should also be used for infrastructure providers to inform decisions about the provision of their services.

Policy CP2 Outlines the provision for jobs and homes from 2006-2026 and a breakdown of land allocations and uses.

Policy CP3 Relates to policy CP2 and gives a breakdown of where the allocated sites will be distributed in the District.

Policy CP4 Housing allocations in the Site Allocations Document and planning applications for residential development for 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points.

Policy CP6 seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Policy DM1 states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if it functionally requires such a location.

Policy DM5: Provision of affordable housing

Policy DM11 states that planning applications that would increase the travel demand should be accompanied with a suitable assessment of this increase. This again reiterates that development outside of the urban/rural confines will not be permitted unless justified by development plan policies.

Policy DM13 states that parking provision should be design led and based on the characteristics of the site, the locality the nature of the proposed development, and

its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council guidance SPG4, or any successor.

Policy DM15 Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:-

- In accordance with allocations made in Development Plan Documents, or
- justified by the needs of agriculture; or
- justified by a need to sustain the rural economy or a rural community;
- it cannot be accommodated elsewhere; and
- it does not result in the loss of ecological habitats.

Policy DM16 Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Dover District Council Local Plan Saved Policies.

N/A

Land Allocations Local Plan (LALP).

Policy LA37: Land allocated for residential development at land at Northbourne Road. This policy states that the following should be provided:

- Frontage Development Only
- Retention of Hedgerows
- Creation of boundary to north west and north east.
- Provision of new footway fronting the site and connecting with existing footway on Northbourne Road

The Policy also states that there should be approximately 10 units provided within the application site.

Worth Neighbourhood Plan.

N/A

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out the three dimensions to sustainable development. These are set out as follows:

- (i) an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - (ii) a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - (iii) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 states that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
 - Paragraph 14 states that there is a presumption in favour of sustainable development, and where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole
 - Paragraph 17 outlines the overarching role that the planning system ought to play, and a set of core land-use planning principles which should underpin both plan making and decision taking.
 - Paragraph 47 Refers to the responsibility of each LPA to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. It goes onto to state how the LPA should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% to ensure competition in the market for land.
 - Paragraph 49 housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
 - Paragraph 50 states that the local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership

and create sustainable inclusive and mixed communities through plan making and decision taking.

- Paragraph 56 states that The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 65 states that local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns are mitigated by good design.
- Paragraph 117 seeks to ensure that planning policies minimise impacts on biodiversity and geodiversity.
- Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles.
- Paragraph 139 states that non designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

National Planning Policy Guidance (NPPG)

This provides guidance on matters relating to the main issues associated with development, and how decision making should take place.

Other Documents

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

PE/15/00168- Pre-application advice.

The principle of development is something that could be supported, however there are a number of issues that's would need to be addressed prior to submission.

e) Consultee and Third Party Responses

KCC Highways and Transportation made the following comments on the application

"I refer to the above planning application and note that the majority of the site is allocated for residential development in the Dover District Land Allocations Local

Plan, the principle of development therefore being acceptable. I would comment further as follows:

1. Visibility splays of 43 metres x 2 metres x 43 metres are required at the proposed access points, unless measured vehicle speeds indicate a lesser requirement. There should be no obstructions over 1 metre above carriageway level within the splays and they should be over land within the control of the applicant and/or the highway authority. It should be demonstrated that appropriate splays can be achieved.
2. There should be a pedestrian route available for proposed residents along the frontage of the site. This can be a footway adjacent to the carriageway or a route behind the proposed boundary hedge, but details need to be shown on the plans. Ideally this would continue along Northbourne Road to the junction with Willow Road however, it does not appear possible to provide a footway between the site and Willow Road due to the land ownership and highway boundary issues. On balance this is acceptable bearing in mind this is only a short section of the lane within a low speed environment; it has good visibility (the lane is straight); the lane is not heavily trafficked; and there is unlikely to be a significant number of pedestrians.
3. It is not clear if plots 1-4 have the necessary two independently accessible parking spaces each. Spaces should be 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded by walls/fences/landscaping on one side. It should be demonstrated that such parking spaces are available.”

Amended plans were submitted, however KCC Highways responded stating that the concerns raised had not been appropriately addressed.

Environment Agency raise no objection to the development, subject to the imposition of relevant conditions.

Natural England made the following comments on the application:

“Statutory nature conservation sites – no objection based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.”

In addition to the above, Natural England have also published their recommendation in relation to protected species, local sites, biodiversity enhancements, landscape enhancements; and sites of special scientific interest impact zones.

Environmental Health raise no objection subject to conditions.

Southern Water responded to the consultation, stating that they require a formal application to be made by the developer/applicant for a connection to the public sewer. Should the application be approved they also asked that a number of conditions be imposed on the permission.

Kent Police (CPDA) stated that if the planning application is granted permission and no contact has been made to the Crime Prevention Design Advisors (CPDA) by the applicant/agent, then we suggest that a condition should be included as part of the planning approval to ensure that crime prevention is addressed effectively.

KCC Archaeology raise no objection subject to conditions.

Southern Gas Networks made comments on the application submitted in relation to safe digging practices and safety risks associated with poor digging practices. It is stated that it is the responsibility of the applicant/developer to ensure that safe practice is carried out and that damage to any pipes will be charged to the liable organisation.

Great Mongeham Parish Council made the following comments on the application:

“Great Mongeham Parish Council supported the application in principle, however should DDC be of a mind to grant planning permission they would like conditions added to deal with the following issues: -

- Parking- it was felt that there is insufficient parking allocated on site for residents and visitors, the existing residents in Northbourne Road already park on the road making it difficult to pass. The Council would like the road widened to allow sufficient room for vehicles to pass parked cars, they would also like parking restriction on the north east side of the road to prevent parking on both side of the road leading to obstructions.
- Footpath- they would like to see a footpath installed on the site to allow pedestrian access from the site towards the main village.
- Flooding- there is already a major issue with surface water runoff in the vicinity of Sparrow Court were the road regularly floods during heavy rain. Arrangements should be made to help with the existing issue and prevent additional water adding to the problem.

In addition to the above the Council had been asked to raise two issues relating to the existing Land Allocation Document, as the proposed development extends further than the allocated site and the proposal is for 12 properties not the 10 listed in policy LA37.”

DDC Regeneration Delivery No objection.

KCC Development Contributions Comments from KCC development contributions were sought in relation to the proposed development. These contributions will be discussed within the body of this report.

Kent Wildlife Trust no response.

National Grid Plant Protection no response.

EDF Energy no response.

Fire Safety Service no response.

Tree and Horticultural Officer No trees are affected by the proposed development.

Ecology Officer Not a local wildlife site or priority habitat site.

Representations

Neighbouring occupiers were notified of this application and 25 letters of objection have been received. The concerns raised within these letters are summarised below:

- Very narrow lane which is not suitable to accommodate the level of development proposed.

- Pressure on off street parking.
- Concerns over highway safety
- Application site extends beyond the village confines
- Road not widened enough and no provision of footpath
- The development would appear crowded and incongruous in the street scene which would not be adequate in terms of amenity or adhering to existing area character.
- Erosion of rural character
- Unsatisfactory affordable housing provision/ contribution.
- Concerns over increased flooding and surface water.
- Lack of shops and facilities in the area to serve the new development.
- Environmental concerns over the impact on wildlife, local habitats.
- Development would detract from openness and view of countryside (conservation of the hedgerow).
- Gas and water supply issues.
- Development on grade 1 agricultural land.
- Ribbon development
- Development could be accommodated elsewhere that could also provide a better level of affordable housing.

There are also 2 letters of support. The reasons for support are summarised below:

- Broadly support the principle
- The development is in keeping with the area and well designed.
- Concerns over proposed highways works and parking.

1 of the public comments neither supported nor objected to the proposal.

f) The Site and the Proposal

The Site

Most of the site is allocated and falls within the defined settlement boundaries and the other is beyond the settlement boundaries and therefore by definition in the countryside. Approximately, two thirds of the application site is allocated for housing and the other third is beyond the settlement boundaries.

The site consists of agricultural land and adjoins residential dwellings (Homeleigh and Lansdale) at the east and west ends of the site. These are well contained within the hedgerows and trees. There are no features along the north-eastern boundary that delineate the line indicated on the plan submitted.

Northbourne road runs along the south west boundary. This is a single width rural lane which is derestricted. There is a hedgerow running the length of the boundary with telegraph poles located within it. There are residential properties to the east, west and south of the site, whilst beyond the northern boundary is open countryside.

The Proposal

This application seeks full planning permission for the erection of 12no. dwellings and the construction of a new vehicular access with associated parking and landscaping.

The proposed development comprises 2no. 4 bedroom detached dwellings, 6no. 3 bedroom semi-detached dwellings and 4no.3 bedroom terraced properties. The

combination of 3 and 4 bedroom dwellings offers living areas, bathrooms and bedrooms, large private gardens, parking space for at least two cars per dwelling, refuse storage facilities and two cycle parking spaces are also provided.

The proposed development has been amended on two separate occasions to address the concerns of officers and statutory consultees. Further to ongoing consultation with the DDC the material palette has been changed to be red stock brick, weatherboarding in a composite cladding in a dark brown timber finish and pitched grey slate rooves.

Main Issues

The main issues in the determination of this planning application are:

- The principle of development.
- Countryside and landscape impact
- Design and appearance and impact on street scene
- The impact upon highway safety.
- The impact upon residential amenity.
- Ecology.
- Planning Obligations/Contributions.
- Archaeology.
- Other matters.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise.

At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.

Policy LA37 states that the site (part of) is allocated for residential development. It states that planning permission will be permitted provided that; the proposal reflects the characteristics of the surrounding built form both in terms of density and rural character.

The key issues highlighted for this site include:

- Frontage Development.
- Retention of Hedgerows Creation of boundary to north west and north east.
- Provision of new footway fronting the site and connecting with existing footway on Northbourne Road.

Officers note that the application site comprises land which is not included in Land Allocation 37. The site area extends beyond the western boundary of the allocated site area and adjoins the residential curtilage of Homeleigh. This means that part of the site also falls outside of the existing settlement confines of Great Mongeham. However, pre-application discussions took place with officers of the Council who agreed that subject to the submission of a suitable design, the further infilling of the site would be acceptable, and make best use of land.

Policy DM1 of the Core Strategy states that development will not be permitted outside of the settlement confines unless it is justified by any other development plan policies.

Whilst in part the proposal this might be viewed as a departure from the development plan, this larger application site area has allowed for a lower density development to occur and does not result in an unacceptable level of harm to the openness of the countryside and character of the area.

In addition, the number of residential units provided (12) is in keeping with Great Mongeham's status as a village, suitable for a scale of development that would reinforce its role as a provider of services to its home community, in accordance with Policy CP1.

Countryside and Landscape Impact

The land allocations document indicates that development within this site should be designed sensitively in order to ensure that it reflects the characteristics of the surrounding built form and development density. The policy also states that any proposal should be 'frontage development only', to ensure that it is consistent with the characteristics of the surrounding built environment and also to ensure that a sense of openness is retained.

Policy DM15 states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted in very specific cases, one of which being when development is in accordance with allocations made in the Development Plan. The proposed development would result in the loss of some countryside, however it was established during pre-application discussions that further infilling would be acceptable subject to design. Therefore, the loss of countryside is permitted in this case as long as there is not an adverse impact on the character of the landscape or appearance of the street scene. These will be addressed in the body of this report.

Policy DM16 of the Core Strategy states that Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if; it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Pre-application advice was sought prior to submission. Within the written response, emphasis is placed on retaining the character of the area through good design and a low density development. The retention of the hedgerow was mentioned explicitly as making a huge contribution to the open character of the area. Following some extensive amendments, officers are now satisfied with the design, layout and landscaping scheme proposed.

In this instance, extending the area of the site allocation to provide a high-quality development in a sustainable location is considered appropriate in this case to outweigh the minimal harm (the loss of countryside) that would be caused, subject to the other material considerations discussed below.

The hedgerow that runs along the southern boundary of the site is a key design feature of the site, which functions to preserve a sense of openness and the rural

character of the area. The dwellings are all situated behind this hedge, meaning that it still makes a significant contribution to the street scene of this edge of settlement location whilst also acting as a privacy buffer. Officers are pleased that the hedge has now been integrated into the design approach.

A full landscaping scheme will be secured by condition to ensure that the edge of the site facing onto the Northbourne Road will be hedged and tree/shrub planting carried out to create natural screening which will enhance the setting of the development.

Subject to the imposition of appropriate safeguarding conditions, it is considered that the design of the proposed dwellings and the associated landscaping scheme is now acceptable for the site and would not have an adverse impact upon the character of the countryside or wider landscape.

Design and Appearance and Impact on Street Scene

The NPPF identifies that good design is indivisible from good planning (paragraph 56) and section 7 of this document sets out how policies should not seek to impose architectural styles or tastes, and should not stifle innovation (paragraph 60).

The proposed development includes a mix of dwellings types, which have all been designed to respond positively to the architectural style prevalent in the local area. Whilst this architectural style is by no means consistent or identifiable to a certain period, certain features such as hipped roofs and the dominant use of stock brick work, contribute toward upholding the areas rural appearance. Whilst slightly larger than some of the properties in the immediate vicinity, the scale and form of all 12 no. dwellings are in keeping with the parameters and would not appear incongruous in the street scene.

The proposed development includes a mix of dwellings types, which have all been designed to respond positively to the architectural style prevalent in the local area. The dwellings are of a high quality and comparatively modern design, whilst still of a form and design that would not appear as out of keeping. The proposed materials reflect the architectural style and materials used within Great Mongeham, including plain slate tiles, local red stock brickwork, and composite cladding.

Northbourne Road is characterised by a mix of detached and semi-detached residential dwellings which are set back from the highway and interspersed by open countryside. There is adequate spacing between the dwellings, which adds to the sense of openness in the run up to the edge of the settlement boundary. Moreover, whilst there is no architectural style there is a fairly consistent pattern of development seen within the confines of Great Mongeham, which defines area character more so than the architectural style of the dwellings.

The proposed development seeks to retain most of this hedgerow, with the exception of 3 small areas which would be removed to allow access onto the site. Officers consider that the retention of this landscape feature has contributed to preserving the character of the area, whilst also ensuring the development site is functional and safe from a highways perspective. The dwellings all front Northbourne road and conform to the pattern of development in the area, which is characterised by clusters of 2 storey dwellings, which occupy larger plots on the periphery of and outside of the settlement confines.

The proposed development comprises 2no. 4 bedroom detached dwellings, 6no. 3 bedroom semi-detached dwellings and 4no.3 bedroom terraced properties. This mix of dwelling types reflects the dwelling mix in the locality. The dwellings proposed are all two storey form, and fit comfortably on the plot to form a coherent and well-

structured development. The layout of the dwellings have ensured that the smaller terraced dwellings remain within confines to respond directly to the neighbouring properties, whilst the larger detached dwellings are located outside confines to the west of the site, where plot sizes and the size of dwellings are seen to increase.

Whilst no definite architectural style is prevalent in the wider area, the scheme has taken architectural influences from Great Mongeham, the wider Kent vernacular and barn/agricultural style buildings. The use of feature elements such as gable ends and defined changes in materials tie the site in with the surrounding built form.

Overall, the proposal represents a high quality development, which is suitable in terms of scale and form in this edge of village location. On balance, the small loss of countryside is negligible when weighed up against the positive benefits of providing housing in a sustainable location which responds to the rural character of Great Mongeham. To this end, the proposal is fully compliant with paragraph 14 of the NPPF, which outlines the presumption in favour of sustainable development.

In light of the alterations to the scale, layout and form of the dwellings, and the retention of the majority of the hedgerow, it is considered that the proposed development would not lead to an unacceptable level of harm to the character of the area or an undue loss of countryside. To this end, officers are satisfied that the proposed development is compliant with policies DM15 and DM16 of the core strategy, as well as the NPPF.

Impact on Residential Amenity

Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The application site is relatively self-contained, insofar as it does not back on to any existing properties. There are a number of dwellings fronting the south side of Northbourne Road, opposite the proposed development. However there is ample separation between these dwellings and the ones proposed and the retention of most of the hedgerow along the southern boundary ensures there is an appropriate privacy buffer. The proposed building heights are no greater than the surrounding two storey properties and are set back from the road by approximately 17m, minimizing direct impact to the neighbours opposite.

The west and east end boundaries of the site adjoin existing residential properties (Lansdale and Homeleigh). However, there is adequate landscaping proposed to run along these boundaries, and the separation between the dwellings is considered entirely acceptable.

In light of the above, it is considered that the proposal would have no significant impact upon the residential amenity of the existing properties within the locality, in terms of overlooking, overshadowing, or the creation of a sense of enclosure.

The erection of these properties would give rise to an element of additional noise and disturbance, but this would not be of a level that would be considered inappropriate.

It is therefore considered that there would be no detrimental impact upon the existing amenities of neighbouring occupiers.

Parking, Access and Highways

Policy DM13 of the Core strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.

The proposed development would provide a total of 24 car parking spaces, which breaks down into 2 spaces per dwellings. This adheres to the requirements of Policy DM13. Officers are also satisfied that the car parking spaces adhere to the design requirements outlined by KCC Highways in their comments dated 5th October 2016. A suitable pre-commencement condition will be imposed to ensure that car parking is provided in adherence with the comments made by KCC Highways in respect of car parking spaces.

There are 3 access points to the proposed development along Northbourne Road, which would be created by cutting into the existing hedgerow to form vehicle crossovers. Officers note the concerns raised by KCC Highways with respect to the visibility splays that need to be achieved (in the interests of highway safety), however, we are of the opinion that these could be achieved given that the road is straight and the vehicle speed limits along this stretch. A suitable safeguarding condition will be imposed to ensure that details of the visibility splays are submitted to and approved by the planning authority prior to commencement.

Whilst the development will inevitably increase the volume of traffic on the road, officers consider that this will not have a significant impact on highway safety and that the existing road network can accommodate the additional vehicle journeys that will be generated. Indeed, this was considered at the allocation stage when deciding on land which is suitable for residential development.

A public footpath is not being provided as part of this proposal, although it is a requirement outlined within the land allocation plan (policy LA37). Constructing a footpath would compromise the future of the hedgerow, which has been identified as a key landscape feature, central to upholding rural character and a sense of openness. In addition, KCC Highways have highlighted that it may not be possible to provide a footway linking the development along Northbourne Road to the shared junction with Willow Road to the east. Indeed, it is difficult to see where the footpath would connect to without carrying out substantial engineering works and officers consider that a heavily engineered feature would appear out of place in this edge of village location and would have an adverse impact on the rural character of the area and street scene.

On balance, not providing a footpath is considered acceptable bearing in mind this is only a short section of the lane, which has good visibility splays. The lane is not heavily trafficked and there is unlikely to be a significant number of pedestrians. Seeing as the proposed development would not be unsafe in highway terms, officers have given more weight to preserving the rural character of the area.

In light of the above, officers are satisfied that, subject to compliance with conditions, that the proposed development is acceptable with respect to parking provision, highway safety and the impact on highway capacity.

Ecology

Paragraph 109 of the NPPF outlines the importance of contributing to and enhancing the natural and local environment. Paragraph 118 states that's when determining application, local authorities should aim to conserve and enhance biodiversity at all times.

The hedgerow which aligns the southern boundary of the site is the main feature of ecological interest of the site. A hedgerow report was submitted to the local planning

authority, confirming that this particular landscape feature is classed as an 'important' hedge in line with Part II of Schedule 1 of the Hedgerow Regulations, 1997. The hedgerow is also shown to be of biodiversity interest as it provides a green corridor for a range of species including birds, bats, invertebrates, flora and potentially reptiles.

The ecological scoping survey also submitted supported the application, which identified the species native to the site and the mitigation measures that might be imposed both to protect and enhance biodiversity opportunities in the local area. A number of recommendations are made including:

- *Flora* – Supplement planting schedules with garden plants to ensure a range of year-round flowering plants are available for invertebrates.
- *Birds* – Development to be carried out to disturb as little of the mature vegetation likely to support nesting birds as possible. Ten bird nest boxes to be incorporated into the scheme.
- *Bats* – Lighting to be designed with bat conservation in mind. Bat boxes to provide new roosting opportunities to be provided on new buildings.
- *Reptiles* – Identification of a suitable receptor site in the local area, create terrestrial sheltering places at strategic locations around the receptor site, carry out capture work prior to translocation under specific criteria.
- *Invertebrates* – Planting to provide a nectar source for insects as well as provision of invertebrate boxes in specific locations.

The hedgerow is being mostly retained to ensure that an ecological corridor is retained and continues to support native species in the vicinity of the site. Moreover, subject to compliance with the mitigation measures outlined in the ecological scoping survey and set out above, officers are satisfied with the impact that the proposed development would have from an ecological perspective.

Planning Obligations/Contributions

Any requests for contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:

It is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

The applicant has agreed to enter into a section 106 agreement so that the necessary financial contributions can be secured to make the development acceptable in planning terms. Planning permission is subject to the completion of a Section 106 agreement.

Financial contributions are sought by KCC for the following:

- Extension to Primary School: £3,324 per house
- Extension to Secondary School: £2,359.80 per house

- Increasing the book stock for local library: £48.02 per dwelling

In addition to the above, there is an informative for the developer to work with the telecommunications provider at the early stage of development.

The proposed development is for 12 dwellings and is therefore below the 15 dwelling threshold that would require consideration to be given to the provision of on site affordable housing in line with Policy DM5. The applicant has submitted an affordable housing statement which agrees to make the appropriate financial contribution for off-site affordable housing, which is considered to comply with this policy. This will be secured through the provision of a suitable section 106 legal agreement.

Archaeology

KCC Archaeology have commented on the application saying that the site lies in an area of archaeological potential, associated with a rich archaeological landscape around the village of Great Mongeham. It is possible that construction of the proposed dwellings could affect remains of archaeological interest and therefore relevant safe guarding conditions have been imposed to the permission.

Other Matters

The general layout ensures good neighbourhood surveillance which in turn will assist in attaining a 'Secure by Design' accreditation. However, full details of crime prevention measures will need to be sought by condition.

In addition to the above, a number of safeguarding conditions will be imposed to ensure that the development is acceptable in planning terms, including various conditions sought in relation to highways and utilities including drainage and sewage disposal.

Conclusion

In light of the above, it is considered that the proposal is acceptable, and would comply with the requirements of Policy LA37 of the LALP (2015). The pattern and grain of development would be retained.

The proposal, whilst marginally incorporating land beyond the allocated site boundary, would not result in any significant harm to the countryside/landscape character residential amenity, highways or ecology and represents a highly sustainable and high quality development.

To this end, it is considered that the proposed development aligns with the requirements of Policies DM1, DM15, DM16 and CP1 of the Core Strategy. There is also appropriate provision in place to ensure that financial contributions/obligations are sought to make the development acceptable in planning terms, thus according with policies DM5 and CP6.

On balance, officers consider that the proposal accords with the requirements of the Development Plan and the aims and objectives of the NPPF, particularly with regards to sustainability. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking (paragraph 14). In achieving sustainable development, the proposal would perform a social, economic and environmental role in line with the objectives of paragraph 7.

It is therefore recommended that the application be approved, subject to the imposition of the safeguarding conditions set out below.

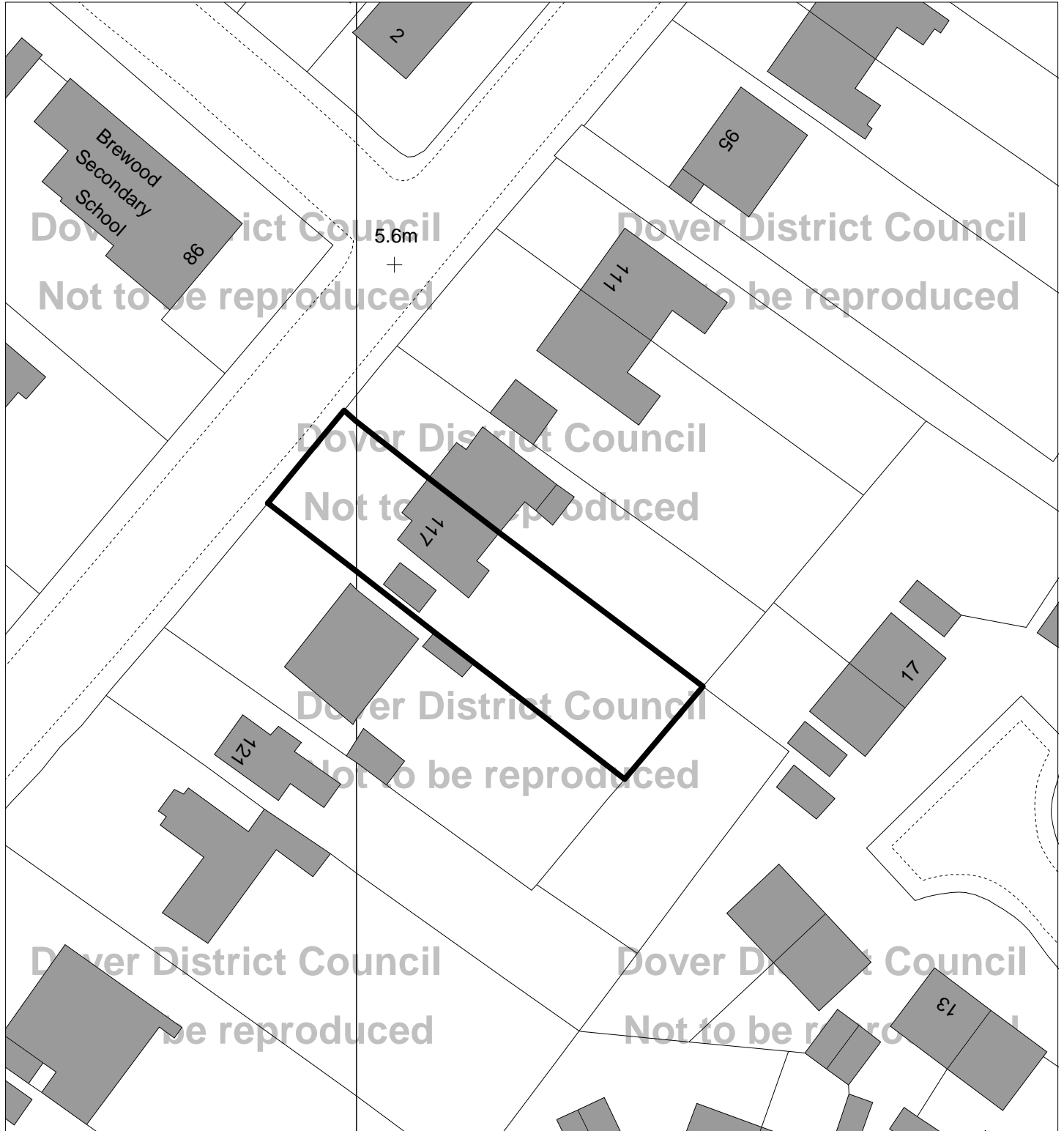
g) Recommendation

Grant planning permission subject to conditions to include:

- I Planning permission be granted, subject to conditions set out to include, in summary;
 - i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) submission of Construction Management Plan; iv) submission of material samples; v) submission of details of proposed on-site highway works (including parking); vi) finished surfacing to vehicle and pedestrian access routes; vii) submission of details sight lines (private driveways); viii) submission of details related to vehicle parking; ix) submission of details of hard and soft landscaping; x) hard and soft landscaping carried out in accordance with approved details; xi) no damage to trees of hedgerows within phased development; xii) submission of external lighting scheme; xiii) submission of details of refuse storage areas and recycling facilities; xiv) programme of archaeological works; xv) contamination xvi) details of finished ground floor levels; xvii) carried out in accordance with ecological enhancements; xviii) drainage and infiltration surface water; xix) submission of sustainable water drainage scheme; xx) details of crime prevention; xxi) foul and surface water sewage details.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary conditions and legal agreement in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins



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Application: DOV/16/01229

117 London Road

Deal

CT14 9TR

TR37015225



a) **DOV/16/01229 – Erection of single storey rear extension - 117 London Road, Deal**

Reason for report: Number of contrary views (11).

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF)

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The Kent Design Guide

The Kent Design Guide says that for extensions to buildings the main principle is that the character of the building and the surroundings must be maintained or improved by the work done.

d) **Relevant Planning History**

DOV/15/00614 - Erection of a two storey side extension with integral garage, a single storey rear extension, a single storey rear conservatory extension and a raised patio (existing garage to be demolished). Approved.

e) **Consultee and Third Party Responses**

Deal Town Council – object to the planning application as the plans were found inaccurate.

Public Representations:

Eleven (11) representations received objecting to the planning application and raising the following relevant planning matters:

- side door would cause loss of privacy to no.117
- extension is of poor design

- height of the extension is oppressive
- has an overbearing and negative impact on outlook of the occupiers of no.117

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

1.1 The application relates to a two storey semi-detached dwellinghouse which falls within the settlement confines of Deal. The exterior facade of the property is white textured finish. It has a tiled roof and UPVC doors and windows. It has front and rear gardens. The application site makes provision for two offstreet car parking spaces. The application property constitutes the south-western half of the pair whilst no.115 constitutes the other half. The rear gardens of nos 117 (application site) and 115 (to the southeast) are divided by a 1.8m high close boarded wooden fence. There is mature vegetation along the northeastern, southeastern and southwestern boundary of the application site. The application property also shares boundaries with no.119 London Road to the southwest. The street scene of London Road predominately comprises of detached and semi-detached dwellinghouses with varying architectural styles.

1.2 This is a retrospective application which seeks permission to retain the flat roofed single storey rear extension with a roof lantern over. The extension is L-shaped and is sited 150mm from the dividing boundary with the attached neighbour at no.115 to the northeast. The extension has an exposed brick plinth with walls proposed to be finished in plain render and has UPVC fenestration. Originally, the application had several drawing discrepancies. The applicant was provided the opportunity to submit accurate drawings to the scheme, they were forthcoming and the amended drawings were received on 07 July 2017.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network

Assessment

Principle of Development

2.2 The site lies within the settlement confines of Deal. It is considered that principle of the development is acceptable, subject to site-specific considerations.

Impact on the Character and Appearance of the Area and Design

2.3 By virtue of its siting, the proposed rear extension is not readily visible from the public viewpoints in London Road. Whilst some glimpse views of the extension are achievable from the west in the street, given the limited scale and design of the proposal, it is not considered that the extension causes harm to the character and appearance of the street scene. The extension is simply designed with a flat roof and a roof lantern. It is sympathetic in terms of its appearance to the original dwellinghouse.

Impact on Residential Amenity

2.4 No.115 London Road (semi-detached partner) to the northeast

No.115 has an existing single storey rear conservatory extension measuring approximately 3m in depth. The proposed extension projects beyond the rear wall of the extension at no.115 by approximately 1m. Given the fact that it is a single storey extension reaching a maximum height of 3.5m above ground level and having regard for the existing adjoining development at no.115, it is not considered that the living conditions in respect of any overbearing effect or overshadowing of the neighbouring occupiers of no.115 are unduly harmed.

2.5 No.119 London Road to the southwest

The finished extension lies at a distance of approximately 6m from the northeast (side) elevation of no.119. Having regard for the separation distance and the limited scale of the extension, it is not considered that the proposal causes harm to the residential amenity of the neighbouring occupiers.

2.6 Concerns were raised regarding the potential for direct overlooking through the side door to the extension facing no.119 which was shown on the original plans received with the application. The applicant confirmed that side door was shown in error and the application was later amended and the door was removed. The drawings now accurately represent what is on site.

2.7 There are no other properties in the vicinity that would be directly affected by the proposal.

Conclusion

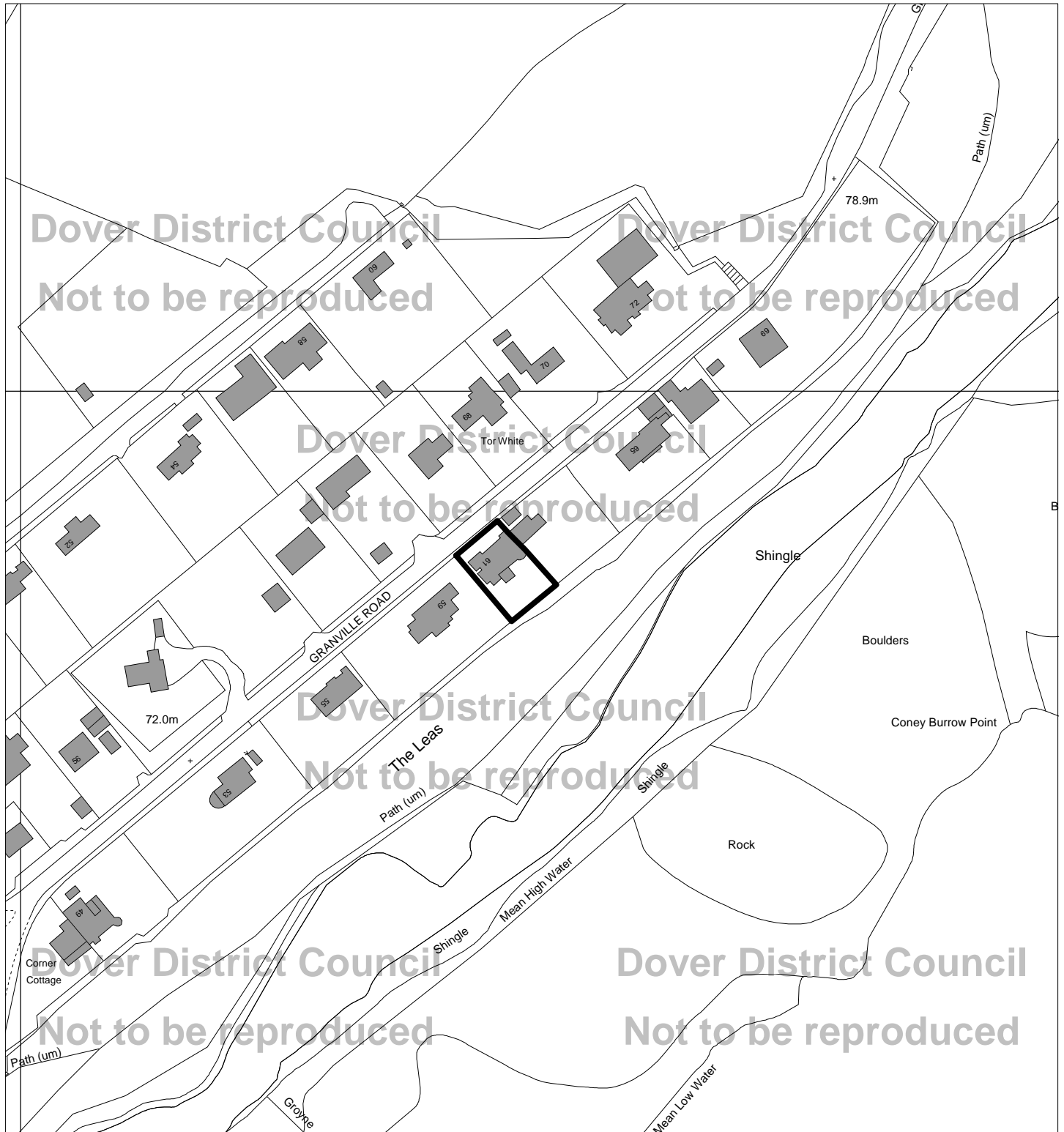
2.8 The extension is considered acceptable in design terms and does not cause harm to the character and appearance of the street scene. It does not cause harm to the residential amenity of the neighbouring occupiers.

g) **Recommendation**

- I PERMISSION BE GRANTED subject conditions which include: ii) A list of approved plans (iii) No openings to southwest (side) or northeast (side) elevations of the extension.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi



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Application: DOV/17/00811

West Coggers

61 Granville Road

St Margarets Bay

CT15 6DT

TR37164493



- a) **DOV/17/00811 – Erection of a 3-metre by 3-metre timber deck in garden (retrospective) – West Coggers, 61 Granville Road, St Margaret’s Bay**

Reason for report: Number of contrary views (10)

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policies and Guidance**

Dover District Core Strategy Adopted 2010

DM1 - Development will not be permitted outside the confines, unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF) 2012

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Guidance/Relevant Matters

National Planning Policy Guidance
Kent Design Guide

- d) **Relevant Planning History**

DOV/15/01125 – Erection of a raised terrace to rear, relocation of front door and creation of window (existing single storey front extension to be demolished) – Granted

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

St Margaret’s Parish Council - No objection.

Public Representations:

Letters of objection have been received from 10 members of the public and are summarised below:

- Loss of Privacy, Overlooking & harm to Residential Amenity – would afford users views directly into neighbouring rooms and gardens. The siting of platform away from the applicant’s property affords views into neighbouring

properties and National Trust property. By its use, the platform generates noise and the permanently located plastic chairs are a visual intrusion. No environmental impact assessment has been offered in support of the application

- Siting of platform – next to the boundary with National Trust land. Site is located in a Site of Special Scientific Interest, Area of Outstanding Natural Beauty, Heritage Coast, and National Trust St Margaret's Leas cliff top public access area. When buildings in Granville Road were originally laid out, a building line preventing all construction 20 feet from the rear boundaries was established and has been followed by all other buildings. The different heights of the gardens follow the natural rise and fall of the cliff top and the attempt to raise the height of this property should be resisted.
- Setting - It is inappropriate, out of keeping and if approved would have a prejudicial effect for the area if a precedent was set. Inappropriate development within the curtilage of the Conservation Area.
- Design - Platform is devoid of any design merit. The platform is out of character with the rest of the garden, building or high quality design of the houses on either side. The materials used are inappropriate to the character and context of the location. The design does not preserve or enhance the special area in which it has been constructed.
- Errors in application form – there is a pine tree within 4m of the platform which would be damaged by the retention of the structure. The drawing and planning statement refer to the height of the floor of the platform as 600mm when it is approximately 800mm above ground level.
- Decking was erected without planning permission. The residents already have planning permission to build a decking area which would adjoin their property
- Development of this nature offends local, strategic and national planning guidelines

Letters of support have been received from 16 members of the public and are summarised below:

- Is unobstructive, of a reasonable size and fits with the improvements the applicants have made to their garden. The decking is a well-constructed feature and the wood will weather over time. It enhances the garden.
- Decking will not set a precedent as next door to the right, no. 59 have raised half their garden level by 5-6ft out to the sea boundary and overlook the decking. There are other properties with structures close to the boundary line with the Leas, and in some cases higher than the decking – the precedent is already set. The rural character of the area has already been spoilt by the overdevelopment of "Glass houses".
- It is not detrimental to the occupiers of the adjacent properties. It does not obstruct/ interfere with the views of neighbouring occupiers. You cannot see into a hall and bathroom [referring to No.59]. It is not possible to see into the rooms of either neighbour. All properties in this area overlook each other. The applicants are moving their main viewing area away from their terrace (which is below the bedroom of Little Coggers) which gives their neighbour improved privacy. The platform cannot be seen from The Lees [National Trust Land]. The structure is below hedge level
- The applicants were not aware of the requirement for planning permission before the instalment of the decking

1. The Site and the Proposal

1.1 The application site relates to the rear garden of the ground floor flat, 'West Coggers' at no. 61 Granville Road, St Margaret's Bay. No. 61 is comprised of a number of flats, located over the ground, first and second floors of the property. The site is within the village confines of St Margaret's Bay, on a private road and is a significant distance from the St Margaret's Bay Conservation Area. The exterior façade of the property is white rendered finish, with a tiled roof and uPVC windows and doors. Over the years there have been a number of extensions and alterations to the rear of the application property and many of the flats of no. 61 have large windows to the rear elevation and balconies or verandas to take advantage of views across the Channel. The surrounding properties are predominantly detached and of varying architectural styles. The application property is the ground floor flat to the southwest half of no. 61 Granville Road, whilst the flat 'Little Coggers' constitutes the other half of the ground floor of the property. To the southwest of the application site is Sea Cottage (no. 59 Granville Road) and to the southeast is National Trust Land which is a Site of Special Scientific Interest (SSSI). This land is also part of the Heritage Coast and an Area of Outstanding Natural Beauty (AONB).

1.2 The rear gardens of West Coggers (application site) and Little Coggers (to the northeast) are at least 1m lower than the internal floor level of the ground floor flats of No. 61 Granville Road. The gardens are divided by an approximately 1.8m high, well established hedge. Two thirds of the width of the hedge is owned by the applicants. The hedge to the southeast of the site which separates the applicants' rear garden from National Trust land is approximately 1.8m high and owned by the applicants. The rear gardens of West Coggers and Sea Cottage (no. 59, located to the southwest) are separated by an approximately 1.8m high close board fence. The rear garden of this neighbour has been partly raised and levelled and as such is considerably higher than the garden of the application site and of Little Coggers.

1.3 This is a retrospective application which seeks permission to retain a raised deck. The timber deck is 3.0m by 3.0m and is sited to the centre of the southeastern boundary, adjacent to the hedge separating the site from National Trust Land. The timber deck is raised 0.6m above the ground level of the garden and has timber rails to three sides to a height of 1.38m above ground level and steps up from the garden level. The total height of the structure is 1.52m from ground level. It is used as a seating area and affords residents direct views out to sea from the rear boundary of their garden. The deck is sited 9.2m from the dividing boundary with Sea Cottage (no. 59 Granville Road) and 7.2m from the boundary with Little Coggers (61 Granville Road).

2. **Main Issues**

2.1 The main issues for consideration are:

- * The principle of the development
- * The impact on the character and appearance of the area
- * The impact on residential amenity

3. **Assessment**

Principle of Development

- 3.1 The site is located within the village confines and is ancillary to existing development. It is therefore considered that the principle of the development is acceptable in accordance with DM1, subject to site-specific considerations.

Impact on the Character and Appearance of the Area and Design

- 3.2 By virtue of its siting, the raised timber decking is not readily visible from Granville Road (private road) to the north of the site. Furthermore, given the boundary treatment to the southeast of the site, the decking is not visible from the National Trust Land. When seated, users of the decking are not readily visible from the pathway of the adjacent SSSI, AONB and Heritage Coast land. Given that the boundary treatment is owned by the applicants, it could be lowered or removed at any point and if this were the case, the decking would be visible from the National Trust Land. It would therefore be recommended that a condition be placed on the retention of the hedge. It is not considered therefore that the decking would lead to any unacceptable visual impacts of the character or appearance of neighbouring public areas, including the designations identified.

Impact on Residential Amenity

- 3.3 Sea Cottage, No. 59 Granville Road to the southwest

Sea Cottage is a two storey detached property which has a number of balconies and large windows to the rear elevation. The closest habitable room at ground floor level, a kitchen/ dining room, is located approximately 24m from the raised timber decking. Whilst this room has a full length window, the house is set at a higher level than the decking (at least 1m higher). On balance, whilst the neighbouring occupants may experience perceived overlooking, given the separation distance, change in levels and boundary treatment between the two properties, views into the neighbouring habitable rooms are very limited. Consequently, it is considered that there is no increased loss of privacy or overlooking when sitting on the platform than when standing on ground level at the same location.

- 3.4 Little Coggers, Granville Road to the northeast

Little Coggers is a ground floor flat, adjacent to the ground floor flat of the application site. Due to the way the property has been separated into multiple flats, part of the garden of the application site is directly in front of a neighbouring bedroom window and dressing room. There is currently a raised terrace seating area in front of these rooms which has previously been used by the applicants and would afford users views directly into these rooms. The raised timber decking in question is located approximately 11m from the window of the nearest habitable room, which is a bedroom. There is also a large window serving a dressing room adjacent to this, and a glazed garden room which is used as a dining area. The property also has a large raised balcony area directly to the rear of their flat, which, due to the difference of levels, is at least 1m above the ground level of the gardens. Given the large windows of both the application property and neighbouring flat, there is a high level of mutual overlooking between users of the gardens and surrounding rooms. On balance, whilst the neighbouring occupants may experience perceived overlooking, given the separation distance and the change in levels, it is not readily possible to look into the bedroom and dressing room of the neighbouring property. Whilst it is possible to see into the neighbouring

garden room/conservatory, which is set at the same higher level as the house, the view into this room and the neighbouring garden when sitting on the timber platform is not significantly greater than when standing at ground level in the same location. Consequently, there is unlikely to be a significant loss of privacy to the neighbouring occupiers.

3.5 Given the elevated position of the windows and balconies, it is not considered that the timber decking would harm the privacy or residential amenity of the occupiers of the upper floor flats which form no. 61 Granville Road. There are no other properties in the vicinity that would be directly affected by the proposal.

Conclusion

3.6 The raised timber decking is considered acceptable in accordance with DM1 and does not cause harm to the character or appearance of the street scene or National Trust land to the rear of the site. When considering views to the neighbouring properties when standing at ground level and when sitting on the raised decking, there is only a very limited loss of privacy to neighbouring occupiers which is unlikely to result in harm to the residential amenity of these properties.

g)

Recommendation

- I PERMISSION BE GRANTED subject to conditions which include: i) A list of approved plans (ii) Retention of the boundary hedge to the southwest of the site.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan



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Application: DOV/17/00404

**Land Adjacent to Garden Mews & NW of
Sydney Road
Deal
CT14 9GF**

TR36375050



- a) **DOV/17/00404 – Erection of detached dwelling, formation of turning area, parking and boundary treatments - Land adjacent to Garden Mews and north-west of Sydney Road, Deal**

Reason for Report: Contrary views

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies

DM1 – Development will not be permitted outside of the settlement confines unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM11 – Location of development and managing travel demand. Development that would increase travel demand will not be permitted outside the urban boundaries.

DM13 – Parking provision. A two bed property in a suburban location should have a minimum of one parking space.

NPPF Policies

Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework.

Part 6 – Delivering a wide choice of high quality homes. Paragraph. 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The assessment of sustainability has regard to the three dimensions: economic, environmental and social.

Paragraph 50 seeks to provide for different groups in the community including (but not limited to) people with disabilities, older people, and people wishing to build their own homes.

Part 7 – Requiring good design. Paragraph 56 states that great importance is attached to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Guidance

The Kent Design Guide

SPG4

Environment Agency advice on Ground Water Source Protection Zones

- d) **Relevant Planning History**

Planning permission has three times been refused for the erection of two bungalows on the plot.

03/01560 - REFUSED on the following grounds:

The proposal does not provide a satisfactory means of access to the site, due to its distance from the adopted highway and is therefore considered to be contrary to Policy TR2 of the Dover District Local Plan.

04/01442 - REFUSED on the following grounds:

1. The proposal does not provide a satisfactory means of access to the site due to its distance from the adopted highway and is therefore considered to be contrary to policy TR2 of the Dover District Local Plan.

2. The proposed development would appear cramped and out of character on this edge of town location. As such the proposed works would be contrary to DD1.

04/01442 An appeal was DISMISSED.

During the appeal process this council withdrew the highways objection to the proposed development. The Inspector dismissed the appeal on the grounds that 'the scheme is poorly related to both the site itself and to its neighbours, and consequently out of character with the general pattern of development in the locality.'

05/00024 - REFUSED on the following grounds:

The development, if permitted, would, by virtue of its siting and location, detract from the living conditions of neighbouring residents and the spatial and visual character and appearance of the area; in addition, the close proximity of neighbouring properties in Lydia Road would result in overlooking and a lack of privacy for the future occupants of the new development. The proposal, accordingly, is contrary to Kent Structure Plan Policy ENV15 and Dover District Local Plan policies DD1, DD4 and DD6.

e) **Consultee and Third Party Responses**

Deal Town Council: Objects on the grounds that the access road is extremely restricted.

County Archaeologist: Requests a condition for a programme of archaeological work.

Kent Fire and Rescue Service: The access provided for fire appliances appears to be satisfactory. A fire appliance can drive 20m into Garden Mews, and the property would then be well within the 45m maximum distance from the parked fire appliance.

Southern Water:

Provides informative advice requesting a formal application for connection to the public sewage system. Also advises that no surface water should be allowed to discharge to the foul sewerage system, in order to protect properties downstream from flooding. Requests that your officers refer to the Environment Agency's Groundwater Protection Policy to ensure the protection of the public water supply source.

Public Representations: Twenty seven letters of public representation have been received: Six objections, one neutral comment, and twenty in support. The letters cite the following material grounds:

Objections

- i) The access road is not sufficiently wide to allow traffic to pass pedestrians.
- ii) The access road width of 3050mm is not in accordance with the deeds of the Sydney Road houses.
- iii) Additional traffic on Garden Mews will go past no. 20. The door of no. 20 is straight onto the road.
- iv) The access road is not suitable for larger emergency vehicles.
- v) Loss of privacy for 71 Lydia Road.

Neutral Comment

Concern that any damage to Garden Mews from joining mains and vehicle use will be made good, and left road worthy, but hopeful that their outlook on the landscape opposite will improve.

Support

- i) This is a good sized plot, with room for front and back gardens, and parking.
- ii) Great care has been taken to design a property which is right for the plot, and in keeping with the surrounding area.
- iii) The vacant plot is an eyesore, and used for fly-tipping. A dwelling should be an advantage to the area.
- iv) The bungalow would be good for the residents of Garden Mews and the area in general, as the property will complement neighbouring properties, and the area will no longer be fly-tipped, making Garden Mews a more desirable place to live.
- v) The development makes very good use of the land.
- vi) The design of the bungalow is innovative.
- vii) Excellent use of waste land. The proposed site is currently under-used.
- viii) This type of property is in very short supply in Deal, Walmer and Kingsdown.

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

1.1 Garden Mews, owned by the applicant, is a private road providing the principal access to six properties, over a tarmac surface. It then continues as an unmade track to provide back access to Sydney Road properties, a number of which have garages at the ends of their gardens. Garden Mews is reached via Hillcrest Gardens.

1.2 Hillcrest Gardens and Garden Mews is a residential development with a mix of architectural styles, made up of detached and semi-detached bungalows and two storey homes. The most prevalent architectural style is the simple, gable ended bungalow.

1.3 The application site is an area of undeveloped waste land between the Garden Mews track and the rear boundary of properties in Lydia Road, which lie to the west of the site. The ground slopes gently down towards the track from Lydia Road, and also slopes gently down towards the field to the south east of the site. The site is currently

enclosed by Heras fencing, and has short grass and weeds on the surface.

- 1.4 The applicant has owned the site for over twenty year, and attempts to keep the site clear and maintained, but despite the Heras fencing, it is frequently used for fly tipping and disposal of garden waste.
- 1.5 It is proposed to erect a single storey, two bedroom dwelling, with associated front and rear gardens, parking and turning areas, and fencing along the Lydia Road boundary. The property has a footprint of approximately 90 sq m, on a plot of
- 1.6 The proposal also involves laying an area of Tarmac, approximately 7m in length, as a continuation of the Garden Mews surface, to provide a clean and practical vehicular access to the site.

2. **Main Issues**

- 2.1 The main issues are:
 - The principle of a dwelling in this location
 - The character and appearance of the area
 - Highway Safety
 - Parking standards
 - The amenity of neighbours
 - The residential amenity of prospective occupants

3. **Assessment**

The Principle of a Dwelling in this Location

- 3.1 The site is within the urban confines of Deal, where new residential development is acceptable in accordance with DM1 and DM11

The Character and Appearance of the Area

- 3.2 The proposed dwelling is similar in scale and mass to the neighbouring properties, and has a design that will sit comfortably within the context of existing development. It has a traditional ridged roof, of shallow pitch, over faced brickwork, with feature render and Cedral clad sections around the front door. It has an engaging principal elevation, with a prominent front door facing Hillcrest Gardens. The front elevation is staggered, and clearly focuses attention towards the front door. The staggered elevation and fully hipped front facing roof are reflective of design features of the three bungalows in Garden Mews.
- 3.3 The site has a boundary abutting the track for a distance of some 65m, 24m of which will have a low fence or no boundary treatment, providing an open aspect to the front of the property, its parking area and front garden. The rest of the boundary, which extends along-side the private rear and side garden of the application property, has a 1.8m high close boarded fence – a feature consistent with the rear boundaries of the Sydney Road properties opposite, and which would not be an alien or inappropriate feature within this street scene.

- 3.4 The proposed dwelling has a total length of 15m. For a distance of 11m, the flank wall sits close to (within 2m of) the track, and the front corner of the property, near to the front door, is only 0.5m from the track. However, it is considered that, since the plot widens towards the back of the property, and the flank wall gradually separates itself from the track, with the back corner having a distance of 2m from the common boundary, the proposed dwelling would not, overall, result in a cramped overbearing form of development on the Garden Mews street scene.

Highway Safety

- 3.5 Garden Mews is not an adopted highway. It is nonetheless important to ensure that the development would not result in harm to traffic and pedestrians using the road. Your officers have noted that Deal Town Council objects to the proposal on the grounds that the access road is extremely restrictive, and that residents have raised similar concerns, citing potential harm to pedestrians. However, the provision of one dwelling is unlikely to increase traffic movements to a significant degree, along a mews that is already serving six properties, in addition to providing rear excess for many others. Furthermore, the proposed dwelling, being situated close to the existing cluster of the Garden Mews development, will not extend the impact of regular vehicular movements more than 7m further than exists at present. It is therefore concluded that the impact of the proposal on traffic movements is likely to be insignificant, and unlikely to threaten the safety of users of the mews or the track beyond.

- 3.6 Kent Fire and Rescue Service were consulted, and confirm that the mews provides an adequate access for a fire appliance.

Parking Standards

- 3.7 Two independently accessible parking spaces have been provided, exceeding the minimum requirement of policy DM13. Cycle storage is also provided by a shed in the back garden.

The Amenity of Neighbours

- 3.8 Three of the Lydia Road properties have rear access gates on to the application site, from their rear gardens. The applicant asserts that none of these properties on Lydia Road have any legal access across the proposed site. The applicant has allowed the rear access to 67 Lydia Road to remain, and has designed the proposed property around it, as a gesture of goodwill. However, it will be necessary to lose the rear accesses of no. 69 and 71 Lydia Road, as they would open directly into the private amenity space of the privately owned land. In order to protect the privacy of occupants of the proposed dwelling a 1.8m high close boarded fence is proposed to be erected along this common boundary, adjacent to the existing boundary treatments.
- 3.9 To remove any potential perception of overlooking from the rooflights originally proposed (albeit high level) on the roofslope facing Lydia

Road, amended plans were requested and received, showing these rooflights removed, and a standard utility room window inserted in the wall instead. The utility room, bedroom and bathroom windows on the Lydia Road elevation will all be screened from the Lydia Road properties by the boundary fence. No overlooking would occur.

- 3.10 The proposed dwelling has the potential to impact on the outlook of Lydia Road houses. Accordingly, during the processing of the application site levels have been requested, and a cross section submitted, demonstrating that the property will be set at a ground level in order that only the roof and eaves of the property would be visible from the Lydia Road properties. The rear gardens of 69 and 71 Lydia Road are some 15m long, and are set at a higher ground level than the application site. As such, although the roof and eaves of the proposed dwelling will be visible from these properties, and others in Lydia Road, the property will not harm the residential amenity of those neighbours by blocking light, or having an overbearing impact, or resulting in an unacceptable loss of outlook.
- 3.11 Occupiers of two properties in Sydney Road have claimed that the proposal would encroach over a section of the track that they themselves have access over, according to their deeds. Members will appreciate that the Local Planning Authority should not be called upon to adjudicate in private ownership disputes. Notwithstanding, and in response to this the applicant has provided documentary evidence in the form of copies of the deeds of 32, 33 and 34 Sydney Road (directly opposite the location of the proposed dwelling), which appears to demonstrate that the access track to which these residents have the right to pass over is 10 feet wide, and that the proposal will not encroach on the access track.

The Amenity of Prospective Occupants

- 3.12 The property provides a good standard of accommodation, with generous internal accommodation, bin storage, car parking, bike storage, and a substantial private garden. The property would not be overlooked, and being in an established residential area, would not be exposed to potential noise pollution from incompatible adjoining land uses.

Ground Water Protection

- 3.13 For minor developments such as this, the Environment Agency standing advice and ground water protection policies require measures to be taken to ensure that surface run off does not pollute the vulnerable ground water source. The submitted plans indicate that soakaways will be provided to deal with surface water, and that the soakaway serving the drive will have an oil interceptor. This is acceptable and can be controlled by condition.

Ecology

- 3.14 The ecological survey submitted with the application and dated May 2017 states that the vegetation on the site is of low botanical interest, typical of disturbed land in this part of Kent. There is a good potential

for reptiles, and a reptile survey is required prior to development. Scrub and hedge clearance should be done outside the bird nesting season, or, if done within this season, the work will need to be supervised by a qualified ecologist. There appears to be no significant bat, amphibian or dormice interest. No badger setts or tracks were found. To minimise the risk to hedgehogs, wildlife friendly gully pots should be used, and drainage within the site should follow Sustainable Urban Drainage Guidelines (CIRIA 2015). All of these requirements can be controlled by conditions and informatives.

4. **Conclusion**

- 4.1 As the site currently stands, it does not make best use of urban land, being used for fly tipping and the dumping of garden waste. As the number of letters of support demonstrates, there is a good degree of local support for the development of the site.
- 4.2 Members will note that, as detailed in the Relevant Planning History section of this report, planning permission has three times been refused for the erection of two bungalows on the plot. However, the single bungalow now proposed is appropriate in size, scale, location and design, and would make best use of this urban land.
- 4.3 The proposed dwelling is a quality proposal, which would provide valuable residential accommodation for the future, in an urban area, where services and amenities are in place. Accordingly, the proposal is considered to be sustainable development.
- 4.4 The objection from the Town Council and residents has been considered. However, there being no unacceptable identified harm to residential or visual amenity, the proposal is considered acceptable, in accordance with policies identified in this report.

g) **Recommendation**

- I PERMISSION BE granted with the following conditions: i) Commencement of development within three years; ii) Development in accordance with approved plans; iii) Material samples to be submitted; iv) Reptile survey conducted and mitigation measures implemented prior to development; v) No surface water to be discharged into the foul sewage system; vi) Details of an oil interceptor to be submitted prior to commencement of development; vii) Wheel washing of construction vehicles; viii) Permitted development right removed to prevent roof lights being inserted in the roof slope on the elevation facing Lydia Road; ix) The retaining wall and fence next to the Lydia Road boundary shall be erected prior to the first occupation of the dwelling;
- II Powers to be delegated to the Regeneration and Delivery Manager to settle any unnecessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer: Maxine Hall



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Application: DOV/17/00810

Anchor Works

West Street

Deal

CT14 6AH

TR37505271



- a) **DOV/17/00810 - Erection of twelve one and two-bedroom flats - Anchor Works, 46 West Street, Deal**

Reason for report: Councillor Gardner call-in.

- b) **Summary of Recommendation**

Grant Planning Permission subject to conditions and S106 Agreement.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Deal District Centre is considered suitable for urban scale development.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban boundaries unless alternative policies allow.
- DM5 – Development for between 5 and 14 homes should make a contribution towards the provision of affordable housing either on or off site as appropriate.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 14 states there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: secure high quality design and a good standard of amenity for all existing and future residents; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; conserve heritage assets and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter four of the NPPF seeks to promote sustainable transport.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Planning (Listed Buildings and Conservation Areas) Act 1990 S72

Other Documents:

Affordable Housing Supplementary Planning Document

- Sets out the scale and need for affordable housing, including measures on how to secure this.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/1143 – Demolition of MOT Centre – Prior Approval Required

DOV/15/01035 – MOT Centre, 46 West Street, Deal, CT14 6AH. Erection of seventeen one and two bedroom apartments and maisonettes (existing building to be demolished). REFUSED 16/5/16 APPEAL DISMISSED 13/1/17

Background Information to DOV/15/01035

At the meeting of the Planning Committee held on Thursday 21 April 2016, Members resolved to refuse planning permission for a scheme for the erection of seventeen one and two bedroom apartments and maisonettes on this site. The decision reached was contrary to the planning officer's recommendation. The reasons for refusal were as follows:

- 1. The proposed development, if permitted, would result in unacceptable overlooking into the gardens of adjoining properties to the detriment of the living conditions of neighbouring residential occupiers.*
- 2. The proposed development, if permitted, would be of a scale and form that would fail to respond positively to the character and appearance of the locality and Conservation Area.*

The applicant lodged an appeal against the refusal which was subsequently dismissed by the Planning Inspectorate.

e) Consultee and Third Party Responses

Deal Town Council: Raised no objections

Environmental Health (Environmental Protection Officer):

Reports have been submitted by the applicants in relation to air quality and noise.

Air Quality The EHO notes the Construction Management Plan which addresses the potential for dust levels to impact on residential activities and considers that provided the suggested mitigation is put in place and is supported by a condition to ensure compliance with the CMP, then no objection is raised.

Noise The noise impact of the development has been assessed and due to the town centre location found to be acceptable in terms of residential amenity.

Contaminated Land The EHO is satisfied that there are no outstanding issues except for requiring details of any further site remediation options – this can be dealt with by condition.

Head of Strategic Housing: 'The application is in respect of a proposed residential development of 12 dwellings. Consequently, there is no requirement for any affordable housing to be provided on-site. However, because it is more than 10 dwellings the Council's Affordable Housing SPD Addendum will apply. This requires a financial contribution towards the off-site provision of affordable housing where the development is between 10-15 units. The basis for the calculation of the contribution is set out in the Addendum. The Addendum also sets out the process to be followed where the developer believes that payment of a contribution would undermine the viability of the development.'

Principal Infrastructure Delivery Officer – A contribution towards the library may be suitable. An open space contribution would normally be sought, which could have been directed at Victoria Park in order to increase its capacity. It is noted that the development proposes flats and maisonettes, which are less likely to provide family accommodation and would be more directed at adult occupation. In this particular instance there is no detailed scheme available for adult recreation use that we could

request contributions for – so it is not likely that on this basis it is justified to seek an open space contribution.

Heritage Officer: No objection. In respect of the previous refused application, the Inspectors decision noted that the terrace design was appropriate in context with the character of the conservation area. This current scheme omits the flat roof element and continues the terrace detailing, consequently there is in my view no harm to the setting of the conservation area.

KCC Highways and Transportation:

Initial response, received 4 August 2017

‘As with previous schemes submitted for this site, the provision of nil parking is not considered to be grounds for objection from KCC Highways, bearing in mind the proximity of the site to local amenities, the presence of on street parking controls in the vicinity and the availability of off street parking in local car parks.

The visibility splay at the junction of Anchor Lane and West Street would need to be maintained’.

KCC Highways seeks a plan showing a visibility splay and a condition to ensure timing and management of delivery vehicles as part of a Construction Method Statement.

Subsequent response received accepting that visibility cannot be improved due to physical constraints from the north, but from the south can be provided and is an improvement from when the MOT building was in situ.

KCC Flood Officer: KCC as Lead Local Flood Authority has reviewed the information submitted for the above application, and has no objection to the Surface Water Drainage Strategy as proposed. Three conditions are proposed which deal with the issues around submission of a sustainable surface water drainage scheme,

KCC (Economic Development): seek a contribution of £48.02 per household to address the direct impact of this development and costs of specialised stock.

NHS Canterbury and Coastal CCG: No contribution sought.

Environment Agency: ‘The site is situated within an area which is considered to be at significant risk from flooding and is classified as lying within Flood Zone 3a by our flood risk maps. When examining the consequences of a breach of the defences the submitted Flood Risk Assessment demonstrates that the site lies outside the hazard area under present day conditions and climate change is taken into account. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event.’ The EA confirms no objection to the proposal provided a condition is imposed in relation to finished floor levels.

Southern Water: No objection subject to a condition on foul and surface water. A formal application for a connection to the foul sewer will need to be made. Initial investigations indicate there are no public surface water sewers in the area therefore alternative means of draining surface water from the development would be required. There should be no disposal of surface water to a public foul sewer.

Public Representations – Two letters of objection have been received (St Andrew's Road and Park Street), raising the following points:

- No off street parking is being provided, disagree that it is not necessary.
- Town becoming grid locked, increasingly difficult to park in allocated zones.
- New dwellings built in the town must be provided with their own parking.
- Any agreement on parking is unenforceable.
- Pointless having public seating and landscaping – a waste of space.
- High density development-suggest lower density with parking.

One of the two letters also raises the following positive comments:

- The reduction in units is welcomed.
- The revised scheme is less domineering, more in keeping, improved in visual appearance and scale.
- Pleased that the pinch point issue has been addressed.

f)

1. The Site and Proposal

The Site

- 1.1 The application site is located within the town centre of Deal, walking distance to the railway station (south-west of the site) and immediately adjacent to a Sainsbury's supermarket and associated car park. The site previously contained a garage/MOT testing station which was demolished recently.
- 1.2 The site extends in a westerly direction from West Street and is some 34.2m by 17m (605m²). The former MOT building had a footprint of 514m² and took access from West Street. The demolished building was industrial in nature, clad primarily in corrugated roofing with a brick front façade. The pitched roof was approximately 8m in height. The building occupied the majority of the site extending up to the northern and western boundaries.
- 1.3 The adjoining land uses are residential to the north and west, a supermarket to the south and on the opposite side of West Street is mixed residential and another supermarket to the south east. A separate planning application is under consideration (17/00809) for development of a vacant area of land directly opposite the application site. The properties on the eastern side of West Street lie within the Middle Street Conservation Area. The character of the area is typical of what you would expect at the perimeter of a town centre. The site is flat and currently secured with hoardings.
- 1.4 Anchor Lane, adjacent to the northern boundary, is a fairly narrow (made) track which serves a number of residential properties – primarily terraced with some exceptions, including a bungalow to the rear of the site (Sunnyside). There is a pair of semi-detached properties which are notably different in their setting. These dwellings, no.s 52 & 54 Anchor Lane, have their private gardens backing onto the site and also their principal elevation.
- 1.5 Travelling in a northerly direction from the application site, there are terraced properties of a more 'traditional' appearance, with details such as timber sash windows and walled/railed frontages. This defines the character of this part of the town and in the most, contributes positively to the street scene.

- 1.6 Moving in a southerly direction, the scale and form of development changes as you enter the more commercial area. In addition to areas of car parking for the town centre shops and services, there are the two supermarkets and the railway station, with buildings generally either bulkier and/or of less architectural merit.

The Proposal

- 1.7 Planning permission is sought for the erection of 6 no. one bedroom ground floor apartments and 6 no. 2 bedroom maisonettes in a single building terraced arrangement, fronting Anchor Lane, Deal. The scheme includes provision for bin storage and cycle storage within the layout for all properties; a rear enclosed amenity area for the apartments; and a balconied terrace (southern elevation) for the maisonettes at second floor level. There is no car parking provided within the site.
- 1.8 The proposal would be more traditional in form than the previously refused scheme by being constructed with a pitched roof with a longitudinal ridgeline, gable ends and gable projections from the front and rear roof. The building would be two storey in appearance with a line of roof lights serving the second floor accommodation. The principal elevation which fronts Anchor Lane consists of red brick at ground floor, render at first floor with weather boarding on the gable projections and a grey slate roof tile. A flint and brick wall would define the boundary with Anchor Lane.
- 1.9 The southern elevation would have a rendered ground floor and grey weatherboarding at first floor. Each maisonette has a projection from the roof that facilitates floor space and balcony area. The elevation onto West Street is the eastern gable end which continues the red brick from the frontage at ground floor and the weatherboarding to the upper floors. Fenestration comprises a mix of blind windows at ground floor and windows at first and second floor on this elevation. The proposed window frames will be of high quality imitation timber. The western gable end is brick, render and weatherboard.
- 1.10 A small area of hard surface amenity space together with some tree planting is proposed along the edge of the site where it meets West Street. The area provides a greater set back to the building than when either the MOT building was in-situ or under the previously refused scheme.

2. **Main Issues**

- 2.1 The main issues for consideration of this application are as follows:
- The principle of the development
 - The impact on the character and appearance of the area including the Heritage Impact
 - The impact on residential amenity
 - Whether the previous grounds of refusal have been sufficiently addressed (including findings of the Planning Inspector)
 - The impact on the highway network
 - Flood Risk & Contamination
 - Contributions and viability
 - Other matters

3. Assessment

Principle

- 3.1 The site is located in the urban area on previously developed land. The site is not allocated in the Local Plan or Core Strategy for a specific use but does lie within Flood Zone 3.
- 3.2 The principle of development is considered to be acceptable in this location, subject to all material considerations being addressed. The principle of residential development was not disputed by the planning inspector in his report dated 13 January 2017.
- 3.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. This site is considered to be a windfall site for a relatively small number of units on a site which is acceptable in principle for redevelopment. As such the application falls to be determined on its own merits.
- 3.4 This is supported by Paragraphs 11, 12 and 14 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, which confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development.

Impact on Character, Appearance and Heritage

- 3.5 The key differences between the appeal scheme and the revised scheme are as follows:
 - Reduction from 17 to 12 units.
 - Development set back from West Street and Anchor Lane boundaries.
 - Contemporary, bulky, flat roofed 3 storey block removed from scheme.
 - Single building more akin to alignment of former MOT building
 - Second floor provided in roof to minimise height and give appearance of two storey development.
 - Design, configuration, internal layout and fenestration alterations to address overlooking.
- 3.6 The application site is located between two very different character areas. It is adjacent to the large, functional, flat roofed Sainsbury's supermarket on the southern boundary – a utilitarian building of minimal architectural merit. To the north-west and east are dwellings of less bulk and of a more traditional appearance and scale taking the form of terraces and semi-detached properties.
- 3.7 Paragraphs 56 and 17 of the NPPF attach great importance to the built environment and require design to take account of the different roles and character of different areas. As stated, this is a transitional area and accordingly any development on this site needs to form a sensitive link between the different areas.
- 3.8 Previous concerns related to the design of the residential development and the view that this would cause harm to the character of the area – recognising the nearby Middle Street Conservation Area. The Inspector was clear in his

report that it was the contemporary block of flats at the front of the site which would appear unduly prominent in the street scene. The impact was considered to be more severe than the existing MOT building due to being a full three storeys high with a flat roof and extending over the former forecourt area to the back of the footpath on West Street.

- 3.9 The scheme has been significantly revised and there is now a clear set back from West Street with an area of open space and tree planting towards the gable end wall between the building and the street. This area would be hard surfaced and be an interlude between the building and the street. It would not be enclosed and therefore accessible. The new building would be set back a further 4m on the southern end tapering to the edge of the building on the northern end. This is in addition to retaining the original garage forecourt space of approximately 2.8m deep. The design of the building has substantially reduced the bulkiness of the previous proposal and the reduction from 17 units down to 12 has allowed for amenity areas on both the northern and southern elevations to serve the properties.
- 3.10 The building has been designed such that the first floor accommodation steps in from the ground floor in part. This helps minimise the bulk of the building when viewed from all angles. It is therefore considered that the bulk, scale and mass of the building is sufficiently reduced to overcome the concerns expressed by the Inspector.
- 3.11 In terms of design, the proposal takes the form of a terrace. In townscape terms, the Inspector found the terrace which formed part of the appeal scheme acceptable. Clearly the current proposal extends the terrace further eastwards than the previous scheme but the overall impact is still lessened due to the reduced bulk.
- 3.12 Due to the elongated shape of the site and its position to West Street, it is important to ensure the development has an active street frontage. The eastern gable end has been designed with blind windows on the ground floor and windows on the first floor which reflect those in the northern (principal) elevation.
- 3.13 The palette of materials draws on the character of the area. The flint and brick wall boundary proposal reflects the materials and boundary delineation used elsewhere in the locality. Final colour finish will be subject to condition.
- 3.14 Within the application an assessment was undertaken of the Heritage Impact of the development through a Townscape Study. The planning statement also addresses the issue of conservation/heritage. It is stated in the application documents that whilst the site itself does not fall within the Conservation Area, it is located opposite the extended Middle Street CA. The study identifies that it is the character of the north and east of West Street which has influenced the character of the Conservation Area, not the previous MOT building or bulky commercial buildings. The study concludes that the proposal would enhance views from the Middle Street Conservation Area and that the materials and detail have been designed to reflect the local character and Conservation Area.
- 3.15 Consideration has been given to the level of harm, if any, that would be caused to the significance of the heritage asset (Middle Street CA). In this instance, clearly the development would have an impact on the setting of the

CA due to its close proximity and views from and between the two. However, due to the now revised design, scale, features, characteristics and detail, it is considered there would not be any harm caused. The impact of the development when assessed under para 134 of the NPPF is therefore considered not to cause harm.

- 3.16 Overall, the proposals have addressed the concerns raised by the Inspector at appeal with regard to scale, form and impact on the character and appearance of the locality and conservation area. The development is sympathetic and suitable for this location; development would go towards meeting the housing need and would secure high quality design and good standards of amenity. The heritage asset would be conserved.
- 3.17 Accordingly the development is suitable and appropriate in terms of appearance, layout, scale and detailing and would be an appropriate form of development in this location compliant with the aims and objectives of the NPPF.
- 3.18 The proposal has also been through fairly extensive community engagement. The previous application generated 52 third party letters of objection. The fact that the current proposal has given rise to only two objections is a clear indicator of the level of engagement with interested parties.

Residential Amenity

- 3.19 The previous use of the site as a commercial garage would have had associated noise and activity throughout the day which may have been cause for disturbance to the nearby residents. Subject to a sensitively designed scheme, the use of the site for residential would be a benefit to the area both visually and in terms of use.
- 3.20 The site has been challenging in terms of developing a scheme that would fit the orientation of the site and its relationship to the dwellings in Anchor Lane. The Inspector, in his reasoning on the previous scheme, stated that 'the proposal would cause significant harm to the living conditions of the occupiers of No.54 and to a lesser extent No 52 Anchor Lane in relation to privacy.' In order to address the Inspectors concerns and the previous grounds of refusal, the applicant has listened to the views expressed by interested parties. The current application is therefore the result of significant interaction by the applicant with those residents in Anchor Lane who would be affected by the development. Engagement with interested parties included the Town Council and the Anchor Lane Action Group.
- 3.21 The key concern was the loss of privacy that would occur from the large scale first floor and top floor windows in the northern elevation of the 3 storey contemporary building. The siting of this block on the northern boundary of the site also exacerbated the impact on residential amenity of no.54. The current proposal has sought to address this by removing the contemporary block entirely from the scheme and instead continuing the terraced arrangement in its place. This involves a setback of the first floor windows in the bedrooms on this same elevation to increase the distance to the neighbouring properties windows. These first floor windows will be top hung opening with obscure glazing in part. The windows in the first floor gable ends serve either storage cupboards or internal walls and will be obscure glazed. All the windows have been reduced in size since the application was first submitted.

- 3.22 The distance between the ground floor of the proposed building and the boundary wall of no.54 Anchor Lane is approximately 7.8m; the separation distance between the principal elevations at ground floor is 19.8m. At first floor level where overlooking can become an issue, the window to window separation between habitable rooms is approximately 21.4m. For the occupiers of No.54 Anchor Lane this increases the separation distance that was raised as a concern by the Inspector; it also changes the relationship between the proposed and existing property as the windows are smaller in scale and include obscure glazing and restricted openings as appropriate.
- 3.23 It is notable that there are now no objections from residents with regard to overlooking from this scheme. It is considered that the applicant has undertaken all reasonable efforts to mitigate the sense of overlooking between the new building and no.s 54 and 52 Anchor Lane. Whilst the Inspector also referenced the impact on no.52 he stated this was to a lesser extent. In order to deliver a viable scheme on this site there needs to be flexibility in the fenestration details. It is concluded that the proposed development can be accommodated in a manner which would ensure reasonable separation distances between properties and a reasonable a standard of accommodation can be achieved.

Impact on the Local Highway Network

- 3.24 The application has been assessed by the County Highway Authority in relation to parking, access and pedestrian safety. The lack of off-street parking has been raised by the two objectors, however the site is in a town centre location where the reliance on the private car can be less. There are alternative means of transport within easy access and also options for off-street parking within the locality. In terms of sustainable development it is usual not to expect parking to be provided in a town centre development.
- 3.25 The former use of the site as an MOT testing station involved vehicles regularly accessing the site; the access was taken directly off West Street. The fact that the footprint of the proposed development will be set further back than the former MOT building, together with the reduced vehicle movements to the site, will be a benefit to both visibility and pedestrian safety from Anchor Lane. The applicant will also reinstate the former dropped kerb to prevent abuse of the hard landscaping at the front of the site and cycle storage will be provided for all units.
- 3.26 A construction management plan has been submitted which considers the control of the delivery of materials whilst the development is on-going. Kent Highways have confirmed they find the details acceptable. Visibility splays can be conditioned.
- 3.27 For the reasons set out above, there are no grounds to object to this application on highway safety or accessibility grounds.

Flood Risk

- 3.28 The site is included within Flood Zone 3a on the Environment Agency's flood map and as such the application has been accompanied by a Flood Risk Assessment.

- 3.29 In accordance with the NPPF and the NPPG, it is necessary for development in such areas to pass both the sequential and the exception test. The sequential test seeks to guide development into less vulnerable areas. However, in the case of Deal a substantial part of the urban area falls within Flood Zone 3a with a 1 in 200 year or greater annual probability of sea flooding.
- 3.30 In recognition of the threat from flooding, new flood defence works were undertaken and completed in June 2014. Works to the Deal sea frontage and other coastal defence works now provide a 1 in 300 year standard of protection against coastal flooding and wave overtopping.
- 3.31 With regard to the sequential test, there are no other obvious sites within the town centre which would pose less risk. Given the sustainability advantages that this site offers, it is considered to be acceptable with regard to the sequential test.
- 3.32 The two key components of the exception test relate to sustainability benefits and the outcome of a specific FRA. The FRA has been scrutinised by the EA who are satisfied with the findings in relation to the proposed development. The EA have requested a condition with regard to all living accommodation to be set a minimum of 100mm above existing ground level. This can be achieved.
- 3.33 In light of the above, there are no objections to this proposal on the grounds of flooding.

Contributions and Viability

- 3.34 Contribution requests have to be considered in light of Regulations 122 of the CIL Regs. They must be:
- (i) Necessary to make the development acceptable in planning terms;
 - (ii) Directly related to the development; and
 - (iii) Fairly and reasonably related in scale and kind to the development.
- 3.35 The contribution by KCC towards library book stock seeks £576.19 and the justification is in order to mitigate the impact of the development. The County Council will need to enhance specialised large print provision at Deal Library to meet the specific needs of borrowers at Deal Library.
- 3.36 The County Council has evidenced the necessity for this requirement and it is considered that this meets the tests set out above and as such, it would be appropriate to request this contribution.
- 3.37 The LPA's Planning Infrastructure Delivery Officer has advised that an open space contribution would not in this case be sought (see consultee section).
- 3.38 Turning to the Council's policy for developments of this nature, Policy DM5 (Provision of Affordable Housing) of the Core Strategy states *'The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing. Affordable housing should be provided on the application site except*

in relation to developments of 5 to 14 dwellings which may provide either on-site affordable housing or a broadly equivalent financial contribution, or a combination of both. The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.'

- 3.39 Schemes of 10-14 units are covered by the Council's Affordable Housing SPD Addendum. The Addendum provides the basis on which the financial contribution should be calculated. The contribution is based on the OMV of the units and the GDV of the scheme. It falls to be considered whether the OMV figures provided are accurate as a contribution would ordinarily be sought to a value equivalent to 5% of the GDV.
- 3.40 The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 3.41 The applicants have submitted a financial viability assessment which seeks to demonstrate that the development is unable to provide a contribution towards Affordable Housing. This assessment, attached at Appendix 1, concludes that such a contribution would render the development unviable.
- 3.42 In these circumstances the Council will expect 'open book' negotiations and that specialist independent advice in assessing the economic viability of development will be sought. In this instance the Council has instructed the District Valuer to carry out the assessment on behalf of the Council. A copy of the DV's viability report is provided at Appendix 2.
- 3.43 It can be seen from the report that there is substantial acceptance with regard to the methodology and benchmarks used for the data analysis. However, it is also clear that by demolishing the MOT building prior to securing the planning permission the applicant has unknowingly devalued the site thereby affecting the appropriateness of the purchase price. The Council's viability consultant has assessed the scheme by taking two scenarios into account i.e the before and after (demolition) value of the site. He concludes that on the basis of the value with the building insitu (scenario 1) the development could not support the off-site contribution towards affordable housing and retain an industry standard profit of 20% (a level which is usually required in order to gain bank finance).
- 3.44 Scenario two with the building demolished would halve the value of the site to the extent that contributions would be deemed achievable. However the DV report identifies that if Affordable Housing contributions were sought then the site would not be brought forward for development. This is because £450,000 has already been paid for the site.
- 3.45 As such it falls to the Council to determine the future of the site as without an existing use, it will render the site of limited value and an unviable prospect for future development.
- 3.46 Having given full consideration to the wider public benefit that will be brought about by the development, it is considered that the action of demolishing the MOT building before securing permission for its redevelopment was regrettable but should not result in effectively sterilising the site for a future use because Affordable Housing or other contributions cannot be achieved.

- 3.47 The developers have confirmed they can meet the Deal library contribution request. In this case it is considered that there are also wider public benefits to developing the site.
- 3.48 Development of the site in a sympathetic manner would contribute greatly to the appearance and setting of the street scene and wider area. It would bring much needed housing to the District
- 3.49 It is at best unfortunate that there would be no affordable housing contribution. However, it is not considered that the shortfall should prevent the site from coming forward.
- 3.50 Appendix 1 and 2 of this report contain both Viability Assessments in full. Whilst marked as 'draft' the District Valuer report is the final version.

Other Matters

- 3.51 The Environmental Health Officer has advised that there are no objections to the proposal and that a condition can be attached to deal with any arising contamination matter and compliance with the Construction Management Plan. The findings of the noise report are accepted.
- 3.52 Southern Water have raised no objection to the proposal and advised that conditions be attached to secure suitable drainage and sewerage arrangements are in place.

Conclusion

- 3.53 As set out in the report above, there are a number of considerations that need to be balanced in the determination of this planning application. This is a brownfield site and the development would comprise the efficient re-use of the land thereby weighing in favour of the development. The sustainable town centre location with close proximity to services and infrastructure will reduce the reliance on the private car. The principle of the development within the urban area is therefore entirely acceptable.
- 3.54 The applicant has sought to overcome the concerns of the planning committee and planning inspector by revisiting the bulk, scale and design of the development. Guidance contained in the NPPF has been followed with regard to early engagement with the community and a scheme has evolved which addresses the previously unsatisfactory elements of the proposal. The current proposal takes account of the proximity to the nearby properties in Anchor Lane and through siting and design, affords protection to the privacy and residential amenity of those residents, in particular at no.s 52 & 54.
- 3.55 The current proposal is considered to be sympathetic to the character and appearance of the area and would not cause harm to the nearby Conservation Area. The result would be a transitional building which falls between the large, bulky, flat roofed Sainsbury's store to the south and the smaller scale residential development to the north. This addresses the concerns raised by the Inspector on the larger scheme for seventeen residential units.
- 3.56 It is considered that through the Viability Assessment process, the applicant has demonstrated that it would not be viable to provide off site contributions with

respect to affordable housing. The VA has been independently verified on behalf of DDC.

- 3.57 Overall the development is consistent with the aims and objectives of the NPPF and Development Plan. For the reasons given above it is considered that this application is acceptable, and as such I recommend that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the completion of a suitable S106 agreement, and the imposition of safeguarding conditions that relate to the matters set out below.

g)

Recommendation

- I Subject to the completion of a S106 Agreement to secure a contribution of £576.19 towards library book-stock; PERMISSION BE GRANTED subject to conditions to include: (i) Standard time limit for commencement; (ii) The development to be carried out in accordance with the approved plans; (iii) Agreement of the materials; (iv) Details of hard surfacing materials; (v) Details of soft landscaping for the site; (vi) Details of all boundary treatments – including the provision of a flint wall to the front of Anchor Lane; (vii) Contamination matters; (viii) Provision of bin stores; (ix) Provision of cycle stores; (x) Details of window recesses and roof overhangs; (xi) Details of fenestration (which shall be of a high quality material); (xii) Details of render colour finish; (xiii) Drainage details to be submitted (surface water & sewage disposal); (xiv) EA conditions (re: flood risk); (xv) Highways conditions; (xvi) Obscure glazing/top hung windows where appropriate.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the S106/legal agreement and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks

28 June 2017

46 West Street, Deal, Kent, CT14 6AH

VIABILITY ASSESSMENT REPORT

STRICTLY PRIVATE AND CONFIDENTIAL

FOI EXEMPTION SECTION 41 & 43(2): PRIVATE AND CONFIDENTIAL
EIR Exemption 12 (5) (e) – (f)

Prepared for:

Foster and Payne Developments (Deal)

Prepared by:

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For and on behalf of:

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1.	Executive Summary	3
2.	Introduction.....	4
3.	The Property	5
4.	Methodology	8
5.	Viability Benchmarks	10
6.	Choice of Benchmark.....	12
7.	Economic Modelling.....	13
8.	Proposed Development Value.....	15
9.	Appraisal Analysis and Conclusion	17
	Appendix 1 – Bruce Shaw Costings	18
	Appendix 2 – Residual Appraisal – Policy Compliant	20
	Appendix 3 – Residual Appraisal – Benchmark Value	22
	Appendix 4 – Apartment Comparables	24

1. Executive Summary

This Viability Assessment is submitted in support of a detailed planning application to Dover District Council. The planning application proposes:

'Erection of twelve one and two bedroom apartments and maisonettes'

We have therefore appraised the following scheme:

- The erection of a new build 3 storey apartment block, comprising 12 units, including 6 x 1 bedroom apartments and 6 x 2 bedroom maisonettes, along with cycle parking spaces, landscaping and new access arrangements.

We have assessed the development economics of the proposed scheme in order to identify whether a contribution towards off-site affordable housing, calculated at 5% of the anticipated Gross Development Value (£115,500), can be financially sustained. We have appraised the scheme using Prodev software and have based our appraisals upon the plans contained within the planning applicant's Design and Access Statement (dated May 2017) as detailed in summary form within our report.

Viability appraisals can and should be used to analyse and justify planning applications to ensure that Section 106 requirements do not make a scheme unviable.

If the residual value of a proposed scheme is reduced to significantly below an appropriate **viability benchmark sum**, then it is commercially unviable to pursue and the scheme is unlikely to proceed. The viability benchmark sum is arrived at following consideration of; unconditional purchase price paid, Existing Use Value or 25% above EUV, Alternative Use Value and/or Market Value).

If a scheme is being rendered unviable because of Section 106 requirements, it may be appropriate to look at reducing the burden of those requirements in order to facilitate viability.

We have appraised the proposed scheme on a policy compliant basis, against our Benchmark Land Value (in this instance the Price Paid and associated profit return) in order to fully understand the economics.

We have appraised the proposed scheme on the bases set out in the table below, allowing for a 5% off-site contribution towards affordable Housing (£115,500) and 20% profit on cost:

Residual Land Value Reflecting a Policy Compliant Scheme (Market Value)	Benchmark Land Value Reflecting Price Paid	Land Value Deficit Against Benchmark
£192,000	£450,000	-£258,000

As demonstrated by the results above the scheme cannot afford to provide a policy target level of a 5% off-site contribution towards affordable housing whilst making a normal developer's profit.

2. Introduction

2.1. Client Instruction

We have been instructed to examine the development economics of the proposed scheme to determine whether it is financially viable for the proposed scheme to provide an off-site contribution towards affordable housing (calculated at 5% of the anticipated Gross Development Value). We have undertaken our assessment using a residual software package called Prodev.

2.2. Confidentiality

Due to the commercially sensitive nature of some of the information provided as part of the viability assessment, this report is provided on a strictly private and confidential basis. We understand that the report will be submitted to Dover District Council as a supporting document in the planning application. The report must not be recited or referred to in any document, or copied or made available (in whole or in part) to any other person (save the consultants instructed by the Council to review the report) without our express prior written consent.

2.3. Report Limitations

Although this report has been prepared in line with the principles contained within the Royal Institution of Chartered Surveyors' ("RICS") Valuation – Professional Standards January 2014 (the "RICS Red Book", published in November 2013, and effective from 6 January 2014), advice given expressly in preparation for, or during the course of negotiations or possible litigation does not form part of a formal "Red Book" valuation and should not be relied upon as such.

2.4. Date of Appraisal

The Date of Appraisal is the date of this report. Subject to all site specific variables remaining the same and there being no fundamental market changes, the Appraisal remains valid for a period of three months after which we reserve the right to review our position.

2.5. Information Provided

We have been provided with and relied upon the following information from the Applicant:

- Schedule of Proposed Floor Areas prepared by AWW Inspired Environments;
- Proposed Floor Plans and Elevations prepared by AWW Inspired Environments; and
- Costings provided by the Applicant and Cost plan prepared by Bruce Shaw (**Appendix 1**).

3. The Property

3.1. Property Location

The Property is centrally located in Deal, forming a sought-after and popular coastal town.

The Property is inland, being situated on West Street, which runs parallel with Deal High Street to the east, with Beach Street and the coastline, further to the east.

Deal High Street lies within walking distance of the Property, along with Deal railway station which is situated to the south-west (approximately 0.2 miles distant). Deal station operates indirect services into London St Pancras in journey times of about 1 hour 45 minutes.

A similar distance to the south, West Street connects to the A258, which also links to the A256, providing access to Sandwich to the north (about 6.0 miles distant) and Dover to the south. Dover can more readily be accessed via the A258 (around 9.0 miles distant).

A location plan is provided below:



3.2. Property Description

The Property comprises a broadly rectangular shaped site, with hoardings forming the principal perimeter boundaries. The Property was formerly occupied by an MOT centre, which has been demolished by the Applicant, with a spoil heap yet to be removed.

The Property's topography slopes slightly downwards from east to west.

The Property extends to approximately 0.06 hectares (0.15 acres).

To the immediate north, the Property has return frontage to Anchor Lane, a block-end road leading to a small quantity of residential properties and garages/rear gardens of properties fronting Century Walk. To the east, the Property has frontage to West Street, a well-used road linking Queens Street to the south, with Western Road to the north. Immediately adjacent to the west is a bungalow known as Sunnyside Bungalow which is accessed off Anchor Lane. Flanking the Property's southern boundary is a Sainsbury's supermarket and car park.

3.3. Proposal Summary

The proposed detailed scheme involves the erection of a new build 3 storey apartment block, comprising 12 units, including 6 x 1 bedroom apartments and 6 x 2 bedroom maisonettes. The block will have 3 separate communal cores. The proposed elevations will be predominantly red brick, under a pitched roof.

The proposed detailed scheme involves the erection of a new build 3 storey apartment block, along with cycle parking spaces, landscaping and new access arrangements.



Proposed Elevations

3.4. Proposed Accommodation Schedule

Plot	Unit Type	No. Beds	GIA Sqm	GIA Sqft	Car Parking	Comments
A1	Ground Floor Apartment	1	50.40	542	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A2	Ground Floor Apartment	1	48.10	518	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A3	Ground Floor Apartment	1	47.90	515	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A4	Ground Floor Apartment	1	50.10	539	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A5	Ground Floor Apartment	1	47.90	515	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A6	Ground Floor Apartment	1	50.10	539	No Parking	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
M1	First and Second Floor Duplex Apartment	2	69.70	750	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M2	First and Second Floor Duplex Apartment	2	66.90	720	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M3	First and Second Floor Duplex Apartment	2	66.70	718	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M4	First and Second Floor Duplex Apartment	2	69.50	748	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M5	First and Second Floor Duplex Apartment	2	66.70	718	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M6	First and Second Floor Duplex Apartment	2	69.50	748	No Parking	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.

4. Methodology

4.1. Financial Viability Assessments

In line with the National Planning Policy Framework (NPPF), site-specific financial viabilities are a material consideration in determining how much and what type of affordable housing should be required in residential and mixed-use developments.

As such viability appraisals can and should be used to analyse and justify planning applications to ensure that Section 106 requirements do not make a scheme unviable.

The RICS define financial appraisals for planning purposes as 'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to a developer in delivering that project.'

We understand that the logic is that, if the residual value of a proposed scheme is reduced to significantly below an appropriate viability benchmark sum, it follows that it is commercially unviable to pursue such a scheme, and the scheme is unlikely to proceed.

If a scheme is being rendered unviable because of Section 106 requirements, it may be appropriate to look at reducing the burden of those requirements in order to facilitate viability.

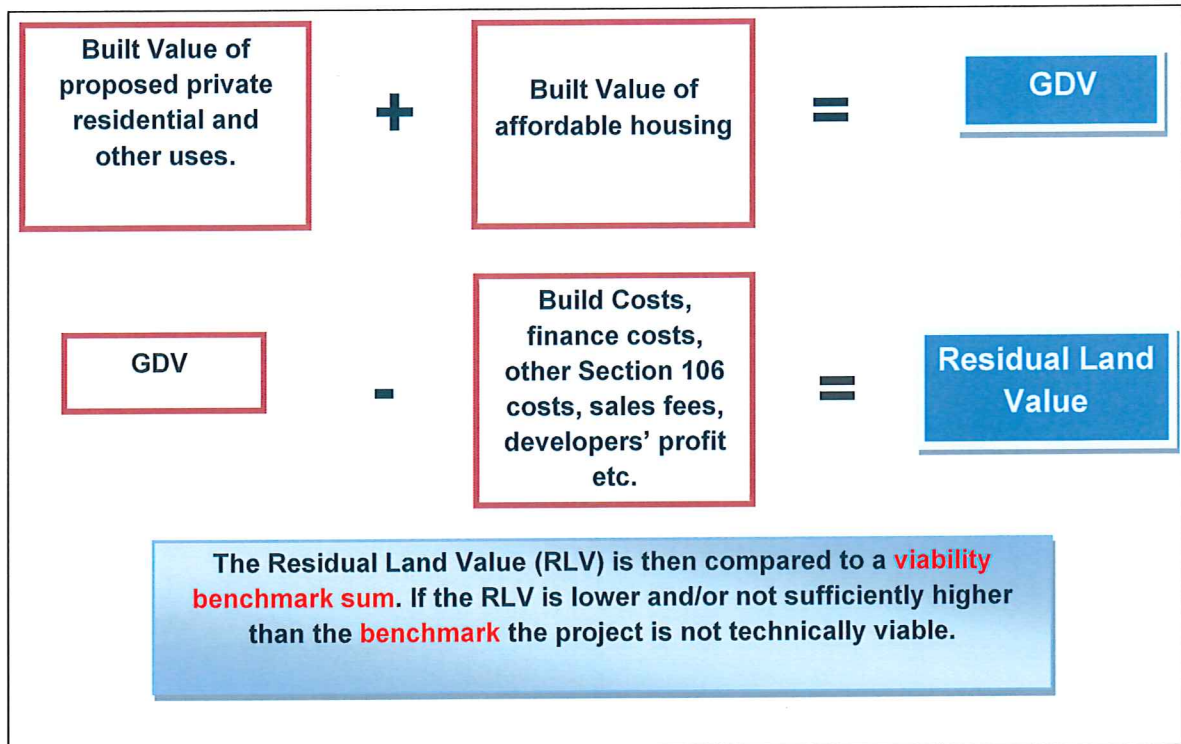
4.2. Factors affecting viability

The following factors are particularly relevant to viability:

- The quantity of affordable housing;
- The tenure split within the affordable housing between social rented and intermediate;
- Grant funding on the affordable housing;
- Cascade clauses related to grant, affordable housing quantum and tenure split;
- 'Other' Section 106 costs (e.g. highways, education etc.);
- Optimum land uses within the development;
- Family sized units;
- Market conditions;
- Timing of delivery;
- Abnormal building costs; and
- Particular planning requirements.

4.3. Residual Land Valuation

The financial viability of development proposals is determined using the residual land valuation method. A summary of this valuation process can be seen below:



4.4. Profit

The above residual land approach can be inverted so that it becomes a 'profit residual' based upon the insertion of a specific land cost (equivalent to the viability benchmark sum). By doing this, the focus is moved onto the level of profit driven by a scheme.

5. Viability Benchmarks

Identifying an appropriate viability benchmark sum requires judgement bearing in mind that national planning guidance indicates that appropriate land for housing should be 'encouraged' to come forward for development. We have had regard to the RICS guidance note titled 'Financial Viability in Planning' 1st edition dated 2012. The different viability benchmarks are outlined below.

5.1. Existing Use Value/Current Use Value (EUV/CUV)

The EUV, sometimes known as the CUV for Toolkit purposes, refers to the value of the asset at today's date in the adopted planning use. It refers to the Market Value of the asset on the special assumption reflecting the current use of the property only and disregarding any prospect of development other than for continuation/expansion of the current use.

5.2. Alternative Use Value (AUV)

The AUV refers to the value of the asset under an alternative planning use for which permission might reasonably be expected to be obtained.

5.3. Purchase Price Paid

There is some debate about the extent to which purchase price paid (and rolled up debt associated with the site) should influence the choice of viability benchmark sum.

We see sensible reason for taking purchase price paid into greater account given recent land value falls and reduction in HCA grant funding as, without doing so, land will not be 'encouraged' to come forward for 'development'. Indeed, developers will be faced with unviable and blighted planning consents.

As such, to ignore purchase price paid (unless unreasonable as at the time of purchase based upon prevailing market conditions and planning policies) would result in adverse consequences for all stakeholders interested in the delivery (i.e. actual construction) of new housing.

5.4. Market Value

The guidance from the RICS contained within their 'Financial Viability in Planning' 1st edition, states that when considering the value of the development site for planning purposes the 'Site value should equate to the Market Value subject to the following assumption; that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.'

The Market Value as defined by the RICS is 'the estimated amount for which the asset should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.'

National Planning Policy states that:

*'...to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account of the normal cost of development and mitigation, **provide competitive returns** to a willing land owner and willing developer to enable the development to be deliverable' Para 173, National Planning Policy Framework*

As such we understand that, in having regard to the development plan the Market Value of a site should reflect a financially viable scheme.

6. Choice of Benchmark

6.1. Purchase Price Paid

We consider this to be an important consideration, as we understand that the Property was purchased unconditionally in August 2015 in the sum of £450,000. The Property was openly marketed by Tersons Estate Agents for a period of 8 months, where the only interest received was from residential developers.

Whilst we have given consideration to the EUV, we have not formed an opinion of value on this basis, due to the demolition and virtual site clearance of the MOT Centre that previously occupied the Property. In our view, the Property is only likely to appeal to residential developers, as opposed to commercial users, due to market demand from residential developers/end users and the location and physical traits.

6.2. Market Value

In considering the Market Value we have prepared our own residual appraisal, reflecting an assumption that planning permission is in place for the proposed scheme, on a policy compliant basis, to include an off-site affordable housing contribution, calculated at 5% of the Gross Development Value (£115,500).

We have assessed the Market Value of the Property reflecting an assumption that planning permission is in place for the proposed scheme on a policy compliant basis, at approximately £192,000 (**Appendix 2**).

6.3. Benchmark for the Property

In light of the above we are of the opinion that the benchmark sum equates to £450,000, reflecting the Purchase Price paid, almost two years ago (**Appendix 3**).

We do however reserve the right to reconsider this should further evidence become available.

7. Economic Modelling

7.1. Economic Model Used

The financial analysis has been undertaken using a software package called Prodev.

7.2. Economic Modelling Assumptions

In preparing the model, we have applied the following items:

Input	Assumption Used
Private Unit Market Values	<ul style="list-style-type: none"> Private market values have been assessed using equivalent capital values and £/sq ft rates based on comparable evidence within the vicinity, including analysing both second hand and new build transactions and discussions with local agents. Contained within Appendix 4 is a schedule of comparable evidence that we have considered. We have in addition, allowed for a ground rent investment.
Acquisition and Disposal Fees	<ul style="list-style-type: none"> We have allowed for Stamp Duty at the appropriate rate. For acquisition costs we have allowed for legal fees at £10,000. Disposal fees have been allowed for in terms of agent and legal fees relating to the disposal of the ground rent investment and apartment sales.
Build Costs	<ul style="list-style-type: none"> We have been provided with a detailed construction cost assessment by Bruce Shaw (Appendix 1), which includes a cost for demolition. In addition, we have been provided with a further quotation by the Applicant relating to the removal of the spoil heap and site preparation costs. The construction cost assessment related to the previous intended scheme for 17 apartments, which comprised similar accommodation and design. For the purpose of this assessment, we have adopted the build cost rate applied within that scenario, at £165 psf, applied to the gross internal floor area.
Contingencies	<ul style="list-style-type: none"> We have allowed for contingencies at 5.0%.

Input	Assumption Used
Professional Fees	<ul style="list-style-type: none"> Professional fees have been allowed at 8.5%.
Developer's Return	<ul style="list-style-type: none"> We have accounted for 20% profit-on-cost which reflects the current minimum level funders require in order to secure development funding. A copy of our appraisal is at Appendix 2.
Development Interest Rate	<ul style="list-style-type: none"> We have assumed an interest rate of 7.0%. We have applied this interest rate over the course of the development, allowing for a lead in period, construction and sales.

8. Proposed Development Value

8.1. Private Residential

We have considered comparable evidence in the vicinity of the Property and have spoken with local agents to inform our opinion of achievable capital values for the proposed private apartments.

Our comparable research is included at **Appendix 4**.

Plot	Unit Type	No. Beds	GIA Sqm	GIA Sqft	Car Parking	Market Value June 2017	£/sqft	Comments
A1	Ground Floor Apartment	1	50.40	542	No Parking	£160,000	£295	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A2	Ground Floor Apartment	1	48.10	518	No Parking	£160,000	£309	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A3	Ground Floor Apartment	1	47.90	515	No Parking	£160,000	£310	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A4	Ground Floor Apartment	1	50.10	539	No Parking	£160,000	£297	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A5	Ground Floor Apartment	1	47.90	515	No Parking	£160,000	£310	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
A6	Ground Floor Apartment	1	50.10	539	No Parking	£160,000	£297	Access via Anchor Lane. Private courtyard garden bordering Sainsbury's supermarket.
M1	First and Second Floor Duplex Apartment	2	69.70	750	No Parking	£225,000	£300	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M2	First and Second Floor Duplex Apartment	2	66.90	720	No Parking	£225,000	£313	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.

Plot	Unit Type	No. Beds	GIA Sqm	GIA Sqft	Car Parking	Market Value June 2017	£/sqft	Comments
M3	First and Second Floor Duplex Apartment	2	66.70	718	No Parking	£225,000	£314	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M4	First and Second Floor Duplex Apartment	2	69.50	748	No Parking	£225,000	£301	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M5	First and Second Floor Duplex Apartment	2	66.70	718	No Parking	£225,000	£314	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
M6	First and Second Floor Duplex Apartment	2	69.50	748	No Parking	£225,000	£301	En suite master bedroom. Private enclosed balcony overlooking Sainsbury's supermarket.
			704	7570		£2,310,000	£305	

9. Appraisal Analysis and Conclusion

We have appraised the proposed scheme against our Benchmark Land Value (in this instance the Price Paid) in order to fully understand the economics of the development and to establish whether it is financial viable for the proposed scheme to support an off-site contribution towards affordable housing calculated at 5% of the Gross Development Value (£115,500).

In our first residual appraisal (**Appendix 2**) where we have allowed for a policy compliant scheme, the resultant land value is approximately £192,000, based on a developer's normal profit-on-cost of 20%. This land value is £258,000 lower than the Purchase Price paid. Within our second appraisal (**Appendix 3**) where we have adopted the Purchase Price paid, assuming an all private market tenure scheme, the developer's profit-on-cost is shown at only 9.51%, significantly below a developer's normal require profit return. In the current market, for a developer to take forward a scheme, they would normally require a return of at least 20% profit-on-cost in order to justify the risk of delivering a scheme and to secure development finance, given likely market and economic risks.

In summary, given the Purchase Price paid, the Applicant can only viably bring forward the proposed scheme on the basis of a solely private market tenure scheme (with no off-site contribution towards affordable housing) and even then, the developer will not be achieving a normal return. The Applicant has already made a land investment, expending considerable money in holding costs and consultants fees.

We have appraised the proposed scheme on the bases set out in the table below.

Residual Land Value Reflecting a Policy Compliant Scheme (Market Value)	Benchmark Land Value Reflecting Price Paid	Land Value Deficit Against Benchmark
£192,000	£450,000	-£258,000

As demonstrated by the results above, the scheme cannot afford to provide a policy target level of a 5% off-site contribution towards affordable housing whilst making a normal developer's profit.

Appendix 1 – Bruce Shaw Costings



46 West Street

ELEMENTAL COST SUMMARY



CODE	DESCRIPTION		£/ft² GIA	£/m² GIA	£/ft² NIA	£/m² NIA	£/UNIT	
		%	TOTAL	12,088	1,123	9,871	917	17
1	SUBSTRUCTURE	3.5%	69,000	6	61	7	75	4,059
2	SUPERSTRUCTURE							
2.1	FRAME	3.0%	60,000	5	53	6	65	3,529
2.2	UPPER FLOORS	3.0%	60,000	5	53	6	65	3,529
2.3	ROOF	5.0%	100,000	8	89	10	109	5,882
2.4	STAIRS & RAMPS	1.5%	30,000	2	27	3	33	1,765
2.5	EXTERNAL WALLS	6.6%	132,000	11	118	13	144	7,765
2.6	WINDOWS & EXTERNAL DOORS	3.8%	76,000	6	68	8	83	4,471
2.7	INTERNAL WALLS & PARTITIONS	4.8%	95,000	8	85	10	104	5,588
2.8	INTERNAL DOORS	1.3%	25,000	2	22	3	27	1,471
	SUPERSTRUCTURE TOTAL	29.0%	578,000	48	515	59	630	34,000
3	INTERNAL FINISHES							
3.1	WALL FINISHES	2.8%	55,000	5	49	6	60	3,235
3.2	FLOOR FINISHES	2.8%	56,000	5	50	6	61	3,294
3.3	CEILING FINISHES	2.1%	41,000	3	37	4	45	2,412
	TOTAL INTERNAL FINISHES	7.6%	152,000	13	135	15	166	8,941
4	TOTAL FITTINGS, FURNISHINGS & EQUIPMENT	6.2%	124,000	10	110	13	135	7,294
5	SERVICES							
5.1	SANITARY APPLIANCES	1.8%	35,000	3	31	4	38	2,059
5.2	DISPOSAL INSTALLATIONS	1.3%	25,000	2	22	3	27	1,471
5.3	WATER INSTALLATIONS	2.0%	39,000	3	35	4	43	2,294
5.4	HEAT SOURCE	8.7%	173,000	14	154	18	189	10,176
5.5	SPACE HEATING & AIR CONDITIONING	2.8%	55,000	5	49	6	60	3,235
5.6	VENTILATION SYSTEMS	3.4%	67,000	6	60	7	73	3,941
5.7	ELECTRICAL INSTALLATIONS	6.3%	125,000	10	111	13	136	7,353
5.8	GAS INSTALLATION & OTHER FUEL INSTALLATIONS							
5.9	LIFTS & CONVEYOR INSTALLATIONS	2.3%	45,000	4	40	5	49	2,647
5.11	PROTECTIVE INSTALLATION	0.1%	2,000	0	2	0	2	118
5.12	COMMUNICATIONS, SECURITY AND CONTROL SYSTEMS	1.4%	27,000	2	24	3	29	1,588
5.13	SPECIAL INSTALLATIONS	1.2%	23,000	2	20	2	25	1,353
5.14	BWIC	0.7%	14,000	1	12	1	15	824
5.14	FIREPROOFING AND PROTECTION	0.7%	14,000	1	12	1	15	824
	SERVICES TOTAL	32.3%	644,000	53	573	65	702	37,882
6	SUBTOTAL	78.7%	1,567,000	130	2,619	298	3,207	173,000
7.1	EXTERNAL WORKS	2.1%	41,000	3	37	4	45	2
7.2	UNDERGROUND & SURFACE DRAINAGE	0.9%	18,000	1	16	2	20	1
7.3	RESIDENTIAL EXTRAS & CFSH							
	TOTAL EXTERNAL WORKS	3.0%	59,000	5	53	6	64	3,471
8	SUBTOTAL	81.7%	1,626,000	135	1,448	165	1,773	95,647
9	MAIN CONTRACTOR'S PRELIMINARIES @ 10%	8.2%	163,000	13	145	17	178	9,588
10	MAIN CONTRACTOR'S OH&P @ 3%	2.7%	54,000	4	48	5	59	3,176
11	DESIGN DEVELOPMENT @ 2%	1.9%	37,000	3	33	4	40	2,176
12	STATUTORY SERVICES	2.6%	51,000	4	45	5	56	3,000
13	DEMOLITION & STRIP OUT	3.0%	60,000	5	53	6	65	3,529
14	NETT BUILDING COST	100.0%	1,991,000	165	1,773	202	2,171	117,118
15	CLIENT CONTINGENCY @ 5%		Excluded					
16	PROFESSIONAL FEES		Excluded					
18	PROJECT TOTAL	100.0%	1,991,000	165	1,773	202	2,171	117,118

Appendix 2 – Residual Appraisal – Policy Compliant



REVENUE		File: App Prop Sch 5ah Cont 210617	
Ground Rent	12 units at 250.00 ea./pa	3,000	
Inv.Value-A	Net annual income	3,000	
	Capitalised at 5.25% Yield	57,143	57,143
12 Private Units			2,310,000
(Net Income: 3,000) (Inv.Sales: 57,143) (Dir.Sales: 2,310,000)		REVENUE	2,367,143
COSTS			
Site Value		192,000	
Site Stamp Duty		840	
Site Legal Fees		10,000	
		Site Costs	202,840
Demolition		60,000	
Site Preparation		36,500	
5% Ah Contrib		115,500	
		Initial Payments	212,000
Bruce Shaw Costings	7,570.00 sq-ft at 165.00 psf	1,249,050	
Contingency	at 5.00%	62,453	
Professional Fees	at 8.50%	106,169	
		Build Costs	1,417,672
Invest.sale Agents Fee		2,000	
Invest.sale Legal Fees		1,000	
Direct Sale Agents Fee	at 1.75%	40,425	
Direct Sale Legal Fees		14,000	
		Disposal Fees	57,425
INTEREST	(See CASHFLOW)		82,701
7.00% pa	on Debt charged Quarterly and compounded Quarterly		
Site Costs	Month 1 (Jun 17)		
Demolition	Month 3 (Aug 17)		
Site Preparation	Month 1 to 3 (Jun 17 - Aug 17)		
5% Ah Contrib	Month 1 (Jun 17)		
Building Costs	Month 3 to 14 (Aug 17 - Jul 18)		
Inv.Value-A 5.25%	Month 18 (Nov 18)		
Direct Sales	Month 12 to 18 (May 18 - Nov 18)		
PROFIT	394,505	COSTS	1,972,638
PROFIT/SALE	16.67%	PROFIT/COST	20.00%
IRR	N/A		

Appendix 3 – Residual Appraisal – Benchmark Value

REVENUE		File: App Prop Sch Price Paid 210617	
Ground Rent	12 units at 250.00 ea./pa	3,000	
Inv.Value-A	Net annual income	3,000	
	Capitalised at 5.25% Yield	57,143	57,143
12 Private Units			2,310,000
(Net Income: 3,000) (Inv.Sales: 57,143) (Dir.Sales: 2,310,000)		REVENUE	2,367,143
COSTS			
Site Value		450,000	
Site Stamp Duty		12,000	
Site Legal Fees		10,000	
		Site Costs	472,000
Demolition		60,000	
Site Preparation		36,500	
		Initial Payments	96,500
Bruce Shaw Costings	7,570.00 sq-ft at 165.00 psf	1,249,050	
Contingency	at 5.00%	62,453	
Professional Fees	at 8.50%	106,169	
		Build Costs	1,417,672
Invest.sale Agents Fee		2,000	
Invest.sale Legal Fees		1,000	
Direct Sale Agents Fee	at 1.75%	40,425	
Direct Sale Legal Fees		14,000	
		Disposal Fees	57,425
INTEREST	(See CASHFLOW)		98,470
7.00% pa	on Debt charged Quarterly and compounded Quarterly		
Site Costs	Month 1 (Jun 17)		
Demolition	Month 3 (Aug 17)		
Site Preparation	Month 1 to 3 (Jun 17 - Aug 17)		
Building Costs	Month 3 to 14 (Aug 17 - Jul 18)		
Inv.Value-A 5.25%	Month 18 (Nov 18)		
Direct Sales	Month 12 to 18 (May 18 - Nov 18)		
PROFIT	225,076	COSTS	2,142,066
PROFIT/SALE	9.51%	PROFIT/COST	10.51%
IRR	N/A		

Appendix 4 – Apartment Comparables



Comparable Evidence

46 West Street, Deal, Kent

Apartment Sales Comparables

Property	Address	GIA Sqft	Car Parking	Accommodation and Analysis	Achieved Price
	No.7 Boningbrook, Marine Road, Deal, Kent (0.49 miles distant)	580	Scheme parking	2 bedroom second-hand modern apartment. Second floor Sea view. Considered superior.	£239,000 (£412psf) Under Offer April 2017
	The Quarterdeck, 41-45 Beach Street, Deal, Kent (0.19 miles distant)	657 - 818	No parking	2 bedroom new build apartments. Scheme comprises 14 apartments (10 with sea views). Lift access. Considered slightly superior.	All without sea views Plot Nos.3,4 and 7 £235,000 (£287psf - £358psf) Completed March - October 2016.
	No.9 Coventry Gardens, Deal, Kent (0.61 miles distant)	753	1 x allocated parking space	2 bedroom second-hand modern apartment. First floor Share of freehold Considered similarly regarded.	£220,000 (£292psf) Under Offer November 2016
	No.5 North Court, West Street, Deal, Kent (0.23 miles distant)	630	1 x allocated parking space	2 bedroom second-hand modern apartment. Second floor Good internal order 107 year long lease remaining Considered inferior.	£156,000 (£248 psf) Exchanged April 2017



Property	Address	GIA Sqft	Car Parking	Accommodation and Analysis	Achieved Price
	2 Deal Castle Road, Deal, Kent <i>(0.33 miles distant)</i>	571	No parking	1 bedroom second-hand conversion apartment. Ground floor. View of Deal Castle from sitting room. Good internal order. New lease approximately 125 years. Considered similar in appeal.	£140,500 (£246psf) Under Offer September 2016.
	No.9 Lion Court, 60 London Road, Deal, Kent <i>(0.30 miles distant)</i>	452	Single garage	1 bedroom second-hand purpose built apartment. Ground floor Reasonable internal order 147 years remaining on lease. Considered inferior	£133,000 (£294 psf) Under Offer February 2017



VIABILITY ASSESSMENT REPORT

Anchor Works
46 West Street
Deal
CT14 6AH

On Behalf of:

Dover District Council

Reference: [REDACTED]

Date: 6th September 2017

Version: 1.1

Prepared by:

[REDACTED]

Development Consultant &

RICS Registered Valuer

TABLE OF CONTENTS

1.	INTRODUCTION & BACKGROUND	3
2.	DEVELOPMENT PROPOSAL	3
3.	INFORMATION RELIED UPON	3
4.	RESIDENTIAL REVENUE.....	4
5.	CONSTRUCTION COSTS.....	5
6.	ADDITIONAL COST HEADINGS.....	6
7.	DEVELOPER RETURN.....	7
8.	RESIDUAL LAND VALUE	7
9.	BENCHMARK LAND VALUE.....	7
10.	VIABILITY.....	9
11.	CONCLUSION.....	10

DRAFT

1. Introduction & Background

- 1.1. DVS is instructed by Dover District Council to consider the applicant's Financial Viability Assessment (FVA), prepared by [REDACTED]
- 1.2. The instruction is to assess the submitted viability assessment and all of its inputs and advise on whether the applicant's proposed development scheme can support the LPA's Affordable Housing/Planning Obligations.
- 1.3. In accordance with the requirements of the RICS standards, DVS has checked that no conflict of interest arises before accepting this instruction.

2. Development Proposal

- 2.1. The proposal is to provide a new 3 storey apartment block, comprising 12 units including 6x1 bedroom apartments and 6x2 bedroom maisonettes.
- 2.2. In summary the development will provide the following accommodation.

	Units	Total Net Internal Area M2	Total Net Internal Area ft2	Total GIA M2	Total GIA ft2
1 bed apartment	6	294.5	3,167	334.4	3,599
2 bedroom maisonette	6	409	4,402	484.9	5,219
Total	12	703.5	7,569	819.3	8,818

3. Information Relied Upon

- 3.1. In preparing this report I have had regard to the following documents:

- Viability assessment report and appraisal completed by [REDACTED]

4. Residential Revenue

Market Housing

- 4.1 The applicant has assessed a total residential revenue of £2,367,143, (private sales values and ground rents) and has been calculated as follows:

Private Sales Values

Type	Number	Total
1 bed apartments	6	£960,000
2 bed maisonette's	6	£1,350,000
Total	12	£2,310,000

- 4.2 The applicant has adopted a value of £160,000 for the one bed apartment and £225,000 for the 2 bed apartments. No allowance has been made for the different sizes or outlook that each property may benefit from. The one beds flats devalue to £303ft² whilst the 2 bed maisonettes devalue to £307ft².
- 4.3 I have undertaken my own research and whilst the applicant has not made any differential in pricing for the different sizes of the proposed units I am in broad agreement with the overall Gross Development Value of £2,310,000 or £310ft².

Ground Rents

- 4.4 The applicant has included ground rents at £250 per unit per annum, and capitalised this at a gross yield of 5.25% equating to £57,143. I do not believe this to be unreasonable and have accepted this for the purpose of my assessment.

5 Construction Costs

New Build Construction Costs

- 5.1 The applicant has adopted the £165 cost per sq ft calculated by [REDACTED] in relation to the previous scheme, which was refused at appeal. The applicant has assessed a total base build cost of £1,249,050 within their appraisal.

I would note that the applicant has incorrectly applied this cost per ft² to the Net Internal Area and not the Gross Internal Area. The rate adopted also includes an allowance for demolition, which the applicant has included as a separate entry within the appraisal.

If I were to deduct the demolition cost of £60,000, this would equate to a base build cost rate of £159 per sq ft, applying this to the GIA of 8,818 sq ft, equates to a potential base build cost of £1,402,062.

I have consulted The Building Cost Information Service (BCIS) which states that flats of 3-5 storeys has a median build cost of £1,469m² (£136 per sq ft). I have then added 5% allowance to reflect external works equating to a total build cost of £142.80 per sq ft. Applying this to the Gross Internal Area of 8,818 sq ft, equates to a base build cost of £1,259,210. I have adopted this figure for the purposes of my assessment.

Contingency

- 5.2 The applicant has adopted a 5% contingency. I find a figure of 5% on the base build to be reasonable and have adopted this figure for the purposes of my assessment.

5.3 Demolition

The applicant has adopted a demolition cost of £60,000. I believe this to be acceptable and have accepted this for the purposes of this assessment.

5.4 Site preparation

The applicant has adopted a figure of £36,000 but has not provided any reasoning or supporting evidence to substantiate this cost. I would note that BCIS costs already include an allowance for preliminaries, I have therefore not included this allowance within my assessment.

S106

5.5 The applicant has not included an allowance for s106 costs. I understand from the LPA that the applicant has agreed to pay a library contribution of £562 which I have included within my appraisal.

6 Additional Cost Headings

Professional Fees

6.1 The applicant has adopted professional fees of 8.5% of costs. I believe this is reasonable and have accepted this for the purposes of our assessment.

Sales & Marketing Fees

6.2 The applicant has adopted a sales agent fee of 1.75% equating to £40,425, on the basis that this includes marketing costs I find this to be reasonable and have accepted this for the purposes of my assessment.

6.3 Legal Fees

The applicant has adopted a sales legal fee of £14,000 equating to £1,166 per property. I find this to be high and have adopted £1,000 per unit equating to a total cost of £12,000.

6.4 Finance

The applicant has adopted a finance rate of 7% I find this to be high and have therefore adopted a rate of 6.5% debit rate and 1% credit rate.

6.5 Project Programme

The applicant has assumed a 1 month acquisition and demolition period, 3 month site preparation period, 12 month construction period and 6 months sales period.

I do not find this unreasonable and have accepted this for the purposes of my assessment.

7 Developer Return

7.1 The applicant has adopted a profit of [REDACTED], I believe this to be reasonable and have accepted this for the purposes of my assessment.

8 Residual Land Value

I have estimated the residual land value of the proposed scheme reflecting a policy compliant Affordable Housing contribution of £115,500 to be £187,884, this is slightly lower than the applicants residual land value of £192,000. If no Affordable Housing contribution was provided the residual land value would increase to £295,778.

9 Benchmark Land Value

9.1 There are a number of sources of guidance currently explaining how the assessment of the BLV should be determined. The GLA Three Dragons Toolkit Guidance Note advocates the use of Existing Use Value (EUV) or an Alternative Use Value (AUV), but recognises that there are a number of alternative ways of assessing the BLV, and that these may also be suitable.

9.2 In many brownfield sites this approach may be appropriate but it does not result in a reasonable “competitive return” for the landowner in all cases. For example, some cleared brownfield sites would find an EUV/ AUV approach resulting in very low Benchmark Land Values, and therefore not providing a “competitive return”. Similarly, underutilised sites or sites with special uses, such as schools, hospital and MoD sites would potentially result in unrealistic BLVs.

9.3 A key factor in assessing viability is the assessment of the appropriate Site Value against which to compare Residual Land values. The RICS Guidance Note 'Financial Viability in Planning' provides a definition as follows:

“Site Value should equate to the market value subject to the following assumption; that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.”

(Source RICS GN FVIP)

- 9.4 The applicant has adopted a benchmark land value of £450,000 based on the purchase of the site according to [REDACTED]. I cannot rely solely on the purchase price without having regard to additional evidence in the vicinity. If a developer has over-paid for a site, this penalises the local authority as the provision of Affordable Housing is affected. Equally, if the developer under-paid, they would be penalised and may lead to an over-provision of planning contributions.
- 9.5 The applicant was requested to provide confirmation of how the £450,000 purchase price had been calculated and provide supporting evidence in the form a separate site valuation as per RICS guidance. Unfortunately, this has not been provided.
- 9.6 I am aware that the site previously housed a vehicle repair workshop/MOT centre. From the rating assessment the building had a total area of 543m² (5,845ft²). There is limited industrial transactional evidence within this vicinity, I would however expect given the sales of other industrial units within Kent, that the subject premises could have achieved a sale price in the region of £250,000 or £40 per ft², in order to incentivise the seller I would have added a [REDACTED] premium/incentive to reach a value of £300,000 (EUV Plus)
- 9.7 It is however noted that the building has been demolished by the applicant and therefore currently represents industrial land. I have had regards to [REDACTED] [REDACTED] [REDACTED] which indicates industrial land values of £400,000 per acre for Ashtead and £700,000 per acre for Maidstone. Both of these areas are superior locations I have therefore taken a value of £400,000 per acre (£988,420 per Hectare) which would suggest a land value of the subject site of £60,000 (i.e. £400,000 x 0.15 acres).
- 9.8 The planning authority have indicated that a residential development would be permitted on site, I have therefore considered the site value in accordance with RICS guidance. As detailed above a development of 12 residential units along with a policy compliant affordable housing contribution of £115,500, details a residual land value of £187,884. To reflect the lack of planning permission I have deducted 20% to reach a Land Value of £150,307 or £2,505,117 per Hectare.

I have also looked at land value evidence within Deal as follows:

- 1) [REDACTED] – a 0.19 hectare site currently used as a waste transfer station, planning permission was granted in 2012 for an erection of a light industrial unit of 295 sq m (now expired). The property sold at auction for £180,000 on 20th March 2017 equating to £947,386 per hectare.
- 2) [REDACTED] – a 0.121 hectare site in this low density rural setting has been earmarked for residential development and sold for £155,000 on 12th December 2016 equating to £1,280,991 per hectare.
- 3) [REDACTED] – This 0.13 residential hectare site sold for £249,950 on 8th June 2017 equating to £1,922,692 per hectare.

9.9 The evidence detailed above suggests that the purchase price of £450,000 represents an overpayment for the site. If the applicant had not demolished the existing building I believe the Benchmark Land Value would be fairly represented at £300,000 on an EUV plus basis, however, given the building has been demolished the current value would be in the region of £150,000 on a residential site value basis.

10 Viability

10.1 The applicant asserts that the Benchmark Land Value is fairly reflected at £450,000 and that the proposed scheme (assuming a policy compliant affordable housing contribution) produces a Residual Land Value of £192,000 and is therefore unable to provide the 5% offsite affordable housing contribution. The applicant also asserts that even with a 100% private scheme and a £450,000 land value, the developers would only achieve a 9.51% developer return on cost, which is below the expected 20% return required.

10.2 If it was deemed appropriate by the Local Planning Authority to reflect the former MOT/vehicle repair workshop on site, I am of the opinion that a Benchmark Land Value of £300,000 would be appropriate, comparing this to the my assessment of the

residual land value of the proposed scheme of £188,894 (Policy Compliant – 5% offsite payment) and residual land value of £296,300 (proposed scheme assuming no affordable housing contribution), I would be of the opinion that the proposed scheme is unable to provide the required Affordable Housing contribution.

- 10.3 However, based on my assessment of the current value of the site at £150,000, the proposed scheme could viable provide the 5% offsite Affordable Housing contribution of £115,500.

11 Conclusion

- 11.1 The applicant in my view has devalued the Existing Use Value of the site by demolishing the vehicle repair workshop. If the building had been retained I do not believe that the proposed development could provide any Affordable Housing contributions. Whilst, I have commented that the current value of the site could support the required Affordable Housing contributions, the implementation of such a requirement would mean the site would not be brought forward for development. The Local Planning Authority should therefore consider the approach in order to allow the deliverability of a residential development on this site

Reviewed by

[REDACTED]



Not to scale

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Application: DOV/17/00387

Part of Wingham Court

Hawarden Place

Canterbury Road

Wingham, CT3 1EW

TR24105731



- a) **DOV/17/00387 – Erection of fifteen extra care properties (Use Class C2) comprising eight semi-detached dwellings, one detached dwelling and six apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works - Part of Wingham Court, Hawarden Place, Canterbury Road, Wingham**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- Policy CP7 - Seeks to protect and enhance the existing network of Green Infrastructure, and states that integrity of the existing network of green infrastructure will be protected and enhanced.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable development; secure high quality design and a good standard of amenity for all existing and future residents; contribute to conserving and enhancing the natural environment; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; conserve heritage assets in a manner appropriate to their significance; and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter three of the NPPF seeks to support a prosperous rural economy, including by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel”. However, it is also recognised that “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban and rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should also plan for a mix of homes based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities.
- Chapter seven requires good design, which is a key aspect of sustainable development. Planning decisions should ensure that developments: will function well and add to the overall quality of the area over the lifetime of the development, respond to local character and history and are visually attractive as a result of good architecture and appropriate landscaping; should not stifle innovation however stresses the importance of reinforcing local distinctiveness; and should

address the connections between people and places and the integration of new development into the natural, built and historic environment.

- Chapter twelve requires that regard be had for the desirability of new development contributing to or enhancing the significance of heritage assets. An assessment should be undertaken as to whether harm would be caused to designated and non-designated heritage assets. Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where substantial harm would be caused, permission must be refused unless there are substantial public benefits which outweigh the harm, or four exceptional circumstances are met.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

Dover Heritage Strategy

- Provides evidence and advice of the historic environment of the District and seeks to ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration.

d) **Relevant Planning History**

The planning history for this site is extensive. However, the most relevant applications to the current proposal, and recent applications, are as follows:

DOV/97/0364 – Renewal of permission DOV/92/0532 for conversion of outbuildings to 4 dwellings, ancillary accommodation and garages, and erection of new garages on site of former outbuilding – Granted

DOV/99/00562 – Conversion of existing granary building to single dwelling, erection of detached garage and alterations to existing vehicular access – Granted

DOV/99/0563 – Listed building consent for the refurbishment, alteration and extension of existing granary building in association with conversion to single dwelling – Granted

DOV/15/01100 – Erection of 15 care units (Use Class C2), comprising of 9 terraced houses and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works – Refused (this refusal is currently being considered by the Planning Inspectorate)

DOV/15/01114 – Erection of a canopy extension, enlargement of window opening for the insertion of French doors and relocation of flue vent to South East elevation including the removal of a kitchen wall and a new partition constructed to create a larger kitchen - Granted

e) **Consultee and Third Party Responses**

DDC Principal Heritage Officer:

Initial response, received 26th May 2017

Listed status of Goose Barn:

The building is shown on historic maps pre-1948 and clearly had some form of relationship to the site as a farm. Current use of the building appeared to be storage; previous use unknown, i.e. no indication from the form/detail demonstrating particular agricultural use. Planning history demonstrates that other outbuildings on the site were treated as curtilage listed to Wingham Court (II*) at the time of their conversions: the site location plan indicates that Wingham Court and all outbuildings including the Goose Barn were in the same ownership at that time (1990's), and it is reasonable to assume that they were in the same ownership at the time of listing (1952). Based on this rapid assessment it is reasonable to consider the Goose Barn to be curtilage listed to Wingham Court, thereby necessitating the submission of a LBC.

Proposed development:

An analysis of the character of this part of the CA was provided in my assessment on the previous scheme. Layout of the development has helped to retain the openness of the area, and whilst numbers of units have not reduced from the previous application, the design, scale and massing of the buildings now proposed is considered to be more sensitive to the context. The land levels have been taken into account in respect of locating the larger units, such that they are placed well within the site where the land level drops. The secluded character of the site has in my view been appreciated and protected, with the impact of the development on the CA outside the confines of the site being limited. The detailed design of the scheme submitted has, in my view, a greater relationship to the heritage context in respect of the Wingham Conservation Area, the setting of the grade II* Wingham Court and the curtilage listed outbuildings. Weatherboard still features and was previously identified as a material that was not prevalent in the area. The submitted scheme has introduced red brick (which is prevalent) more extensively and boarding left natural rather than all black stained, and this has bedded the development in its context, making the weatherboard less visually dominant- although I would prefer to see horizontal feather-edged weatherboard (left natural) over vertical cladding.

The boundary treatment to the private garden spaces is important in respect of the open character of the site once within it: the landscape proposal report states fencing but there is no detail of height. I suggest that softer treatment may be more suitable in this setting, such as post and rail fencing and nature hedgerow species.

Conversion of Goose Barn:

Historic maps show that there was another building to same location as the proposed extension, although no evidence remains and it was clearly independent. I am content with the extension of the building, however the treatment of the full height openings to north and east elevation is poor: the hybrid window/door detail is uncomfortable and I would prefer to see full height glazing set back within the opening and pinned back doors. I would reiterate my earlier concern on the capability of the Goose Barn to be converted and expect the submission with the LBC of a structural report to demonstrate that it can be converted without significant works.

Other:

I am concerned that drawing no.1481-18 Rev B includes the annotation 'existing wall to be rebuilt'. This is the only plan on which this is noted so I am assuming an error: this is part of the historic brick boundary wall and without a SE report that details why demolition and rebuild is the only option I cannot support this aspect of the application (NB. This would also need LBC as the wall is curtilage listed II*). The elevation of the guest accommodation does not accord with the floor plan.

Subsequent response received 13th July 2017

The revised weatherboarding looks fine

Subsequent response, received 1st August 2017

The following condition should be attached to any grant of permission:

Prior to the commencement of works the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details:

- a. 1:50 scale survey drawings for all existing timber framing to roof showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
- b. 1:10 scale section through all external walls which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes.
- c. 1:20 scale sections and elevations of all new openings in masonry walls including details of heads, jams and sill openings to be created in the structure, and also details of the relationship of windows, doors or gates to be inserted to the historic structure.
- d. Detailed drawings to a scale of 1:5 and 1:1 of typical details of all new joinery, to include mouldings and glazing bars also showing glazing. Details of finishes shall also be included.
- e. 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
- f. Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

Reason: To ensure special regard is paid to the interests of protecting the special architectural and historic character detailing of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

Subsequent response received 7th August 2017:

The structural report on the Goose Barn is fine. I do not need to add any additional conditions to those previously advised.

Historic England: The current application seeks to create a residential development within the curtilage of Wingham Court, a grade II* listed building. Falling within Wingham Court Conservation Area, it is a relatively secluded plot set back from the main High Street and is likely to have formed part of the ecclesiastical complex. The site then evolved into agricultural use. Historic England (HE) commented on the previous scheme (ref: 15/01100) and our comments are broadly similar.

Although HE do not object to the principle of development at Wingham Court, as the application affects a conservation area, there is a statutory requirement for your authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s. 72, 1990 Act) Under paragraph 58 of NPPF, planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable place; respond to

local character and history, and reflect the identity of local surroundings and materials; and be visually attractive as a result of good architecture and appropriate landscaping.

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (NPPF paragraph 139). In this case, this particularly means that you should seek to ensure that building material, building form and density promote or reinforce local distinctiveness (NPPF paragraph 60).

HE considers that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 58, 60 and 137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Environment Agency: The site is in Flood Risk Zone 1, on a Principle Aquifer and in Source Protection Zone 3. The previous use of the land does not raise contamination concerns. This application has a low environmental risk and the EA therefore have no comments to make. Whilst the use of SUDS is generally welcomed, these must be designed and maintained appropriately. The applicant may require other non-planning consents.

KCC Flood and Water Management: Surface water will be disposed of via a SUDS scheme. The application has not been supported by technical information. The geology of the suite suggests that the surface layers will be poorly draining but with good permeability at depth. Although KCC would ordinarily expect this level of information to be submitted with any application for a 'major' development, in this instance, we would be satisfied with the detailed design being dealt with through a suitably worded condition. This development appears to be designed with sufficient space available to accommodate surface water management provisions, the design of which can be covered within a later submission. Two conditions are recommended.

KCC Highways and Transport: No objection. The proposed improvements to the site access, likely trip generation and levels of car parking are the same as agreed for the previous application and are acceptable. I also note that a hard paved footpath connection is provided to the existing footway network in School Lane, allowing wider pedestrian connection to the village. The following should be secured by condition: provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; provision of measures to prevent the discharge of surface water onto the highway; provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing; provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing; use of a bound surface for the first 5 metres of the access from the edge of the highway; completion of the access widening shown on drawing number 14-200-106 prior to the use of the site commencing; and provision and maintenance of the visibility splays shown on drawing number 14-200-106 with no obstructions

over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

Informatives should also be attached to confirm that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained and that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Southern Water: A formal application should be made for any foul and surface water connections and a condition should be attached to any grant of permission to require full details of these of the means of foul and surface water disposal. The provision of SUDS is supported.

UK Power Networks: No objection

Southern Gas Networks: There are low/medium/intermediate pressure gas mains near the application site. There should be no mechanical excavations taking place within 0.5m of a low pressure system or above or within 3.0m of an intermediate pressure system.

DDC Environmental Health: The floorplans have been amended since the previous application and the stacking arrangements which had previously caused concern have been resolved. Conditions have been recommended covering previously unidentified contamination and the provision of a construction management plan.

KCC Development Contributions: The development would give rise to increased demand for library provision. This increased demand could be met through the provision of a contribution of £720.24 towards additional bookstock for the mobile library which visits Wingham. The development should also provide superfast fibre optic broadband.

NHS South Kent Coast CCG:

Initial response received 13th April 2017

The development will increase the local population which will have a knock-on effect in terms of health care. A financial contribution is therefore sought to help meet these extra demands placed on the local primary care health service. This improvement to the primary care infrastructure is expected to result in a need to invest in Wingham Surgery, to support improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. The development would produce a predicted occupancy of 43.4 people. The per occupant contribution required is £360. However, an inflator of 40% is also requested due to an extra burden that the proposed patient cohort would produce. As such, a contribution of £21,873.60 is requested. This contribution should be provided in full prior to 50% of the units being occupied. In the absence of such a contribution, a number of key risks to primary care in Wingham have been identified.

Subsequent response received 8th September 2017

The additional contribution was requested to reflect the general nature of residents in extra-care facilities – as a general rule, they will require significantly more appointments than most patients with a higher proportion of those appointments

requiring home visits. The residents are more likely to have multiple and sometimes complex long term conditions (hence living in extra care facilities) which require longer consultations. All of these factors will increase the pressure on capacity/workforce within the local practice and need to be mitigated. It is likely that the residents will all be registered with the practice in Wingham as the closest available surgery.

The CCG would consider investment into the Wingham Surgery as paramount to mitigating the additional pressures expected from this particular development. Should the inflated figure not be accepted, the CCG would still require a contribution to aid in the creation of capacity at the surgery.

DDC Head of Strategic Housing:

Proposed development of 15 dwellings would normally require a contribution to affordable housing. Given the scale and nature of this development, it would be appropriate to seek a commuted sum for off-site provision. The application indicates that the proposed development will comprise extra care housing, presumably for older people, but it is difficult to comment on this aspect of the development due to the level of information available.

Kent Police: To date the applicants have not contacted Kent Police to discuss the application and the submission does not demonstrate that the applicants have considered Crime Prevention through Environmental Design. The applicant's attention should be drawn to the assistance available. A condition or an informative is requested to be attached to any grant of permission to encourage the applicants to discuss their proposals with Kent Police.

Wingham Parish Council: Object for the following reasons: the proposed development remains out-of-character; the access is inappropriate for so many dwellings (and is on a bend); it is unclear whether emergency vehicles would be able to enter, turn and exit the site; safety concerns regarding access between the care units and parking areas; the request for contributions from the NHS could potentially cause the closure of Wingham Surgery.

Third Parties/Neighbours:

Seventeen letters of objection have been received, raising the following concerns:

- The application does not overcome the previous reasons for refusal
- The development is too dense
- The development would harm the character of Hawarden Place
- Harm to listed buildings and conservation area
- The height and mass of the buildings do not respect the immediate locality of the site
- The heritage statement is out-of-date
- The development would not add to the quality of the area
- The car parking provision is poorly related to the residential accommodation
- Insufficient car parking provision
- Harm to highway and pedestrian safety
- There is no precedent for a commercial venture in this low density
- The application may create a precedent
- The orchard area could be developed rather than other areas of the site
- Overdevelopment
- Loss of trees

- Impact on ecology (particularly Turtle Doves, which are a red listed species, and Spotted Flycatchers)
- Larger family homes would be more suitable, given the sites proximity to the school

In addition, five letters of support have been received, raising the following points:

- The development would not impinge on the Grade I listed St Mary the Virgin Church
- Additional residents would be likely to increase the number of volunteers locally
- Resurfacing of the footpaths would improve safety
- Whilst Wingham has a wealth of medieval architecture and history, there are good quality C20th buildings at the end of School Lane, so a well-designed C21st building should be acceptable
- This application is an improvement to the previous application
- Improved vehicular access
- High quality design
- There is a clear need for retirement accommodation

Finally, three neutral letters, neither objecting to nor supporting the application, have been received. These letters make the following points:

- Connections between footpaths EE172 and EE48 should be considered, to improve pedestrian safety
- The site has been badly neglected and needs some care and renovation
- It's better to build on a site like this as opposed to in the countryside
- Construction should be carried out respectfully
- The development will free up housing stock
- This application addresses previous concerns
- Due to the pedestrian access to School Lane and the location and number of car parking spaces, cars may park on School Lane, causing obstruction. It would therefore be appropriate to provide double yellow lines on School Lane or remove the pedestrian access

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

1.1 The application site is an irregular shaped piece of land of approximately 1ha which forms part of the curtilage of the Grade II* listed Wingham Court, and is within the conservation area of the village of Wingham. Immediately to the south of the site is the Scheduled Monument of Wingham Roman Villa. The site is bounded by Wingham Court and its now converted outbuildings to the north, School Lane to the east, the EE48 PROW and, beyond, Wingham Primary School to the south and Canterbury Road to the west.

1.2 This application proposes the erection of 15 retirement units, which fall within Use Class C2 of the Use Classes Order. These units comprise 8 semi-detached 'dwellings', 1 detached 'dwelling' and 6 apartments. In addition of the 'dwellings' a communal clubhouse facility is proposed within a building (known as the 'Goose Barn') which is to be converted. This facility will provide a manager's office, an activities room and kitchen facilities, together with a detached guest suite. The development will also provide a communal orchard garden, clubhouse garden and 20 car parking spaces (4 of which would be disability spaces).

1.3 A previous application for the site, considered under application number DOV/15/01100, sought permission for a similar scheme, described as “Erection of 15 care units (Use Class C2), comprising of 9 terraced houses and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works”. This application was refused by planning committee for two reasons, namely:

- 1) The proposed development, by virtue of its scale, mass, layout, design and materials and the loss of tree cover, would if permitted result in a dominant, incongruous, unsympathetic and poorly related form of development out of keeping with the prevailing form of surrounding development, and would therefore be harmful to the character and appearance of the surrounding area, the setting of listed buildings, and the character and appearance of the Wingham Conservation Area, contrary to Government guidance contained within National Planning Policy Framework paragraphs 8, 14, 60, 64, 131,132 and 134 and the provisions of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The development as proposed would fail to maximise walking, cycling and the use of public transport, contrary to paragraphs 49 of the National Planning Policy Framework and Policy DM11 of the Dover District Core Strategy.

The previous application is currently being considered by the Planning Inspectorate at appeal. The current application, whilst proposing a similar amount of development, has been significantly amended since the previous application was determined.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on the significance of heritage assets
- The impact on highways
- The impact on residential amenity
- Surface water drainage
- Contamination
- Ecology
- Development Contributions

Assessment

Principle

2.2 The site lies within the settlement confines of Wingham, as shown by the Proposals Map. Wingham is described as a Local Centre in the Settlement Hierarchy at Policy CP1 of the Core Strategy, which are the secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. Consequently, the principle of the proposed development is in accordance with the development plan.

- 2.3 Paragraph 50 of the National Planning Policy Framework states that local planning authorities should plan for a mix of homes based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities. Notwithstanding the Council's ability to demonstrate a five year housing land supply and the 'in principle' acceptability of the development, the East Kent Strategic Housing Market Assessment shows that there is a forecast growth in the population of 60 to 84 year old age group between 2006 and 2026, and a corresponding forecast need for housing for the over 60's, with a national trend towards older people preferring to live independently with an increasing demand for specialist accommodation for older people. This application would provide housing for the over 55's, addressing a need identified by the East Kent SHMAA.
- 2.4 A significant portion of the north eastern part of the site is designated as Open Space by Core Strategy Policy DM25. The policy outlines that proposals that result in the loss of public open space will not be permitted unless the criteria within the policy are met. This area has been protected due to its potential value as publicly accessible open space and/or its current amenity value and it is noted that there is a significant deficit in the quantity of open space within the Wingham. The submitted plan demonstrates that the area defined as Open Space would not be built on, instead being utilised as a landscaped green area, described as an Orchard. The development would not, therefore, be in conflict with Policy DM25.

Character, Appearance and Heritage

- 2.5 Regard must be had for how the development would impact upon listed buildings, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity of the site, and their settings and to pay 'special attention' to preserving or enhancing the conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.6 There are numerous listed buildings in the vicinity of the site, which have the potential to be affected by the development. Most notably, the site lies within the curtilage of the Grade II* Wingham Court, which dates from the C15th and was the manor house for the Archbishop's manor of Wingham. Adjacent to Wingham Court are stables, which are separately Grade II listed. The house was associated with the Grade I listed Church of St Mary, the churchyard of which contains numerous Grade II listed headstones and a tomb chest, to the north which adjoined a collegiate site. Part of the former collegiate site is now occupied by the Grade II listed Wingham House and a separately Grade II listed wall and stable. To the west of the Church is the Grade II* listed Delbridge House. To the east of School Lane lie the Grade II* Vicarage and its Grade II

listed boundary wall, the Grade I listed Old Canonry and the Grade II listed Canon House and Canon Villa. To the west, on Canterbury Road directly opposite the site entrance, is a Grade II listed mile stone. The site is also located within the Wingham Conservation Area.

- 2.7 Whilst regard must be had for the impacts of the development on all listed buildings, it is considered that the development has the greatest potential to impact upon the settings of Wingham Court and its curtilage listed former agricultural buildings, Vicarage House and Villa, the Vicarage and long views of the Church of St Mary.
- 2.8 The layout of the proposed development is similar to that of the previous application, with a broadly linear form of development along the southern boundary of the site, with protruding elements to the east, protruding to the north, and to the west, protruding south, together with a separate group of buildings to the west of the site. However, compared to the refused scheme, the bulk of the development has been reduced adjacent to School Lane, with a reduction of one property in this location. Consequently, the elevation facing towards school lane is significantly reduced and, as such, the visual impact of the development from School Lane would accordingly be reduced. Whilst this property would be reprovided further to the west, it would be more visually confined, reducing the prominence of the development overall. This change to the massing of the development has significantly affected the impact of the development on the character and appearance of the area, such that the site would retain its existing rural character whilst the increased separation between the development adjacent to School Lane and the former agricultural buildings to the north would retain its character of a 'big house garden' maintaining the setting of Wingham Court and its former agricultural buildings. Moreover, the loose, linear form of development responds positively to the pattern of development within the village.
- 2.9 The scale of the buildings, following the redesign of the scheme, has also been amended. In particular, the gable of the eastern elevation adjacent to School Lane has been set back from the boundary and behind unit 15. The height of the building has been reduced with the tall 'oast' features removed. As such, it is not considered that the development would be unduly prominent from School Lane or the listed buildings to the west. Equally, having regard for the heights of the buildings and the location of taller buildings within the site, which have been sited at a natural low-point in the topography of the site, it is not considered that long views of the Church of St Mary would be significantly affected.
- 2.10 The design of the development has been simplified since the previous application was considered. The 'oast' features, which were of particular concern, have been omitted and have been replaced by a more authentic vernacular style. Whilst referencing architectural forms which are found within Wingham, the applicants have presented a more contemporary interpretation of these forms. It is considered that this approach has been successful, creating a cohesive group of buildings whilst introducing original elements to provide interest.
- 2.11 The development would be finished in a mixture of materials. Principally, the development would be finished in red brickwork, with elements of natural larch weatherboard cladding and black weatherboard cladding. Roofs would be finished in a mixture of clay roof tiles and slate. The dormer windows would be finished in a lead-like material with standing seams, which would be coloured to match the roof material. This mixture of materials is considered to respond to

the materials used locally and is therefore acceptable. Whilst, as noted on the previous application, weatherboarding is not characteristic of the village, with relatively few examples present, the use of weatherboarding has been used sensitively, often confined to feature elements on buildings. On balance, given its limited and thoughtful use, the proposed weatherboarding is considered to be acceptable.

- 2.12 The proposed development would be set in an extensive landscaped setting, with a range of vegetated areas between the existing buildings to the north and the proposed development. These areas would be planted with a significant number of trees and hedges. To the western boundary of the site, an existing tall beech hedge will be retained which will visually contain the development. Overall, it is considered that the landscaping scheme will soften the proposed buildings and will provide an enhancement to the setting of the development. Further commentary regarding the loss of trees will be provided later in this report.
- 2.13 Concern had been raised that the existing wall to the School Lane boundary will be re-built. However, a boundary treatment plan has been submitted which no longer proposes the loss of this wall and its replacement. Any works to this wall would also require separate listed building consent.
- 2.14 Regard must be had for how the development would impact upon the Goose Barn, which is considered to be curtilage listed by virtue of having a relationship with the farm buildings associated with Wingham Court and dating from before 1948. Initial concerns were raised regarding whether the building would be structurally capable of conversion. Subsequently, the applicants submitted a survey of the building which has been assessed by the Council's Principal Heritage Officer, who is satisfied that the survey demonstrates that the building is capable of conversion. Again, a separate application for Listed Building Consent would be required for these works.
- 2.15 The application, together with its conversion, proposes the extension of the Goose Barn. Historic maps show that there had previously been a building in approximately the same location as the proposed extension, albeit that building was detached. The principle of extending this curtilage listed building is therefore accepted. Whilst generally supportive of the design of the conversion, the Principal Heritage Officer had raised concerns regarding the detailing of windows and doors; however, amendments have been received which amend this detailing. As such, it is considered that the conversion and extension of the Goose Barn is acceptable, subject to conditions, causing no harm to its significance whilst providing the building with a viable use to secure its ongoing retention and maintenance.
- 2.16 The site lies in an area of high archaeological importance. The site is adjacent to the route of the main Roman Road between Richborough and Canterbury, whilst the site of a Roman Villa, designated as a Scheduled Ancient Monument lies to the south west. The site itself lies close to Wingham Court and former agricultural buildings which were associated with it. The site is also associated with the nearby collegiate site. Due to the highly important nature of the site and the surrounding area, it is considered that, should permission be granted, it would be reasonable to attach a condition to require a programme of archaeological field evaluation, which will need to include any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, as appropriate.

- 2.17 To conclude, it is considered that, whilst the overall amount of development remains comparable to that of the previous application which was refused, the massing, design and landscaping of the scheme has changed significantly. The amount of development which would be appreciated from School Lane and from the settings of listed buildings has been reduced, whilst the open character to the south of Hawarden Place has been retained. Consequently, having regard for the statutory provisions of S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is not considered that the development would cause harm to the significance of heritage assets or the character and appearance of the area more generally.

Impact on Residential Amenity

- 2.18 The development is generally set well away from neighbouring properties. To the north, the nearest property, The Barn, is set around 21m (from the attached garage of that property) away from the closest of the proposed buildings. To the west, the closest property to the development, Glendale Cottage, is set 35m away from the nearest of the proposed buildings. To the south, Cedar Lodge, is set 28m away from the nearest of the proposed buildings. As such, no loss of residential amenity would be caused to these properties.
- 2.19 To the east, the closest property, Orchard Cottage, is located somewhat closer to the development. The application proposes the erection of a semi-detached property, Unit 15, around 12m away from the south western corner of Orchard Cottage. Orchard Cottage is a two storey building which fronts directly onto School Lane. It has windows in its front (western) elevation which serve habitable rooms, but has no windows in its south facing elevation. Unit 15 would be set at an angle from the front elevation of Orchard Cottage and thus would not be directly opposite the front elevation of the property. Having regard for the separation distance and relationship between Orchard Cottage and the development, it is not considered that any unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.20 Whilst the development would increase the use of the Hawarden Place, it is not considered that this would cause an unacceptable increase in noise and disturbance, as the areas of the access which would be used more intensively are set away from existing properties.
- 2.21 The development would provide a reasonable standard of accommodation to future occupants. Each unit would be of a reasonable size, with windows providing natural light and ventilation. The previous application had given rise to concerns regarding the stacking arrangements of the proposed flats. The arrangement of the flats has been amended since the previous application and Environmental Health are now satisfied that the stacking arrangements are acceptable.

Impact on the Local Highway Network

- 2.22 The proposal would utilise the existing access from the site onto Canterbury Road, albeit the geometry of the access would be upgraded. This access is located on the outside of a bend in the road.
- 2.23 The application has been supported by a plan demonstrating that the required forward visibility can be achieved from this access in either direction, due to the favourable curvature of the road. The plan also demonstrates that, should a vehicle need to wait on the highway to turn right into the site, it would be visible

to oncoming traffic for a distance of at least 49m, allowing the oncoming vehicles to slow safely. KCC have confirmed that they have no objections to the proposed access.

- 2.24 The development would provide twenty car parking spaces, which would equate to one space per property together with five visitor spaces. Parking requirements for C2 uses are contained within KCC's Supplementary Planning Guidance Note 4, which advises that one space per resident member of staff and 1 space per 2 other staff, together with one space per 6 bedrooms be provided. Overall, this would require the development to provide around 11 car parking spaces. However, given the nature of the development, which has similarities to C3 dwellings, and the location of the site, it is considered that an overall provision of 20 spaces is more appropriate in this instance. In addition to the formal car parking spaces, the layout also provides opportunities for informal car parking adjacent to units 1 to 4 and adjacent to the guest accommodation. Tracking plans have also been shown on the submitted plans which demonstrate that an 8m long fixed axle vehicle could turn within the site. Concern has been raised by third parties that the location of car parking may be unsafe, requiring residents and visitors to walk across the access, Hawarden Place. Whilst concern in this respect is understandable, it is noted that the vehicle speeds along Hawarden Place are slow, due to its geometry, whilst the application proposes a raised table. As such, it is not considered that pedestrian safety would be compromised. It is therefore considered that the access through the site and car parking provision are acceptable.
- 2.25 A refuse collection area has been identified on the drawings, adjacent to the junction of Hawarden Place and Canterbury Road. These details correspond with those proposed by the previous application and, subject to the details of this area being secured by condition, is considered to be acceptable.
- 2.26 The second reason for the refusal of the 2015 application related to the developments failure to maximise walking, cycling and the use of public transport, contrary to paragraphs 49 of the National Planning Policy Framework and Policy DM11 of the Dover District Core Strategy. In particular, this reason related to the inadequate provision of pedestrian and cycle links to the village. This application has addressed this concern, through the provision of a pedestrian/cycle access to School Lane, which would be reached via a paved pathway. This would allow direct access to the existing footpath network of the village and access to relatively lightly trafficked road, more suitable for cycling. In turn, this would provide quick, safe and convenient access to local bus stops, which provide reasonably regular services to neighbouring towns and villages and on to Canterbury. The applicant has proposed the provision of 10 cycle storage spaces, which can be secured by condition, whilst each resident would also have a covered storage area which could be used for informal cycle storage. It is therefore considered that the development would provide acceptable access to bus, walking and cycling routes and would make adequate provision for the storage of bikes. Consequently, the application has addressed the second reason for refusal.
- 2.27 Third parties have requested that a footway link be provided between the EE172 and EE48 Public Rights of Way. This improvement would not be directly necessitated by the development and, as such, it would not be reasonable to request that the developer carried out this improvement.

Flooding and Surface Water Drainage

- 2.28 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. Whilst flooding from these sources is not, therefore, of concern, regard must be had for whether the development would cause, or be liable to, localised surface water flooding.
- 2.29 The application proposes to discharge surface water run-off to ground, through the use of a SuDS. The use of SuDS is welcomed by Southern Water, the Environment Agency and KCC's Flood and Water Management team, provided they are constructed and maintained appropriately. KCC have commented that, whilst permeability of the ground at surface level is poor, the ground has good permeability at depth. This, combined with the amount of open space to be retained, satisfies KCC that surface water can be managed within the application site, subject to detailed design. It is therefore recommended that a condition be attached to any grant of permission requiring full details of the proposed SuDS, together with details of their maintenance.

Contamination

- 2.30 The application site lies over a Principle Aquifer and in Groundwater Source Protection Zone 3. As such, the site is particularly susceptible to contamination of groundwater. However, given the historic use of the site, it is unlikely to be contaminated, whilst the Environment Agency consider the application to be low risk. Notwithstanding this, given the sensitivity of the site and groundwater, and adopting a precautionary approach, it is considered that a condition should be attached to any grant of permission regarding the reporting and remediation of any previously unidentified contamination, if discovered.

Ecology

- 2.31 Paragraph 110 of the NPPF outlines that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity.
- 2.32 The application has been supported by a Phase 1 Habitat Survey, which identifies that the site has a potential to support reptiles and bats, whilst recommendations are also made regarding the safeguarding of other species during the development and potential ecological enhancement. Due to the sites potential to provide habitat for reptiles and bats, additional surveys were recommended. Such reports have also been submitted to support the application.
- 2.33 The reptile survey identified one grass snake on the site, which is indicative of a small population. The report recommends that small scale translocation is undertaken at the site, to ensure that no animals are injured or killed. Reptile exclusion fencing should be installed along the southern boundary of the site to prevent animals re-entering the development area during the course of construction, after which the fencing can be removed. Compensatory reptile habitat creation should follow. The bat survey confirmed a moderate to high level of foraging and commuting bat activity at the site, comprising at least five species of bat. Consequently, a bat mitigation strategy has been proposed which will retain, protect and enhance suitable bat roosting, foraging and commuting. This comprises retaining trees and hedges where possible, replacing trees and hedges with native species and providing a bat sensitive lighting scheme, in accordance with advice from the Bat Conservation Trust.

- 2.34 Concern has been raised by third parties that the site is used by numerous bird species, including priority species under S.41 of the Natural Environment and Rural Communities Act 2006. Under S40 of that Act, the Local Planning Authority has a duty of regard in respect of the conservation and enhancement of priority species. The submitted ecological report acknowledges that birds must be protected during development and their habitat enhanced and, accordingly, it is considered that the protection of birds and their habitat must be secured by condition.
- 2.35 Subject to securing measures to avoid harm, provide adequate mitigation and provide enhance of habitats, it is considered that ecology will not be constraint to development, whilst net gains in biodiversity can be achieved.

Contributions

- 2.36 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the Planning Advisory Service guidance 'Planning for Older People's Housing' states that "Currently developers of C2 care housing are exempt from affordable housing contributions, and local authorities have discretion as to how they will apply CIL". The Council do not have a CIL charging schedule and have no other policies which require affordable housing provision in relation to C2 development. As such, there is no policy basis for requiring affordable housing.
- 2.37 Kent County Council have advised that the development would increase the numbers of users of library facilities. In order to mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand generated by the people residing in the development. A developer contribution of £48.02 per household has been requested (a total of £720.24). This is considered to meet the tests set out within the CIL Regulations in that it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has not objected to this request which, if permission is granted, could be secured by a legal agreement (Section 106).
- 2.38 Since the previous application was considered, the NHS South Coast CCG has submitted a representation requesting that a contribution be made towards local healthcare. As above, the development would increase the local population, which will place additional pressure on primary care infrastructure, in particular on Wingham Surgery. The CCG has requested that a contribution be made by the development to enable investment in the surgery to support the additional patients which will be generated. The contribution requested is based upon a contribution of £360 per occupant multiplied by the predicted number of occupants of the development (£15,624). The CCG's request then adds onto this figure an 'inflator' of 40% "due to an extra burden that the proposed patient cohort would produce". As such a final figure of £21,873.60 is requested. Whilst the lower figure of £15,624 is considered to be justified and substantiated by evidence, no evidence has been submitted which justifies the increase of 40%. Although it would appear to stand to reason that an older population, as proposed, may be more likely to use primary healthcare facilities, the information provided to justify the increase is vague and generalised. It is also noted that the application is submitted on the basis that all occupants will be required to sign up to a minimum care package, with options for more

comprehensive care packages available as required. The applicant has proposed to secure these terms (together with limiting occupation to the over 55's) by way of legal agreement. The provision of ingrained private healthcare provision would be likely to reduce the dependence upon NHS services and, consequently, the additional pressure on Wingham Surgery associated with the 'inflator'. As such, it is considered that the lower figure of £15,624, without the 40% inflator, is proportionate. This contribution should be secured by legal agreement.

Trees

- 2.39 The first reason for the refusal of the 2015 application cited, amongst other things, the harm which would be caused to the character and appearance of the surrounding area, the setting of listed buildings, and the character and appearance of the Wingham Conservation Area by virtue of the loss of tree cover. All of the trees within the site are protected by virtue of being within a Conservation Area.
- 2.40 The previous application was, in part, refused due to the loss of trees, particularly those along the School Lane boundary. The previous application would have resulted in the loss of seven trees adjacent to the School Lane boundary, all of which are Category C (low quality) sycamores. The current application proposes to retain these trees. The application also proposes the establishment of an orchard garden which would be set to the north of units 14 and 15 and would be visible from School Lane. As such, it is considered that the overall character of the site would remain sylvan whilst views of the proposed development from the east would be filtered by tree cover. Subject to full details of the landscaping scheme being submitted by condition, it is considered that the concern regarding the loss of trees has been overcome.

Conclusion

- 2.41 The principle of the development accords with the development plan. Furthermore, it is considered that this application has overcome the reasons for refusal of application DOV/15/01100, without creating any unacceptable harm in any other material respect. The development has been redesigned to present a more cohesive development which, whilst contemporary, has regard for the character of Wingham. The development would provide opportunities for the use of a range of modes of transport, including walking, cycling, public transport and private car, in a manner which would not be detrimental to the highway network. The development would also provide contributions towards improving the capacity of library and healthcare provision within Wingham to meet the needs which would be generated by the development. As such, the application is recommended for approval.

g)

Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and to secure the specified use of the development and subject to conditions to include:
- (1) approved plans; (2) full details of landscaping, including protection of retained trees; (3) provision and retention of car parking including details of drainage; (4) provision and retention of cycle parking; (5) full details of surface water drainage scheme, including long term maintenance; (6) details of foul drainage; (7) visibility splays to be provided and retained; (8) full details of

measures to protect and enhance ecology and safeguard protected species; (9) full details of all external lighting; (10) full details of works to convert the Goose Barn; (11) samples to materials; (12) archaeological field evaluation; (13) details of boundary treatments; (14) no meter boxes, vents, flues; (15) construction management plan; (16) details of existing and proposed ground levels, including sections and details of thresholds; (17) details of refuse and recycling; and (18) completion of the access widening shown on drawing number 14-200-106.

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett



Not to scale

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Application: DOV/17/00832

Land at Belvedere Gardens

Deal

CT14 9XU

TR36745246



a) **DOV/17/00832 – Erection of detached dwelling - Land at Belvedere Gardens, Deal**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Requires that the location and scale of development complies with the Settlement Hierarchy. Deal is identified as a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; to reduce pollution; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/00327 – Erection of 9 chalet bungalows, associated parking and vehicular access – Granted

DOV/16/00998 – Erection of two detached dwellings and creation of parking – Refused and Dismissed at Appeal

DOV/16/01038 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused and Allowed at Appeal

DOV/17/00194 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused

DOV/17/00514 - Variation of condition 2 of planning permission DOV/15/00327 to allow changes to approved plans (application under section 73) - Granted

In addition to the above applications, the following applications, which relate to neighbouring sites, are of note in the assessment of the current application.

210 Middle Deal Road, Deal (Rear of Site with Access Proposed off Foster Way)

DOV/04/01318 – 2No. detached two storey 3 bedroom houses – Granted

Land Rear of 41 Dola Avenue, Deal

DOV/04/01287 – Erection of two detached bungalows – Refused and Dismissed at Appeal.

DOV/06/01461 – Erection of one detached chalet bungalow – Refused and Allowed at Appeal.

e) **Consultee and Third Party Responses**

KCC PRow – Public Right of Way ED21 passes directly adjacent to the proposed site. Although the proposal is for the erection of a dwelling directly adjacent to the public footpath, there is unlikely to be a significant impact to the footpath. Therefore, no objection is raised. The development should be carried out in a manner which avoids disturbance or obstruction of the PRow

Southern Water – Southern Water require a formal application for connection to the public foul sewer. Soakaways should be adequate to dispose of surface water.

Deal Town Council – No objection

Public Representations – Twenty letters of objection have been received, raising the following concerns:

- There is insufficient room to accommodate the development.
- Overdevelopment
- Sense of enclosure
- Loss of privacy
- Insufficient car parking and harm to the local highway network
- The benefit of one additional dwelling is very limited
- This application does not overcome the reasons for refusal cited by the Inspector
- The site should be a garden and should be kept tidy by the builder
- A new dwelling should not be permitted on the basis that the site is untidy
- Increased risk of flooding

In addition twenty-seven letters of support have been received, raising the following points:

- The dwelling would be located on land which is currently derelict which has been used as a dumping area
- The development would lead to only a negligible loss of view
- The development will improve the character and appearance of the development
- There is a need for more small, attainable housing

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

- 1.1 The site lies within a wholly residential area of Deal. The area has a mixed character with linear and perimeter block development to the south east and winding cul-de-sacs to the north west. The scale and form of development is equally varied, with a mixture of detached, semi-detached and terraced properties of one, one and a half or two storeys in height.
- 1.2 The site itself contains one detached bungalow facing towards Dola Avenue to the north east whilst, in its former garden, planning permission has been granted, under application number DOV/15/00327, for the erection of nine dwellings which appear to have been completed. A variation of condition application has been granted and a variation of condition application has been allowed at appeal, pursuant to DOV/15/00327 and it is understood that it is the later of these which has been implemented. A Public Right of Way (ED21) runs along the north east boundary of the site.
- 1.3 This application seeks permission for the erection of one detached bungalow which would be located towards the Dola Avenue (north east) end of the site. The dwelling would be provided with one car parking space which would be served by the access road which has been constructed to serve the nine dwellings already permitted. It is important to note that the dwelling which is the subject of the current application is similar to one of the two dwellings which was refused and subsequently dismissed at appeal, under application number DOV/16/00998. In determining that appeal, the Inspector concluded that the proposed property which is similar to that which is currently being considered would not cause harm to the character and appearance of the area and would not cause any significant loss of light to neighbouring properties. The Inspector did, however, conclude that the dwelling and its boundary treatment would cause a sense of enclosure to, and loss of outlook from, No.43 Dola Avenue. The dwelling proposed within the current application is identical to the dwelling considered by the Inspector; however, it has been relocated on the site so that it is approximately 0.9m further away from No.43 and around 2m closer to the

access road serving the development. The Inspectors decision and the changes which have been made will be important considerations in the assessment of this application.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the local highway network
- The impact on living conditions

Assessment

Principle

2.2 The site lies within the settlement confines of Deal, as defined by the Proposals Map. Within this area, having regard for Policy DM1, the principle of the proposed development is acceptable subject to other material considerations.

Character and Appearance

2.3 Application DOV/15/00327 on submission proposed the erection of ten dwellings which comprised the nine dwellings which were subsequently approved and one additional dwelling which was forward of the front elevation of 43 Dola Avenue, similar to the dwelling which is now proposed. That application was amended to remove this dwelling following concerns which were raised and the application was subsequently granted. This additional dwelling, which this application now seeks permission for, is essentially the same as the dwelling which was previously removed, being of the same size and design and being in a similar (albeit slightly amended) location.

2.4 Application DOV/16/00998 also sought permission for a dwelling on this plot, together with a further dwelling around 130m to the south west. That application was refused, in part, due to the harm which would be caused by the dwelling to the character and appearance of the area. In particular, it was considered by officers that the dwelling would be in a prominent and uncharacteristic location, creating a cramped group of dwellings. This refusal was, subsequently, taken to appeal. In dismissing the appeal, the Inspector disagreed that the dwelling would cause harm to the character and appearance of the area, considering that, due to its scale, the partial screening provided by the boundary wall and being set back from the access road serving the development, it would not be prominent in the street scene and no more prominent than Marballing to the south. Consequently, the Inspector concluded that he was “not persuaded that the introduction of the additional modest bungalow here would be significantly detrimental to the character and appearance of the development or its surroundings”.

2.5 The current application scheme proposes a dwelling of the same design as that considered by the Inspector; however its position on the plot has altered. The dwelling is now located around 0.9m closer to the north eastern boundary of the site, which adjoins the PRow, and around 2m closer to the south eastern boundary of the site, which adjoins the access road. Whilst this relocation would result in the building being slightly more visible through the access to the site than the dwellings considered by the Inspector, it would remain approximately in line with the front elevation of Marballing. The building would also remain partially concealed by the boundary wall. Attaching significant weight to the reasoning of

the Inspector, it is not considered that the modest relocation of the building would result in a development which causes greater harm to the character and appearance of the area than the appeal scheme. Consequently, it is not considered that a refusal by reason of the developments impact on character and appearance could be sustained.

- 2.6 In accordance with the officer's findings in relation to application DOV/16/00998, it is considered that the detailed design of the dwelling would respond to that of the adjoining approved No.4 and is therefore considered to be acceptable.

Impact on Residential Amenity

- 2.7 Application DOV/16/00998 was refused, in part due to the impact of the proposed development of the bungalow on No.43 Dola Avenue (now described as No.4 by the applicant). The reason for refusal cited the location and scale of the fence to the south west of bungalow which, it was considered, would cause an unacceptable loss of light and sense of enclosure to No.43. The Inspector, in dismissing the subsequent appeal, considered that:

“No 43 would become surrounded by dwellings on all sides as a result of the introduction of No.2, which would be likely to result in a significant sense of enclosure that would be detrimental to the living conditions of occupiers of No 43, notwithstanding that a modest area of garden would surround it on all sides. This effect would be exacerbated by the proximity of the 1.8m fence on the boundary with No 2, and to some degree the new bungalow itself, which would reduce the outlook from the principal north east elevation of No 43, albeit it would be principally the sloping roof of No.2 that would be visible above the fence from No.43”.

The Inspector did, however, conclude that the dwelling would not cause a significant loss of natural daylight.

- 2.8 Adopting the Inspectors assessment, which is a material consideration of substantial weight, the only matter to consider is whether the application has overcome the harm caused to the living conditions of No.43 in respect of the sense of enclosure which would have been experienced by the previous scheme, it having been concluded that an unacceptable loss of light would not be caused.
- 2.9 The current scheme has been amended since the appeal was considered, with the dwelling being relocated around 0.9m further away from the north eastern elevation of No.43. The fence, which drew particular criticism from the Inspector, remains in the same location. However, this fence has since been erected under permitted development rights. Consequently, the fence proposed by the application would not cause any additional sense of enclosure compared to the current situation. The Inspector considered that the location of the dwelling itself would have reduced the outlook from the principal elevation of No.43 “to some degree”. The relocation of the dwelling, albeit only by 0.9m, would increase the separation distance between the proposed dwelling and No.43 from around 6.1m to 7m, albeit the proposed dwelling would be directly opposite the north eastern elevation of No.43. Given this increase in separation distance, and having regard for the relatively low height of the proposed dwelling and the limited harm identified by the Inspector in relation to the dwelling itself, it is not considered that the dwelling would significantly reduce outlook from, or sense of enclosure to, No.43.

Living Conditions of Future Occupiers

- 2.10 The dwelling proposed would be of a reasonable size, would be naturally lit and ventilated and would have access to a private external amenity area. An area is shown on the submitted drawings for the convenient and discrete storage of refuse. Consequently, it is considered that the living conditions of future occupiers would be acceptable.

Impact on the Highway

- 2.11 The proposed development would be served by the access which was granted under previous applications for nine dwellings, linking the site to Dola Avenue, when it was considered to be acceptable. The approved access includes the provision of 2m by 3m visibility splays to either side of the access, allowing views of pedestrians using the PRow which crosses the site entrance, and a raised table, whilst the road would be of sufficient width to provide access and turning space.
- 2.12 It has been noted that the roads within the locality provide very limited opportunities for on-street car parking and it is therefore concluded that the development cannot rely on on-street car parking. The approved development would provide thirteen spaces for the proposed dwellings (one per dwelling plus four visitor spaces).
- 2.13 The site is considered to be within a suburban location where, having regard for the guidance for car parking provision outlined in Table 1.1 of the Core Strategy, two bedroom dwellings will be expected to be provided with one allocated car parking space, together with 0.2 spaces per dwelling for visitors. As such, the development is required to provide one car parking space, together with 0.2 visitor spaces. The submitted plans demonstrate that one off-street car parking space would be provided for the dwelling. Whilst no additional provision is made for visitors, the relevant test, found at paragraph 32 of the NPPF, states that “development should only be prevented or refused or transport grounds where the residual cumulative impacts of development are severe”. It is not considered that the inability to provide 0.2 visitor spaces could be argued to cause severe residual cumulative impacts. The previous application which was considered by the Inspector also provided one car parking space and was not refused or dismissed on highways grounds.
- 2.14 Having regard for the existing and proposed development, it is considered that the car parking provision would be sufficient to meet the needs of the development, without causing severe harm to the local highway network.
- 2.15 The proposal shows the provision for the parking of bicycles, comprising a vertical cycle storage to the rear of the building. Without evidence to the contrary, it appears that this system would allow for one cycle to be stored, less than the one space per bedroom which is sought by KCC SPG4. However, whilst this under provision is regrettable, it is not considered that it would reasonably warrant the refusal of the application. The cycle parking shown should, however, be secured by condition.
- 2.16 Whilst access to the site is considered to be acceptable, access by large lorries and construction vehicles along the relatively narrow section of Dola Avenue is constrained, whilst the site itself is relatively small, providing only limited opportunities to load and offload vehicles, store materials and park construction workers vehicles. It is considered that, in order to ensure that the development does not cause harm to the neighbouring roads and the living conditions of neighbours, a condition should be included in any grant of permission requiring that a construction management plan is submitted for approval.

2.17 Subject to conditions being attached to any grant of permission, it is considered that the development would cause no harm to highway safety, the free-flow of traffic or the convenience of road users.

Drainage

2.18 The proposal seeks to discharge ground water runoff via soakaways. The site lies in an area where groundwater is located at a relatively shallow depth, reducing the grounds ability to quickly drain away water. Ground investigations have taken place in relation to previous applications for the site to establish the permeability of the ground. Whilst full details of the proposed surface water drainage system have not been provided for this application, the previous application for the site was supported by such information, where it was demonstrated that the site could accommodate the necessary drainage.

2.19 Whilst the proposed development would utilise more of the site than the previous application (increasing its impermeable area), the permeable hardstanding and garden areas would remain of sufficient size to meet the needs of the development. It is recommended that a condition is attached to any grant of permission requiring the submission of full details of a surface water drainage scheme.

Overall Conclusions

2.20 The principle of the proposal is supported, providing an additional dwelling which would contribute towards the housing land supply. Furthermore, it is considered that the application has overcome the reasons for the dismissal of application DOV/16/00998, causing no unacceptable loss of outlook from or sense of enclosure to No.43 Dola Avenue, now known as No.4 Belvedere Gardens. The changes to the scheme have not introduced any additional concerns. Consequently, subject to conditions, it is therefore recommended that planning permission be granted.

g) **Recommendation**

I Planning Permission BE GRANTED subject to conditions to include:-

(1) approved plans; (2) provision and retention of car parking; and (4) provision and retention of cycle parking.

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

Case Officer

Luke Blaskett